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The Road to Jan. 6 ran through Missouri

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The road to Jan. 6 ran through St. Louis

by Paul Wagman

PUBLISHER'S NOTE: *This reconstruction of the critical involvement of Missourians in the events leading up to Jan. 6 is news interpretation. It was primarily reported by Paul Wagman, a former Post Dispatch reporter and FleishmanHilliard executive.*

Prominent Missouri Republican office holders and current or former St. Louis-based activists played key roles in trying to subvert the 2020 presidential election and in laying the groundwork for the Jan. 6 insurrection.

The cast of characters included fist-raising Missouri Sen. Josh Hawley, who may want to be president, and litigious Missouri Attorney General Eric Schmitt, who most definitely wants to be a U.S. senator. Missouri Solicitor General D. John Sauer, hired by Hawley and relied upon by Schmitt, also played an important role, helping Schmitt in Dec. 2020 engineer a legal effort — called meritless by critics from both parties — that breathed new life into the idea that Donald Trump had won the election.

Two other leading characters are the far-right ideologues Edward R. Martin and James ("Jim") Hoft. Martin, the former Missouri Republican Party Chairman and heir to the mantle of the late Phyllis Schafly, has been subpoenaed by the House Select Committee to Investigate the Jan. 6 Attack on the Capitol; the committee called him an "organizer, both individually and through your organization" of the Stop the Steal protest. Hoft publishes the much-read and highly lucrative Gateway Pundit website, which promulgates a wide range of conspiracy theories. He now faces two defamation suits for his coverage of election-related issues, one of which is backed by the father of the Republican Party in Missouri, former Sen. John C. Danforth.

Some of the story has been told in Missouri media. The Post-Dispatch's Pulitzer Prize winning columnist, Tony Messenger, has provided revelatory coverage of the roots of Jan. 6 in the white supremacy movement in Missouri and beyond. But with no Washington reporting presence, the Post-Dispatch has provided limited original news coverage. The Kansas City Star, which has a Washington congressional correspondent, reported this winter that 18 Missourians and eight people from Kansas — including three "Proud Boys" — are among the more than 750 people charged with crimes related to Jan. 6. And both papers have reported extensively on Hawley and Schmitt.

Still, much of the story has not been told.

Some figures have escaped notice entirely. Ties between others have gone unidentified. Links that several St. Louis figures have to national figures involved in the events have also gone unreported. And relevant right-wing history in St. Louis, dating back to the John Birch Society, has escaped notice.

This story provides a fuller accounting. It examines the connections, motives, and biographies of some of the St. Louis players. The account remains incomplete, in part because many of the figures won't answer journalists' questions. Perhaps some of the holes will be filled eventually through the continuing work of the House Select Committee, which will begin public hearings June 9.

Here are some of the key Missouri connections:

- Sauer and Hawley, two former Supreme Court clerks, lent their reputations as brilliant lawyers to the Trump effort in the courts and Congress to overturn the election. Sauer and Schmitt filed an amicus brief supporting Texas Attorney General Ken Paxton's December, 2020 election challenge, which was widely viewed as spurious and quickly rejected by the Supreme Court without argument, but which gave credence to the idea that the election had been stolen. The House Select Committee Investigating the Jan. 6 Attack on the Capitol has shown an interest in the amicus brief rushed to the high court by Schmitt and Sauer.
- Even before the election, as has been previously reported, Sauer registered for "WAR GAMES" sponsored by the Republican Attorney General's Association (RAGA) to plan for election challenges if Trump lost. Schmitt's office also was in touch with the RAGA on Jan. 5, the day the group made a robocall to energize marchers. Schmitt's spokesperson says he didn't know about the robocall.
- Hawley, who played a key role in establishing Jan. 6 as a pivot point for the election, has received major financial backing from a far-right billionaire hedge fund operator — Robert Mercer — who has funded several people who directly or indirectly supported the Jan. 6 protest. Hawley's conduct also prompted a little-publicized ethics complaint against him by a group made up primarily of St. Louis lawyers. The complaint is still pending.
- Hoft, the publisher of the Gateway Pundit website, played a major role in seeding the so-called "Big Lie" that President Donald J. Trump won the election. In a court filing, Hoft has now admitted that he had no evidence for one of his major allegations — concerning rigged Dominion Voting System machines. That allegation was part of a filing by an ally of President Trump with the U.S. Supreme Court.
- In a relationship that may have ended only very recently, LockerDome, one of St. Louis's most heralded start-up companies, did significant business with the Gateway Pundit.
- As part of the legacy of the late Phyllis Schlafly, the "Alton housewife" who helped transform the Republican Party into what it is today, St. Louis served as the scene in recent years for gatherings of many of the people who became top national figures in the Jan. 6 insurrection. They included Martin, Ali Alexander, Michael Flynn, Steve Bannon, and many others.
- Several of the individuals involved in promoting the protest have reaped substantial financial rewards. Celebrity in the right-wing ecosphere, like celebrity in most parts of American life, pays.
- None of the political figures involved has faced serious repercussions; in fact, Hawley and Schmitt likely benefited politically.

Altogether these local figures had leading roles in seeding the notion that the election had been stolen from Trump and that the courts should throw out the electors from states where Biden's margins among Black voters in the big cities of Milwaukee, Detroit, Philadelphia and Atlanta gave him his victory. They also helped establish the idea that Congress could do what the courts did not — overturn the election — and that Jan. 6 was the date when lawmakers could do it.

Had they achieved their stated goals, these individuals would have disenfranchised the votes of millions of voters and killed the 230-year tradition of the peaceful transfer of power.

Names to the Jan. 6 players

These are the main characters in the story that unfolds in these pages.

Alexander, Ali — a/k/a Ali Akbar — Texas-born right-wing activist, held jobs in Louisiana, became a key organizer of Stop the Steal in Washington, D.C.

Bannon, Steve — Trump adviser, spoke at Eagle Council in St. Louis in 2019, friend of Hoft who has hosted Hoft and Hawley on his podcast, "Bannon's War Room."

Farris, Michael — CEO and General Counsel of Alliance Defending Freedom, of Scottsdale, Ariz. Reported to be the main author of a suit filed by Texas Attorney General Ken Paxton challenging the results of the Presidential election in Pennsylvania, Michigan, Wisconsin and Georgia.

Hawley, Josh — Missouri's junior Senator, grew up in Lexington, Mo., triggered Congressional debate over certification of election by challenging voting in Pennsylvania and Arizona, hired Missouri Solicitor General D. John Sauer while serving as Missouri Attorney General.

Hoft, James — native of Iowa who moved to St. Louis in the 1980s, publisher of the Gateway Pundit, a popular right-wing conspiracy-oriented website. Promoted the Big Lie.

Layton, James — longtime Missouri Solicitor General under Democrats Jay Nixon and Chris Koster, now in private practice in St. Louis.

Martin, Edward R. — former St. Louisan, former chair of the Missouri Republican Party, president of several Phyllis Schlafly-legacy organizations, including one that sponsored "Stop the Steal."

Mercer, Robert — hedge fund billionaire based in Long Island, N.Y., a major contributor to Donald Trump, Hawley and several figures connected with the events of Jan. 6.

Roe, Jeff — founder and CEO of Axiom Strategies, Kansas City-based political consulting firm known for no-holds-barred approach, now advising Eric Schmitt in his bid for the Republican nomination for U.S. Senate.

Sauer, D. John — native St. Louisan, Missouri Solicitor General since 2017, first appointed by Attorney General Josh Hawley, then continuing under Attorney General Eric Schmitt.

Sauer, Fred — native St. Louisan, father of D. John Sauer, anti-abortion and anti-stem-cell-research activist and donor, critic of Rex Sinquefield and big money in politics.

Schlafly, John — a son of Phyllis Schlafly, St. Louis area resident, secretary/treasurer of some of her legacy organizations.

Schlafly, Phyllis (1924-2016) — Lifelong resident of the St. Louis area, far-right firebrand who turned the Republican Party against abortion and the Equal Right Amendment (ERA), founded the Eagle Forum, and created platform for Edward R. Martin.

Schmitt, Eric — native St. Louisan, former Glendale alderman and state Senator representing mid-St. Louis County, Missouri Attorney General since 2018.

Sinquefield, Rex — St. Louisan, founder of Libertarian Show-Me Institute, donor to Eric Schmitt for U.S. Senate campaign.

Teepell, Timothy ("Timmy") — partner at OnMessage, Inc., of Alexandria, Va., close adviser to Hawley. Lives in Baton Rouge, La.

Thiel, Peter — founder of PayPal, Silicon Valley billionaire, critic of Big Tech, donor to Hawley.

Schmitt and Hawley fuel political ambitions, campaign chests with election myths

by Paul Wagman

Attorney General Eric Schmitt and U.S. Senator Josh Hawley are filling campaign coffers and building poll numbers by embracing President Donald Trump's myth about winning the 2020 election. Both led efforts to disqualify electors from swing states and reverse the election.

Last March, Schmitt traveled to Mar-a-Lago and stood next to Trump while raising $1.6 million for his U.S. Senate campaign. Schmitt's ad last summer kicking off his campaign featured Trump throughout and began with Trump's election claim "You're not going to have a future in '22 or '24 if you don't find out how they cheated. The election was rigged and we can't let that happen." Schmitt follows by saying, "Election integrity is very important."

Schmitt's involvement in Trump's election challenge began even before the election when Solicitor General D. John Sauer participated in "WAR GAMES" with staff from the Republican Attorney General's Association (RAGA) to prepare for expected legal challenges.

Then in December, 2020, Schmitt and Sauer helped revive Trump's election claim by rounding up support for what many lawyers think was a meritless appeal to the Supreme Court by the attorney general of Texas, attempting to block electors from key states.

In January, 2021, Schmitt received notification that the RAGA group was meeting in a special session Jan. 5. On that day, RAGA sent out a robocall announcing that on Jan. 6: "At 1 p.m. we will march to the Capitol building and call on Congress to stop the steal. We are hoping patriots like you will join us to continue to fight to protect the integrity of our elections." Schmitt says he didn't know about the call.

On Jan. 6 Schmitt issued a tweet saying the "violence and lawlessness simply cannot be tolerated." It was posted more than four hours after the violence and lawlessness began.

After RAGA's chairman, Georgia Attorney General Chris Carr, and key RAGA staff members quit in protest against the promotion of the organizer of the Jan. 5 robocall, Schmitt did not join them. Instead, he temporarily stepped into the chairman role.

'War Games' before the election

As the Post-Dispatch reported last year, two St. Louis attorneys, Mark Pedroli and Elad Gross, obtained documents through a Sunshine Law request showing that between July 2020 and January 5, 2021, RAGA and an affiliate, the Rule of Law Defense Fund (RLDF), held at least 30 meetings for attorneys general senior staff. Among those meetings was what the organizers called a "WAR GAMES" session to plan for a potential Trump defeat. The documents show Sauer personally confirmed details of his registration and his plan to attend by Zoom.

In a Sept. 24 email addressed to "Generals," Adam Piper, executive director of RLDF, wrote: "WAR GAMES - 32 AG Staff Members are huddled in Atlanta for a series of conversations planning for what could come if we lose the White House."

Then, in December, 2020, RLDF held five meetings, Gross wrote in a report on the 90 pages of documents, and on Jan. 5, another.

Gross noted that many of these meetings were held during working hours, suggesting the possibility of ethical violations by public servants doing politics instead of the public's business. Also of concern, he wrote, is the fact that RAGA apparently raised funds for its election efforts by providing special access to corporations that contributed $50,000 or more -- organizations the attorneys general conceivably could have investigated. In July 2020, for example, Schmitt co-hosted a panel with Craig Katerberg, then general counsel of Anheuser-Busch. The subject was "The Business of Making Friends."

The Texas Hail Mary

In early December of 2020, court after court dismissed or ruled against the president's election claims. His assertion that he'd won the election was in danger of losing impact.

Behind the scenes, however, lawyers aligned with the president were preparing a Hail Mary strategy. With time running out before the scheduled Dec. 14 certification of state electors, the lawyers needed to get their election challenge in front of the Supreme Court, with its six-member conservative majority, immediately. The only way to do that was to have one state, through its Attorney General, sue another.

Schmitt and Solicitor General Sauer played a key role in hurrying this case to the Supreme Court.

Among the lawyers involved in this plan were Kris Kobach, the former Kansas Secretary of State, and Michel Farris, a prominent anti-abortion and anti-gay marriage figure who is the CEO and General Counsel for the Scottsdale, Ariz.-based Alliance Defending Freedom (ADF).

Both Hawley and his wife, Erin, have a history with the group. As The Riverfront Times reported in 2018, they both had taken some minor paid gigs with an offshoot of the organization in earlier years. The organization's website also shows that Erin M. Hawley is currently a "senior counsel to the appellate team." (Her Twitter account, however, shows no sign of this employment until after Jan. 6, and there has been no indication that either she or her husband had any role in the following events, which Farris has reportedly said he did separate from his ADF employment.)

A group including Farris took a suit he wrote and shopped it to members of the Republican Attorneys General Association. They went first to two obvious picks — RAGA's chair and a member of the RAGA executive committee. But both declined, leaving the group, apparently, with their third choice, Ken Paxton, the Texas Attorney General.

Paxton was a flawed vehicle for the suit because he was under criminal investigation for inappropriately using his office to help a donor. But he was agreeable. His Solicitor General, however, was not. Kyle D. Hawkins refused to put his name on the document and resigned a few months later, forcing Paxton to get a special outside counsel to help out. That counsel was Washington lawyer Lawrence J. Joseph, who, it so happens, has filed numerous amicus briefs for conservative clients including the Clayton-based Phyllis Schlafly legacy organization, Eagle Forum Legal Defense & Education Fund.

The Paxton case was filed Dec. 7. It claimed that four states won by Biden — Georgia, Pennsylvania, Michigan and Wisconsin -- had made "unconstitutional changes" in their election procedures "by taking—or allowing—non-legislative actions to change the election rules" in their states. These changes had "opened the door to election irregularities in various forms. … (with the result that) seeds of deep distrust have been sown across the country."

As examples of irregularities, the suit cited numerous allegations that it said had already been described in numerous lawsuits then pending in the four states or in public view. These included witness testimony of "the physical blocking and kicking out of Republican poll challengers; thousands of the same ballots run multiple times through tabulators; mysterious late-night dumps of thousands of ballots at tabulation centers; illegally backdating thousands of ballots; signature verification procedures ignored; more than 173,000 ballots in the Wayne County, MI center that cannot be tied to a registered voter." They also included videos of various abuses and "facts" for which there was no "reasonable explanation", such as the "mysterious" pre-election theft of "a laptop and several USB drives, used to program Pennsylvania's Dominion voting machines … from a warehouse in Philadelphia."

The suit also claimed that the chances that Biden could have won the election in the four states after trailing as badly as he did at 3 a.m. Nov. 4 were less than one in one quadrillion. It didn't mention that this "analysis" was true

only if the mail-in votes — which were counted after the in-person votes — came from voters with the same characteristics as their in-person counterparts. They weren't. The mail-in votes came disproportionately from Democrats, who were more Covid-averse than Trump supporters.

Most or all of these allegations would have been familiar to readers of the Gateway Pundit. Stories about how the mistreatment of Detroit poll watchers, for example, began appearing immediately after the election ended. "Republican Poll Watchers Prevented From Entering Detroit Ballot Counting Center — Local Officials Say It's Due to 'COVID' Concerns (VIDEO)," Joe Hoft reported Nov. 4. And two weeks later, "Republicans were systemically denied access to observe the vote count."

Other Republicans skeptical

But many Republicans reacted skeptically to the Paxton suit. "I frankly struggle to understand the legal theory of it," John Cornyn, a Republican Senator from Paxton's own state of Texas, was quoted as saying. "Why would a state, even such a great state as Texas, have a say so on how other states administer their elections?"

Danforth and other prominent Republicans made the same point in an opposing amicus brief they signed two days later. The brief, which apparently escaped local media notice, argued that the notion that one state could challenge how others run their elections runs "contrary to 230 years of history" and "would make a mockery of federalism and separation of powers."

Beyond that, the case was simply "shoddy …. embarrassing," said Jon Western, a political science professor at Mount Holyoke College in South Hadley, Mass. who has been investigating the actions of those involved, in part through Freedom of Information Act (FOIA) requests. It aggregated "anecdotes here and there with no evidence" and suggested the remedy "was literally to disenfranchise the voters of four states. And let's be clear about it, it's really four major urban metropolitan areas — Atlanta, Milwaukee, Detroit and Philadelphia — that they were most objecting to, and the racial dimensions of this are clear."

Many of the allegations the suit contained had already been adjudicated in state and federal courts and been dismissed, Western and others noted. Even U.S. Attorney General Bill Barr had said Dec. 1 that there was no evidence of large-scale fraud, while Trump's Department of Homeland Security had called the election "the most secure in American history."

Soon, however, the cavalry appeared. And leading the charge were two St. Louisans -- Schmitt, who succeeded Hawley as Missouri Attorney General, and Sauer, Missouri's Solicitor General.

An emergency request for support

Born in Bridgeton, Schmitt graduated from De Smet Jesuit High School and Saint Louis University Law School. He served as a Glendale alderman and as a two-term state senator from St. Louis County while also practicing law at the Clayton office of Lathrop & Gage (now Lathrop GPM). Elected Missouri Treasurer in 2016, he shifted over to the Attorney General's office when Hawley got elected to the Senate in 2018 and Gov. Mike Parson appointed him to fill his spot. He was elected to a full term on Nov. 3, 2020. Throughout, he had retained Hawley's Solicitor General, Sauer, who at some point after Schmitt took over moved his office from Jefferson City to the Wainwright Building in downtown St. Louis.

On the evening of Dec. 8, Sauer emailed Republican Attorneys General in other states and appealed to them to sign on to an amicus brief supporting Texas's motion. He gave them until 1 p.m. the next day to do so. "With apologies for the short deadline," he wrote, "given the time-sensitivity of this case, we are requesting joins by 1:00 p.m. Central TOMORROW, 12/9. We are planning to file tomorrow afternoon." (Sauer's role was revealed in emails released to Western by states other than Missouri; none of the more than 2,700 pages of documents he received from Missouri,

Continued on next page

Western told the GJR, contained Sauer's emails to other states relating to his coordination of the amicus brief.)

Seventeen states, including Missouri, eventually joined Texas. The amicus brief was filed Dec. 9. Its cover page bore just two names — Schmitt's and Sauer's. Schmitt himself wrote it, according to a spokesperson, and Schmitt's photograph adorned an article about it on Fox News.

"Good work, @Eric_Schmitt!" Hawley tweeted. "Texas is not alone!" Ed Martin declared on his Pro-America Report podcast.

The Schmitt-Sauer amicus brief, dialed back on the Paxton complaint by not mentioning the one-in-one-quadrillion canard. But echoing Paxton, it alleged that voting safeguards in the four states had been "unconstitutionally abolished" by "non-legislative actors" — such as the Supreme Court in Pennsylvania, which had extended the number of days after the election in which mail-in ballots could be counted.

"For decades," the brief said, "responsible observers have cautioned about the risks of fraud and abuse in voting by mail …" "Hundreds" of examples from past elections showed why -- including a 2019 mayoral race in the little St. Louis suburb of Berkeley and a 2016 State House race in the city of St. Louis.

By making the unconstitutional changes they did -- including changes involving mail-in voting — the four states had only worsened the conditions for fraud and abuse in the recent election, the brief said. The result? A situation that "raises grave concerns," a set of circumstances that "undermined public confidence."

Recipe for election chaos

In separate replies the next day, the four defendant states said Paxton's arguments -- and by extension, those made by Schmitt and Sauer — were not only conceptually off-base — they were factually wrong.

As many others had also said, if Texas could challenge the way other states conducted their elections, then every state had the right to challenge every other state and elections would end up in chaos.

But beyond that, the four states argued that they had not allowed non-legislative actors to change their elections rules. "The most basic problem with Texas's argument, of course, is that Michigan has not violated its election law." "… "there was no state law violation when the Pennsylvania Supreme Court temporarily modified the deadline for the receipt of mail-in and absentee ballots, because state constitutional law required it." Etcetera.

On Dec. 11, two days after the amicus brief was filed, the Supreme Court dismissed the case in a few sentences. "Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections," the court wrote.

It didn't matter, Western said. The damage was done.

"It gave credibility, and it gave legs to Trump's effort," he said. "It enabled Trump to say, 'It's not just me, it's all these attorneys general.'"

That was exactly the argument Sean Hannity, one of Trump's most important allies, made on his show the day the brief was filed.

"Tonight, one thing is very clear," the influential Fox News pundit said. "If we don't fix what is a broken, corrupt election system, the country is in deep trouble. "

"Let's be clear," Hannity added. "No state's attorney general, you've got to understand politics here, would ever put their name or reputation on the line over a case that lacks merit on the law or [is] without a strong constitutional basis. Definitely not 17 attorneys general. That is what happened. Eighteen total when you include Texas, no matter what political alliances they have or don't have."

Had the Republican Attorneys General not signed onto the Texas suit, Western contended, "You would not have had the kind of mobilization we had on January 6. … It (the big lie) would have died a very slow death, but it wouldn't have led to January 6."

Of course it's impossible to know. But it's indisputable that the effort the two St. Louisans coordinated gave a boost to the idea that the election had been rigged.

Many of Western's concerns were reported last spring by Tony Messenger in the Post-Dispatch. But in speaking with the GJR, Western added that he was seeking information about any potential coordination or at least communication on the amicus brief between Sauer and his former boss Hawley, and between

Sauer and other members of Congress. The amicus brief, it should be noted, provided support to the position Hawley took just a few weeks later when he announced he would challenge the election results in Pennsylvania and thereby guarantee a debate in both chambers of Congress over the acceptance of the electors.

Western said he also wanted to see what messages Sauer had received from others about the amicus brief and his conversations with other attorneys general.

Asked whether he thought Schmitt and Sauer should be called by the Select Committee, he said he didn't know whether the Committee would see the subject as within its purview, but that regardless, the answers needed to be found.

The Select Committee has shown an interest in the amicus brief. As part of a larger records request last August 25 to the National Archives, the Committee made a specific request for Presidential and Vice Presidential "documents and communications relating to an amicus brief concerning litigation involving the State of Texas."

Western's interest in the election stems from his interest in threats to democracy across the globe. The U.S. is experiencing an unprecedented erosion of its democratic institutions, he said, in part because "Nobody is stepping back and taking a breath" as they "play with fire."

"Eric Schmitt's and John Sauer's decision to support this amicus brief is a perfect example of that," he told the GJR. "They lost a sensibility about what is important. There was no threat to the integrity of the vote in Pennsylvania and Georgia and Wisconsin and Michigan. It was just not a problem … and the perception they perpetuated and continue to perpetuate that something was wrong is an erosion of the principles of democracy."

Meanwhile, Lawyers Defending American Democracy (LDAD), a Boston-based group that calls itself nonpartisan and says it has the support of 5,000 attorneys around the country, has asked that the organizations that license lawyers in each of the states that joined the amicus brief "promptly investigate the breach of ethical rules by these public officials."

The chairman of LDAD is Scott Harshbarger, a Democrat and former Massachusetts Attorney General who was once head of the bipartisan National Attorneys General Association (NAGA) and a former president of Common Cause. He told a podcast interviewer that Paxton and the Republican attorneys general who filed the amicus brief written by Schmitt belonged in the same category as Rudy Giuliani and Sidney Powell, both of whom have been disciplined for their roles in challenging the election results. And a complaint by the LDAD itself to the State Bar of Texas has resulted in an ethics investigation of Paxton in his home state.

"The core of our ethical rules as lawyers is that you are supposed to have a factual basis for any allegation you make," Harshbarger said. "You are supposed to be able to prove cases in court, whether you win or not.

"That's why this extreme behavior by these attorneys general … to file this lawsuit cannot be justified as a legitimate state action. … Our argument is that if we are not going to hold lawyers to the ethical standards of this profession when the attack is on the core element of our democracy and the rule of law … whenever are we going to hold lawyers accountable?"

In Missouri, complaints of ethics violations by lawyers are filed with the Office of Chief Disciplinary Counsel (OCDC), an agency of the Missouri Supreme Court, whose chief is Alan D. Pratzel. Complaints are kept private, however, unless and until an investigation results in a decision to bring the issue to the Supreme Court. There is thus no way to know whether an ethics complaint related to the amicus brief has been filed against Schmitt or Sauer unless the complainant comes forward -- and that has not happened.

This March, however, a new group was formed that threatens to bring an ethics complaint. The 65 Project is a new nonprofit organization named for the number of suits Trump allies filed to contest the election results. Its mission is to find all the lawyers who violated their professional responsibilities and seek discipline for them. The group has strong links to members of the Democratic Party, Axios reported.

The GJR asked The 65 Project whether it was considering filing a complaint against Schmitt and Sauer. Michael Teter, the group's managing director, replied: "Attorney General Schmitt's and Solicitor General Sauer's active role in writing and promoting litigation that lacked any factual or legal basis -- and, in fact, relied on intentional falsehoods -- is cause for concern and further investigation. We will look intently into their roles and work on this matter and if we determine it's appropriate, we will file a bar complaint."

In response to the GJR's request for an interview, Sauer referred a reporter to Chris Nuelle, a spokesman for the Attorney General's office. Nuelle emailed a statement that read in part: "Solicitor General John Sauer is one of the finest legal minds in our Office, the state of Missouri, and frankly the country. Defending and ensuring the integrity of our elections is of the utmost importance. Mr. Sauer will continue to do critical work on behalf of all the six million Missourians that the Attorney General's Office serves, and will continue to be a stalwart for freedom, liberty, and election integrity."

Nuelle didn't respond to a separate email with a list of specific questions concerning Schmitt. Hawley's spokeswoman, Abigail Marone, also did not respond to a list of specific questions sent twice to her email.

The Jan. 5 robocall for 'Patriots'

On Jan. 3, a website promoting the protest in Washington called MarchtoSaveAmerica.com listed the Republican Attorneys General Association (RAGA) as one of the event's sponsors. Later that day, the name on the since-deleted website was changed from RAGA to the Rule of Law Defense Fund (RLDF). RAGA calls the RLDF its policy arm. Critics say it's really its dark-money fund-raising arm.

On Jan. 5, the RLDF sent out a notice for a conference call about the next day's rally to Schmitt and others involved in RAGA. Whether he or anyone from his office participated, however, is not known.

In any case, RLDF also put out a robocall on Jan. 5. "At 1 p.m., we will march to the Capitol building and call on Congress to stop the steal," the caller said. "We are hoping patriots like you will join us to continue to fight to protect the integrity of our elections. For more information, visit MarchtoSaveAmerica.com. This call is paid for and authorized by the Rule of Law Defense Fund, 202-796-5838."

On the morning of Jan. 6, Paxton, a RAGA member whose suit Schmitt and Sauer and other Republican-led states had joined, was among the speakers at the rally in front of the White House where Trump also spoke. Shortly after 12:30 p.m. that day, Hawley pumped his fist to protesters outside the Capitol in a gesture of solidarity that was caught by a photographer.

Forty minutes later, at 1:10 p.m., rioters began grappling with police on the Capitol steps. The insurrection had begun.

Later that night, Hawley voted to object to the certification of the Biden electors from Pennsylvania and Arizona. But only six other senators voted with him on Pennsylvania and five on Arizona. Biden's victory was confirmed.

On the afternoon of the fateful Jan. 6, the Missouri Attorney General tweeted: "Every American has a right to peacefully protest but violence and lawlessness simply cannot be tolerated. Please join me in praying for the Capitol Police and other law enforcement today in Washington DC." The timestamp on the tweet was 4:28 p.m. Central Standard (Twitter automatically adjusts timestamps for the time zone of the account) — 4 hours and 18 minutes after protesters began grappling with police on the Capitol steps, 3 hours and 58 minutes after the protesters broke through the final police barricades outside the Capitol, and more than an hour after President Trump had tweeted a video asking the rioters to go home.

Schmitt and other RAGA members denied knowing in advance about the robocall, which they blamed on a staffer. NBC quoted a spokesman for RAGA as going further: "The Republican Attorneys General Association and Rule of Law Defense Fund had no involvement in the planning, sponsoring, or the organization of Wednesday's event."

On Jan. 8, RAGA's executive director stepped down without explanation. It was later reported that he had been present at a meeting Jan. 5 in which Sen. Tommy Tuberville (R-AL), Donald Trump Jr., Eric Trump, Peter Navarro, Corey Lewandowski, Michael Flynn Sr., and

Continued on next page

others had planned the rally.

RAGA came under withering attack from Democrats and some nonprofit watchdog groups. "RAGA, RLDF — and the Republican AGs who blindly take their support — have no legal or moral ground on which to stand here," the co-chairs of the Democratic Attorneys General Association (DAGA) said. "The organization paid for robocalls to recruit attendees, it was listed as a sponsor of the event, its former Chair spoke at the rally that incited a mob, and former GOP AG Josh Hawley led the effort in Congress to undermine the election."

In April, 2021 RAGA found a new executive director -- Peter Bisbee, the head of the RLDF, which had made the robocall. Chris Carr, RAGA's chairman and the Attorney General of Georgia, quit in protest, saying he had "a significant difference of opinion" with the group's strategic direction. Two key staffers also quit.

Schmitt, seeming to some observers to signal his approval of the strategic direction Carr deplored, became the new chairman. This acceptance was far more important than whether he really did or did not know in advance about the robocall, these critics said.

In May, however, Schmitt stepped down, while remaining on the executive committee. On March 8, Roy Blunt had announced he would not seek re-election to the Senate. Schmitt announced his candidacy to replace him.

Schmitt then appeared to, if anything, ramp up his already aggressive strategy of bringing suits which, regardless of motive, clearly redounded to his political gain among Trump supporters and potentially of Trump himself.

Earlier, Schmitt had sued China over its handling of the coronavirus and taken the unusual step of intervening to dismiss St. Louis Circuit Attorney Kim Gardner's prosecution of the McCloskeys, the Central West End couple who waved guns at peaceful protesters. Now, with Sauer again taking the lead, he supported Republican lawmakers who refused to implement the expansion of Medicaid, even after Missouri voters had approved a constitutional amendment mandating it. With the help of others in his office, he launched an attack on the Biden Administration for its moratorium on oil and gas leasing and drilling permits on federal land. He flew to the southern border of the United States to join Paxton in announcing a lawsuit to force construction of the border wall. But most notably, he launched a whole series of attacks on COVID-driven mask mandates, including ones ordered by school districts trying to protect children and staff. Again and again, he sued the kind of local government bodies whose autonomy Republicans like himself had zealously guarded. In January, 2022, the U.S. Supreme Court rejected his attempt to block the Biden administration's requirement that organizations providing Medicare or Medicaid funded care for the elderly require workers to be vaccinated for COVID-19 in most cases.

In a March, 2022 speech to the Conservative Political Action Committee, Schmitt proudly ran through his litany of suits, adding that liberal Democrats had a plan "to remake America in the image of Marx and to trade in the Declaration of Independence for the Communist Manifesto.....If the Left wants to remake America, they are going to have to take it from our cold dead hands....Let's fight, let's win, let's go Brandon."

Schmitt's political approach to his job represented a change from the way occupants prior to Hawley had approached the position, said James Layton, a longtime former Missouri solicitor general who is now in private practice in Clayton.

"Chris Koster and Jay Nixon really didn't see the principal job of the attorney general as using litigation to vindicate their policy preferences," he told the GJR. "I can't say they never allowed a policy preference to affect litigation strategy. But it was never a focus of what they were doing. They were not out there looking to make that a big part of what they were about. They were more concerned about showing they could protect against criminals, stand up for consumers, and ensure quality in the day-to-day work of the office, rather than diving into the abortion wars or gun rights or other hot political issues."

Besides not limiting himself to representing state agencies, Schmitt has actually defied one of them —in connection with mask mandates. The director of the Department of Health and Senior Services wanted Schmitt to appeal a judge's ruling that local health departments lack the authority to issue orders such as business closures or mask mandates. But Schmitt declined, provoking Charles Hatfield, a veteran of the attorney general's office under Democrat Jay Nixon, to tell the Missouri Independent:

"The idea that the attorney general can just go in personally, and because of his own personal feelings, stop appeals and dictate policy — if you allow that to happen, you basically have an attorney general running the entire state. And that's never how it's worked before, and it's not how it should work."

What Schmitt could have done, Hatfield told the GJR, is what attorneys general have done in the past when faced with conflicts of interest: Hire an outside lawyer to represent the interests of the Department seeking legal representation

Schmitt's defenders say he was always very conservative, and some academic observers have said that attorneys general from both parties have politicized the position in recent years.

And the Trump base is the battlefield for all the Republican Senatorial wannabes, who include Rep. Billy Long, of Springfield, and Rep. Vicky Hartzler in addition to Schmitt, Eric Greitens and Mark McCloskey. Schmitt cannot win this contest without overcoming the stench that adheres in some nasal passages to his past conduct, Ray Hartmann and other observers have noted. That conduct includes collaboration with Democrats and support for a proposal to make Lambert Field a major cargo hub for trade with China.

Schmitt is receiving generous support from Americans for Prosperity Action (AFP Action), the super PAC run by fossil fuel billionaire Charles Koch. Koch and his late brother David used to be among Greitens' biggest backers,

> **"The idea that the attorney general can just go in personally, and because of his own personal feelings, stop appeals and dictate policy — if you allow that to happen, you basically have an attorney general running the entire state. And that's never how it's worked before, and it's not how it should work."**
>
> **— Charles Hatfield**

but since the former governor was felled by scandals, Charles has embraced Schmitt to the tune of more than $600,000, The Intercept noted. (Koch also "has sponsored an academic campaign against vaccine and mask mandates and shutdowns," The Intercept reported.) Schmitt has also received major donations from Rex Sinquefield, as well as from Peter Thiel and August A. Busch III.

Schmitt's political approach might not have been surprising given his now explicit Senatorial aspirations. But it was perhaps especially unsurprising given his relationship, which has been only lightly reported, with political consulting firm Axiom Strategies.

Axiom is run by Jeff Roe, who has achieved renown for his truth-bending and brutal tactics. Those tactics included an ad Roe admitted funding in 2015 that ridiculed the appearance of Republican gubernatorial candidate Tom Schweich, who later committed suicide. In another case, after a political opponent of his client attended a fundraiser at the home of House Leader Nancy Pelosi, Roe produced an ad accusing the opponent of having "San Francisco-style values" and featuring images of a flamboyantly dressed black man dancing with two women.

Josh Hawley, D. John Sauer & the Louisiana Connection

A newcomer to politics, Hawley was elected Attorney General of Missouri in 2016. For several previous occupants, the job had been a stepping stone: John C. Danforth became a senator, Jay Nixon a governor, and John Ashcroft a governor and a senator and a U.S. attorney general. But Hawley famously campaigned with an ad that disparaged the climbing game and promised he'd focus on the state job.

Once in office, however, Hawley showed signs that he was both further to the right than some of his early backers had realized, and more interested in higher office than he had let on.

Moving quickly to install his own senior staff, his new hires included the man he picked for solicitor general, Dean ("D.") John Sauer.

Hawley and Sauer had much in common. Both were members of the influential Federalist Society, which describes itself as "a group of conservatives and libertarians dedicated to reforming the current legal order." They are about the same age — Hawley is 42, Sauer, based on school records, appears to be in his mid-40s. Like Hawley, Sauer had been a stellar student, first at St. Louis Priory School, where at age 17 he'd earned the notice of the Post-Dispatch for winning a summer research grant from the National Endowment for the Humanities, and then at Duke University, where he earned a Rhodes Scholarship. Harvard Law School eventually followed. And like Hawley, who clerked for Chief Justice John Roberts, Sauer then clerked for U.S. Supreme Court Judge Antonin Scalia, the Court's conservative luminary.

Returning to St. Louis, Sauer worked for U.S. Attorney Catherine Hanaway as an assistant U.S. Attorney during President George W. Bush's second term, then entered private practice here. His work as an appellate attorney was good enough to bring him an award from the Missouri Bar Association in 2013. A couple of years later, he won a suit that challenged the constitutionality of Missouri's participation in Common Core educational standards, for which he won recognition in Breitbart News. And in 2016, he contributed $10,816 to Hawley's campaign for attorney general. His father, Fred N. Sauer, and a brother, Frederic G. Sauer, also contributed.

In earlier years the job of Missouri solicitor general — whose office defends state interests in the appellate courts -- might not have been attractive to a man of Sauer's obvious abilities. But the position has grown in importance, said Layton, the former solicitor general. As a trend to politicization grew in state attorneys general offices, "one thing that started happening was attorneys general recruiting very smart, ambitious folks to be solicitor general," he said. "In part (that was) because they could handle those kinds of cases, not just on appeal, but in the trial court, and in part (it was) because some of them saw that if Jeff Sutton could go from this role to the federal court, maybe I could too." (Former Ohio Solicitor General Jeffrey S. Sutton is now the Chief U.S. Circuit Judge of the U.S. Court of Appeals for the Sixth Circuit, based in Cincinnati.)

Hatfield, a Jefferson City lawyer who has been Sauer's antagonist in several court cases, and who served as counsel and chief of staff for a decade himself under Attorney General Jay Nixon, thinks Sauer is "more ideological than political." Hatfield finds Sauer "very smart," "very professional," but above all, "intense." Sauer showed "a little extra oomph," for example, in pursuing the state's effort to de-license abortion services at Planned Parenthood 's St. Louis clinic. But that oomph seemed to come from personal conviction, Hatfield said.

Another attorney, who asked not to be named, also called out what he considered Sauer's "highly competitive, intense nature" in his professional conduct. The attorney said Sauer has taken "a very hard line" in trying to keep Missouri from having to pay out in cases where judgments have been rendered against it, or when the state has been ordered to pay attorneys' fees. On the one hand, he said, that means Sauer is "a really good advocate for preserving the assets of the state of Missouri." On the other hand, he said, the state has to pay 9 percent interest on debts when payment has been delayed, so the strategy can be counterproductive.

In any event Hawley promptly installed Sauer in an office down the hall from his own in the Supreme Court building in Jefferson City and made him one of his chief aides — indeed, first among equals, in Hatfield's view. The 2017-18 "Blue Book" listed Sauer as Hawley's first assistant as well as the state's solicitor general, and tied with two others for the highest salary on staff.

Hawley also wasted little time in adopting a political approach to his office. A few months after taking office, for example, he created an Anti-Trafficking Unit to crack down on human trafficking, and then participated himself in a raid that Tony Messenger and other critics called nothing but "a campaign photo-op," producing cable news coverage but no felony convictions, and orchestrated by Hawley's political consultants. Eventually, it became known that Hawley's political consulting firm, OnMessage Inc., had been advising him and his staff, possibly in violation of state law, to improve his prospects in the run for the Senate he announced in 2017. Secretary of State Jay Ashcroft, a Republican, launched an investigation, which ended up clearing Hawley. But some said the investigation was compromised by the fact that Sauer was allowed to sit in on interviews with key witnesses.

Regardless, it became known that Hawley's trusted political advisor from OnMessage was

Continued on next page

Timmy Teepell, a Louisiana native and veteran of that state's politics who had once been chief of staff to Gov. Bobby Jindal. Kyle Plotkin, who served nearly three years as Hawley's chief of staff, is also an alumnus of the Jindal shop; he succeeded Teepell as Jindal's chief of staff. When Plotkin left Hawley's office last October, it was to join OnMessage. (Another alumnus of Louisiana politics, it might be noted, is Ali Alexander, who went on to play a big role in organizing Stop the Steal rallies leading up to and including Jan. 6.)

Under these circumstances, it is reasonable to wonder whether Hawley's decision to walk past the protesters before entering the Capitol Jan. 6 and give his famous fist pump was planned rather than spontaneous. No other Senator was photographed interacting with the crowd that day, and Hawley is now raising money off the encounter by selling coffee mugs decorated with an image of the gesture. Neither Teepell nor Hawley responded to inquiries from the GJR.

Hawley, Steve Bannon, Robert Mercer & Peter Thiel

In the fall of 2017, as Hawley considered running for the Senate, he is reported to have faced a dilemma. He had received key early backing from former Sen. Danforth, but that August, Danforth had blasted Trump in a Washington Post op-ed. Now Hawley had to worry about being outflanked on his right by Martin, who was considering his own run. Specifically, there was concern that Bannon, the influential Republican strategist and Trump advisor, might support Martin, who had recently presented Bannon with an award at a meeting of the Phyllis Schlafly Eagles at the St. Louis Airport Marriott hotel.

So Hawley reached out to Bannon and convinced him that he was in fact the only candidate who could beat the Democratic incumbent, Claire McCaskill.

Bannon's blessing most likely carried weight at the time with Robert Mercer, the Long Island-based hedge-fund billionaire who had invested heavily in Bannon's Breitbart News. (The two men fell out in 2018.)

Whether because of Bannon or because of his direct outreach earlier to Mercer himself, or both, Mercer became important to Hawley's fundraising. Individuals or Political Action Committees associated with two organizations to which he was a key donor — the Senate Conservatives Fund and the Club for Growth — emerged as Hawley's two largest contributors. Together they gave about $600,000 between 2017 and 2022.

Hawley wasn't the only Jan. 6th figure showered in recent years by six-and-even-seven figure contributions from the Mercers. Trump received $15.5 million in 2016, after Texas Sen. Ted Cruz had benefited from $13.5 million, before the Mercers switched candidates. The Black Conservatives Fund, associated with Ali Alexander, received $155,000 in Mercer money in the years before he became a leader of Stop the Steal rallies and the Jan. 6 March to Save America. (Alexander recently said he had received a subpoena to testify in the Justice Department's Jan. 6 investigation and would cooperate.) The Mercers were also the biggest donors to Kelli Ward, chair of the Arizona Republican Party, who in the weeks before Jan. 6 urged Trump to "cross the Rubicon," And they gave $21,600 to Alabama Rep. Mo Brooks, who famously thundered "today is the day American patriots start taking down names and kicking ass" at the Jan. 6 rally, while wearing a bullet-proof vest.

Another Hawley contributor is the Republican Attorneys General Association (RAGA).

RAGA has given Hawley more than $3.25 million — more than to all but one other individual since 2014—according to records compiled by Followthemoney.org. Hawley also received more than $300,000 from Peter Thiel, the co-founder of PayPal and sometime ally of Mercer's in political giving. Thiel is a Trump supporter and outspoken critic of Google whom the Economist Magazine called the "scourge of Silicon Valley." As a board member until recently of Facebook, he successfully argued for allowing unfettered claims in political advertising, The New York Times reported. The Times also called him "the Right's New Kingmaker" in an article describing his recently increased political giving. Hawley, like Thiel, has been a vocal critic of Big Tech.

Hawley defies McConnell

On Dec. 30, 2020, Hawley countered Senate Majority Leader McConnell's expressed wishes by becoming the first Senator to announce he would object on Jan. 6 to the certification of electors from Pennsylvania. In so doing, Hawley guaranteed that a challenge to the election's outcome would be debated on the floor of both the House and Senate.

Hawley was making the same argument that the Pennsylvania Supreme Court already had dismissed under the so-called "doctrine of laches," which relates to undue delays in making legal claims. Even if Pennsylvania's no-excuse mail-in voting rule in the 2020 election had violated the state constitution - as one state court recently said - voters had relied on the law to cast their ballots in November. It was too late to bring the challenge after the election, the Pennsylvania Supreme Court decided in December. It was even later when Hawley repeated the claim Jan. 6.

Alan Howard, an emeritus professor from Saint Louis University Law School, put it this way in a Kansas City Star column this year: "After an election is held, the no-excuse mail-in votes must be deemed legally valid because it is legally too late to disqualify those votes.

"Hawley proved he's not just antidemocratic in (his) coup attempt. He's also a sloppy lawyer," wrote Howard. "Hawley falsely suggested that the United States, the longest continuous democracy on the planet, allowed its citizens to cast and count millions of illegal votes for the most powerful political office in the world. By improperly seeking to discredit and disallow Pennsylvania's electoral votes for Biden, Hawley collaborated with Donald Trump's corrosive effort to convince the American people — and the world — that America's presidential election was improper and illegal."

On Jan. 4, when Fox News interviewer Brett Baier asked Hawley whether Trump would remain President after Jan. 20, the Missouri Senator answered, "Well, Brett, that depends on what happens on Wednesday." "Wednesday" was Jan. 6.

Brickbats and bouquets

Hawley's actions won him the proverbial brickbats and bouquets. The latter came stuffed with dollar bills.

On the evening of Jan. 6, after the violence had ended, some senators and representatives who had vowed to challenge the election results in Pennsylvania and Arizona reversed themselves.

Not Hawley. Saying he was simply representing the doubts of Missourians, he went ahead and voted for the challenge in both states. He also condemned the violence and said those who had attacked police and broken the law must be prosecuted.

Danforth accused Hawley of having "ginned up" the notion that the results of the election could be overturned, and called his early support for him "the worst mistake I ever made in my life." The Post-Dispatch and Kansas City Star as well as some faith leaders asked for his resignation. Seven Senate Democrats asked the Senate Ethics Committee to investigate him and Texas Sen. Ted Cruz "to fully understand their role" in the investigation. Simon & Schuster backed out of a contract for his book attacking Big Tech, prompting him to accuse the publisher of "canceling him."

But Hawley filed a counter-claim against the seven Democrats, and if any Senate investigation is underway, there has been no public sign of it. Regnery Publishing soon stepped forward to publish his book, which Steve Bannon, among others, praised lavishly during an interview with Hawley on his War Room program.

Three weeks after the fateful day, Hawley told KMOX radio, "I never said that the goal was to overturn the election. That was never the point and that was never possible. … It is a lie that I was trying to overturn an election or that Ted Cruz was trying to overturn the election. It is a lie that I incited violence."

About the same time, Alan B. Hoffman, a retired St. Louis lawyer, along with 16 other Missourians, filed an ethics complaint against Hawley with Pratzel, the aforementioned chief deputy counsel in the Office of the Chief Disciplinary Counsel of Missouri. The complaint, which won notice in the Kansas City media but not in St. Louis, took note of Hawley's allegations, tweeted December 30, 2020, that "some states, particularly Pennsylvania, failed to follow their own state election laws" and that there was an "unprecedented effort of mega

D. John Sauer: Scion of a well-known and powerful St. Louis family

by Paul Wagman

Missouri Solicitor General D. John Sauer was the man who rounded up 17 Republican attorneys general to support the Texas claim that the electoral votes of four other states should be thrown out of the 2020 presidential tally.

As important as that role was, Sauer is not well known to the public. His family, on the other hand, is.

Sauer's maternal grandfather, the late George Capps, developed Plaza Frontenac, chaired the board of trustees of Washington University and distinguished himself in at least a dozen other ways in business and community service. Sauer's paternal grandmother belonged to the family behind Forshaw of St. Louis, a furniture retailer dating from the 19th century. His father, Fred N. Sauer, is the founder of Orion Investment Co. in Clayton.

The extended Sauer clan seems to have been blessed with wealth, elite education, business accomplishment, and even good looks and athletic ability. Several members of the clan are also characterized by opposition to abortion and support for right-wing politics.

Fred N. Sauer, who appears to have prospered with the Orion investment company he founded more than 40 years ago, donated hundreds of thousands of dollars to the Missouri Roundtable for Life., an organization he founded in 2006 to oppose abortion and embryonic-stem cell research. (The organization appears now to be defunct.)

In 2012, Fred N. Sauer unsuccessfully sought the Republican nomination for Missouri Governor – some thought primarily to bring attention to his anti-stem cell views. One of his close political allies in those days was Ed Martin, who was then seeking the job of Missouri Attorney General. Sauer is the author of a book entitled "A Simple Guide: How Liberalism, A Euphemism for Socialism, Destroys Peoples and Nations." In 2009 he won praise from Jim Hoft, the Gateway Pundit, for organizing and speaking at an anti-Obamacare rally in Clayton, where Hoft also spoke.

Fred N. Sauer's father – D. John Sauer's grandfather and namesake – was also politically active. Several times in the early and mid-1960s (when Phyllis Schlafly also was allegedly a part of the group), his name appeared in the Post-Dispatch because of his role as "a St. Louis coordinator of the John Birch Society." The newspaper quoted Dr. Dean Sauer, a surgeon who lived in Ladue, as attacking the United Nations for being an instrument of Russian conspiracy and calling Social Security the greatest fraud ever perpetrated on the United States. In a statement that has a resonance for Trump followers today, he was quoted as saying the United States "should stop apologizing to each pip-squeak who takes our money and then spits right back into the teeth of Uncle Sam." The Birch Society, he lamented in 1963, had been smeared by the "liberal press."

Meanwhile, in 1960, Dean Sauer's wife – D. John Sauer's grandmother – was helping to organize a fund-raising dinner for the Cardinal Mindszenty Foundation, the Post-Dispatch reported. Named for a Hungarian Cardinal who had defied both the fascists and the communists, the Mindszenty Foundation was founded in 1958 by a group that included Phyllis Schlafly, her husband, and her sister-in-law, Eleanor Schlafly. The foundation "exposes the errors of socialism and communism; promotes the traditional nuclear family; … and upholds authentic teaching of the Catholic Church," according to the boilerplate in its annual IRS Form 990.

Although the 990s show that by 2020 the organization's assets had dwindled to little more than $270,000, the foundation still publishes a newsletter. It is based in the Phyllis Schlafly Center, 7800 Bonhomme Avenue in Clayton. The foundation's volunteer president is Liza Forshaw, a daughter of Phyllis Schlafly who once practiced real estate law for Thompson Mitchell (now Thompson Coburn). Her husband is Joseph ("Joe") Forshaw, former president of Forshaw of St. Louis and part of the same Forshaw family to which Sauer is connected through his father's side. Joe Forshaw is now chairman of the board of the libertarian Show-Me Institute, whose president is Rex Sinquefield, a major donor to D. John Sauer's current boss, Eric Schmitt. Sinquefield gave $500,000 to Schmitt in 2016 and $1 million to a Political Action Committee (PAC) that supported Schmitt's campaign in 2020.

The Sinquefield-Schmitt connection is ironic because Fred Sauer clashed with Sinquefield only a few years ago over the issue of campaign financing. Calling him "King Rex" and "Tyrannosaurus Rex," Sauer said Sinquefield was "destroying representative government in Missouri for his own interests." Sauer poured more than $1.1 million of his own money into a campaign in 2016 for Amendment 2, to limit individual contributions to candidates for any state or judicial office to $2,600 per election. The amendment won voter approval, but loopholes and court rulings have had the effect of watering down its impact.

corporations, including Facebook and Twitter, to interfere in this election."

"These statements," the complaint said, "were false and known by Senator Hawley to be false at the time made or were made with reckless disregard for truth or falsity."

As a result, they violated the oaths he took as a Senator to uphold the U.S. and Missouri Constitutions and to practice law in Missouri. The complaint asked Pratzel to impose whatever discipline he finds appropriate, "including but not limited to reprimand, suspension and disbarment, if warranted." In fact, however, if Pratzel were to find merit in the complaint, he would only make a recommendation, which the Missouri Supreme Court, the final arbiter, would consider.

Hoffman told the GJR he finds it encouraging that he has heard nothing back from Pratzel because he thinks he would have been informed if the case had been closed. He also said he was encouraged by the fact that Pratzel has taken action in two politically fraught cases in the past, one involving St. Louis Circuit Attorney Kim Gardner and the other Mark and Patricia McCloskey. This past February, the Missouri Supreme Court placed the McCloskeys on probation as attorneys, after Pratzel found that their actions showed "indifference to public safety" and "moral turpitude." And last month, Pratzel announced an agreement with Gardner in which he recommended she be reprimanded for mistakes in her office's handling of the prosecution of Greitens.

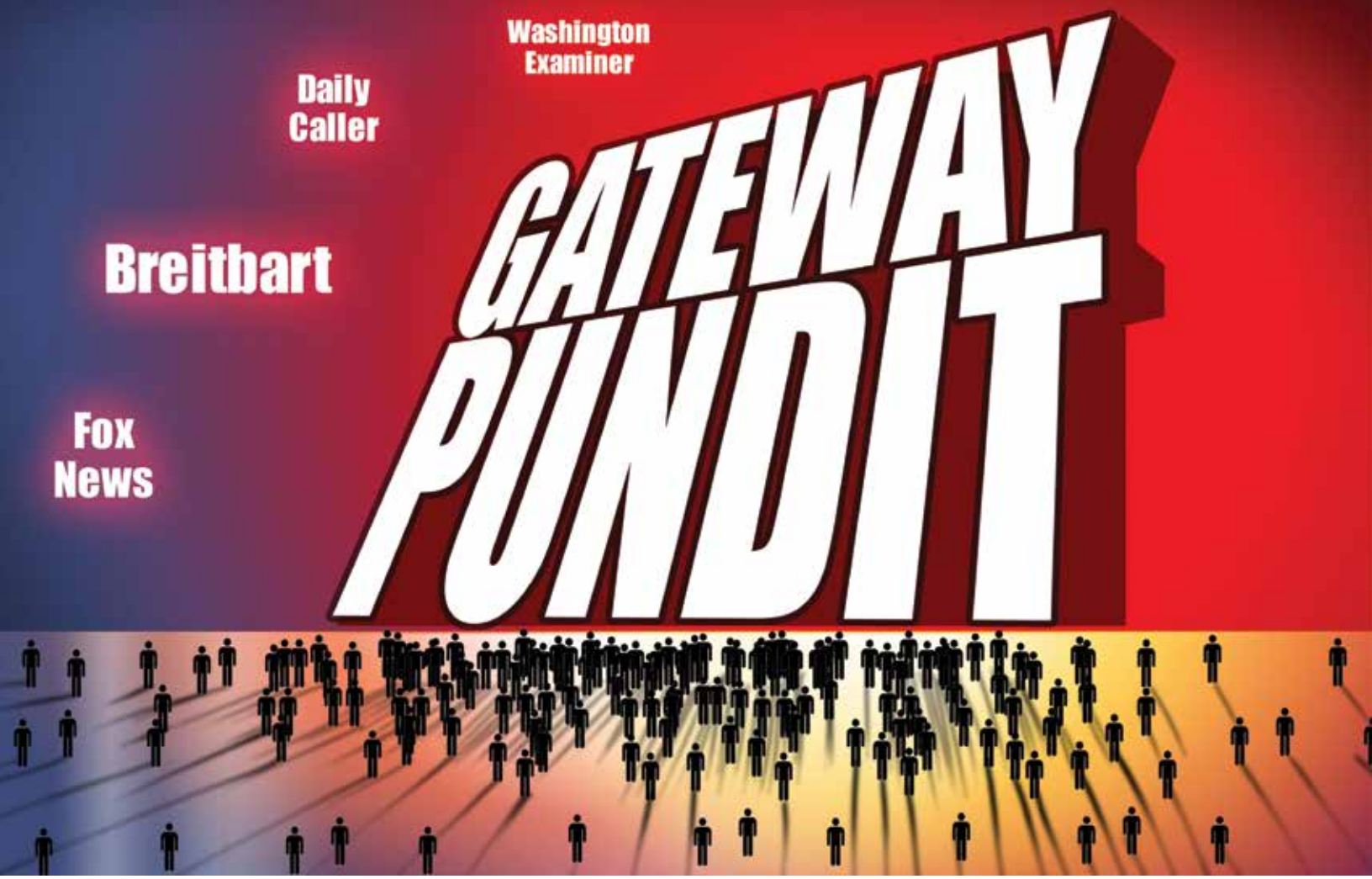
Immediately after Jan. 6 some of Hawley's wealthy former donors renounced him. But it all turned out to be great for fundraising. In calendar 2021, Hawley "nearly quadrupled the amount he raised in 2019 and 2020 combined," the Kansas City Star reported.

And although Hawley's popularity appeared to take a hit in the weeks immediately after the insurrection, he was a hero to his more enthusiastic supporters and his broader popularity rebounded over time.

This past summer, a poll by Saint Louis University and YouGov showed Hawley's approval rating among Missouri voters stood at 52 percent, a 3.6 percent increase over the last year. Hawley's approval rating was 12 percentage points higher than that of the more moderate Blunt.

Hawley has said he won't run for President in 2024. But there are plenty of people who aren't convinced.

After all, he also said that he just wanted to be Missouri's Attorney General.



The ideologues: The Gateway Pundit and Ed Martin

by Paul Wagman

With the exception of The Riverfront Times, the St. Louis media have long mostly brushed off the man behind the Gateway Pundit, a right-wing conspiracy website founded in 2004. But James ("Jim") Hoft, who moved to St. Louis from Iowa in the late 1980s, has now built such a large following and achieved such impact that he cannot be ignored.

Hoft's role as a champion of "the big lie" that Trump won the election has been well-documented. By his own estimate — possibly an overestimate, but still revealing - he had published 3,000 to 4,000 stories just by last September (there have been many more since) — alleging fraud against Trump in Arizona, Michigan, Georgia and elsewhere. Videos he posted proved his argument, he claimed. And he named the names and ran photographs of specific individuals whom he blamed for the fraud.

An aspect of Hoft's activities that has received less attention, however, is his specific promotion of the Stop the Steal rally in Washington. The website began running stories with the words "Stop the Steal" even before the election, and then ran about a dozen more in late December and early January. In one piece, under his own by-line, Hoft announced he would speak at the "ENORMOUS rally" to be held Jan. 6, which, he wrote, in bold face type and in an echo of language Trump had used, "will be wild!" Roger Stone and Ali Alexander would also be speakers, he said. Alexander did speak Jan. 5, leading protesters in a chant of "Victory or death!," and Stone spoke Jan. 5. But the GJR found no evidence that Hoft or any of the other speakers he promised actually spoke on Jan. 6.

There is no indication that Hoft has been contacted by the authorities in connection with the day's events. Hoft was interviewed by the GRJ last spring for a profile, but this past January he did not respond to a request for a new interview or to specific questions sent to his and his attorney's email addresses.

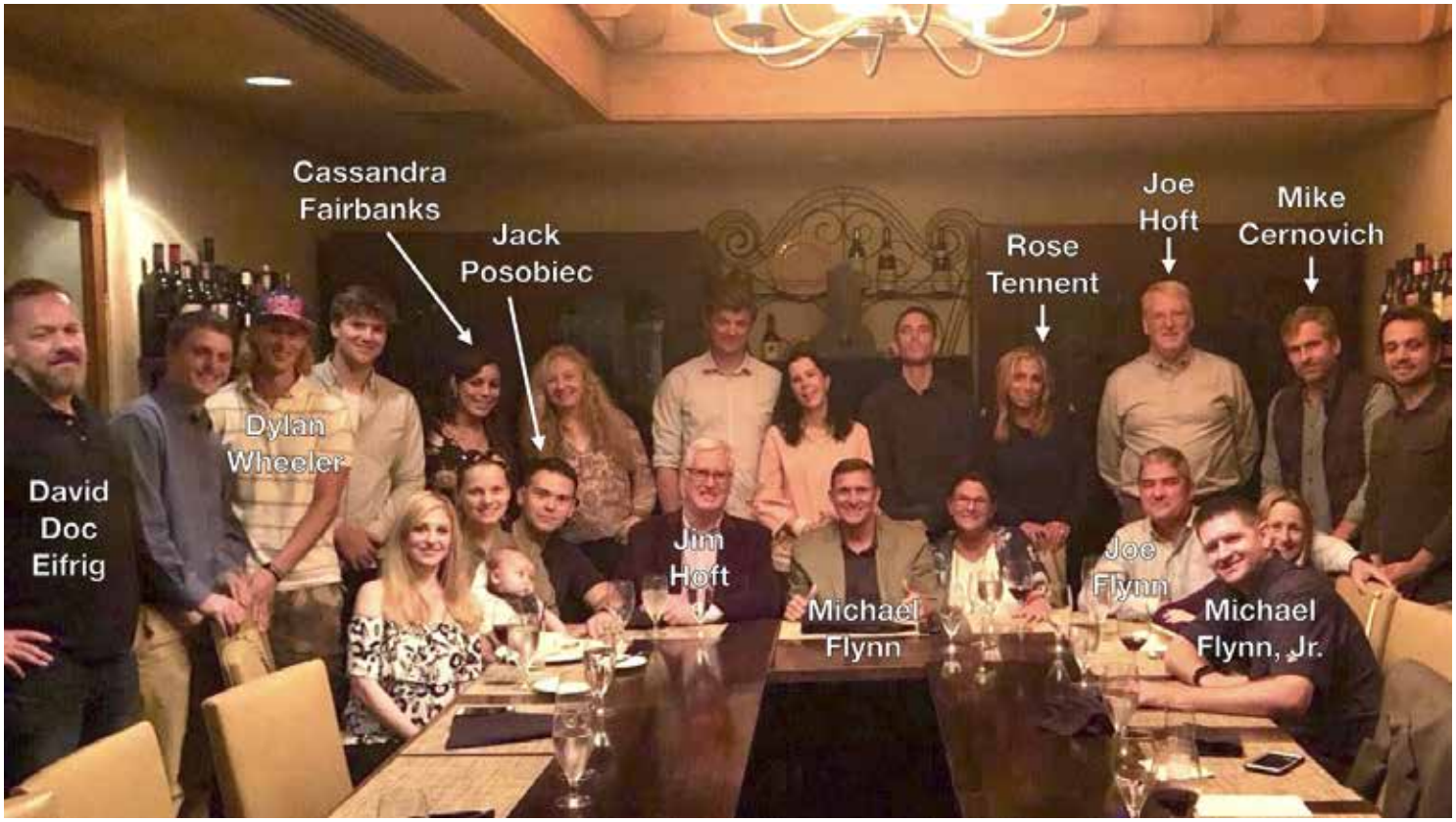
Hoft & Ali Alexander

Alexander, who was born Ali Abdul-Razaq Akbar, is a prominent alt-right-wing activist who was a key organizer of Stop the Steal in Washington and of rallies in other cities that preceded it.

Hoft and Alexander had known each other since at least September 2019, when they met at the Marriott St. Louis Airport hotel for the annual conference of the Eagle Council, made up of supporters of the late Phyllis Schlafly. The Gateway Pundit was one of four co-sponsors of the three-day meeting. Alexander was a panelist. Among the speakers was Steve Bannon, the Trump adviser, Breitbart News executive, and old friend of Hoft's; Bannon had stewarded the Gateway Pundit when Hoft was ill in 2013. Missouri Secretary of State Jay Ashcroft was another speaker as was Kris Kobach, who had recently left office as Kansas Secretary of State.

A group photo features Hoft and Alexander together at the hotel. A group photo taken at the same meeting the year earlier, in 2018, also at the Marriott St. Louis Airport hotel, showed Hoft with Michael Flynn Sr., the former lieutenant general who served briefly as Trump's National Security Adviser and who received an award from former St. Louisan Edward "Ed" R. Martin Jr., who had taken over the Schlafly organization. Also in the photo is Michael Flynn Jr., who had earlier achieved notoriety as a purveyor of the theory that Hillary Clinton was involved in a child-sex trafficking ring at a Washington, D.C. pizza parlor.

But Hoft and Alexander may have met



Twitter

The 2018 Schlafly Eagle Forum Award Dinner, September 14, 2018.

earlier. Both attended a July, 2019 "social media summit" at the White House, to which Trump invited various social media figures he favored. Also attending that event -- and singled out for commendation there by the president -- was Sen. Josh Hawley.

And even before that, in 2016, Alexander had lived and worked in New York with Lucian Baxter Wintrich IV, who soon thereafter served as the Gateway Pundit's White House correspondent. Hoft also published at least two stories in 2017 featuring Wintrich and Alexander, still known then as Ali Akbar. So Hoft and Alexander appear to have known each other for years.ß

None of this is surprising. The universe of prominent alt-right conspiracy theorists to which Hoft, Alexander and Wintrich belong is not that large. But it raises questions about whether Hoft and Alexander were in communication in the days and weeks before Jan. 6.

Hoft, Alexander, Ed Martin & the Schlaflys

Meanwhile, both Hoft and Alexander had independently connected with Martin.

Martin had moved to St. Louis from New Jersey in the 1990s to earn his law degree at Saint Louis University. After serving as director of the Human Rights Office of the Archdiocese of St. Louis, he was appointed in 2005 as chairman of the St. Louis Board of Election Commissioners by Missouri Gov. Matt Blunt. A year later, Blunt named Martin as his chief of staff. In 2007, however, he resigned, having been found to have hidden personal and political emails from the public. The emails showed he had "turned the office into a political operation, using his position to galvanize special-interest groups on issues such as abortion and the judiciary," the Post-Dispatch later reported.

In 2010, Martin ran for Congress, with Hoft's flattering support — "Awful Liberals Turn Classy Ed Martin Into Vulgar Sexual Display." When he lost, Hoft's headline offered a foreshadowing of things to come: "Tea Party Protesters Flock to St. Louis Board of Elections After St. Louis Dem Machine Dumps Suspect Ballots at Midnight to Steal Race from Ed Martin."

In 2012 Martin lost another race for political office, but the next year got elected as chairman of the Missouri Republican Party. His enthusiasm there for the Tea Party, however, may have cost the group donors; the Post-Dispatch reported that when Martin took the job, the organization had a surplus, but when he resigned, in 2015, it was in debt.

But Martin landed on his feet. He soon succeeded Phyllis Schlafly as president of the Eagle Forum.

Commonly referred to in the media as an "Alton (Ill.) housewife," Schlafly did indeed live in Alton for decades after she married. But her life was actually bracketed by her years in St. Louis and St. Louis County. She grew up in the city, attending public and parochial schools as well as Washington University. And after her husband, Fred, died in 1993, she bought a home in Ladue, where she lived until her death in 2016.

Her impact cannot be overstated, according to Harvard professor Jill Lepore.

"If the wrenching polarization that would later bring the Republic to the brink of a second civil war has a leading engineer, that engineer was Schlafly," Lepore wrote in her 2018 book, These Truths: a History of the United States. By turning the party against the Equal Rights Amendment and abortion, she transformed the once-moderate Republican Party into the image of her hero, Arizona Sen. Barry Goldwater. In the end, she was "one of the most influential women in the history of American politics."

For decades, it is worth noting, rumors abounded that Schlafly had been a member of the far-right John Birch Society. Richard Dudman of the Post-Dispatch wrote in 1965, for example, that Schlafly "denies that she is a member of the John Birch Society, although its founder and head, Robert Welch, called her 'a very loyal member of the John Birch Society' in the organization's bulletin for March 1960." In 2020, an independent researcher reported newly uncovered evidence that Schlafly had dropped her membership because she feared knowledge of her association would hurt Goldwater's 1964 presidential campaign.

In any case, Schlafly's legacy lives on in the St. Louis area.

After her death, a legal battle broke out between Schlafly's adult children, centered in part on Martin's influence over their mother in the months before her death. This produced a schism. One daughter, Annie Schlafly Cori, who opposed Martin, now runs the Alton-based Eagle Forum. Although it's the namesake of the organization her mother ran, it appears to be only a shadow of what it once was, with little online presence and assets of

Continued on next page

Twitter

The 2019 Schlafly Eagle Forum Award Dinner, September 14, 2019.

only $1.1 million at the end of 2020.

Three of Annie's brothers, however — John, Bruce, and Andrew Schlafly — were loyal to Martin and are now officers or board members in at least three organizations that also lay claim to their mother's name and legacy. These are the Phyllis Schlafly Eagles, based in Alton, and the Eagle Forum Education & Legal Defense Fund and America's Future, Inc, both based at 7800 Bonhomme Avenue in Clayton. The Clayton address is a two-story brick building which also houses other Schlafly-related operations and which the organization refers to as the Phyllis Schlafly Center. Serving as treasurer of all three organizations is John F. Schlafly, an attorney. He and his brother Bruce, an orthopedic surgeon, both live in the St. Louis area.

Martin, despite having moved to Virginia in 2016, is president of all three Schlafly entities.

Under the umbrella of the Schlafly organizations, Martin started a podcast in 2018 that is now known as "The ProAmerica Report with Ed Martin." On Dec. 23, 2020, he featured as his guest Ali Alexander. And as he did on many occasions in the weeks before Jan. 6, Alexander invoked violence: "We've got to punch the left in the nose and we've got to stop being nice about it," Alexander told Martin's audience.

Martin, however, was more than a platform for Alexander: He was a Jan. 6 player in his own right. The House Select Committee investigating the events of Jan. 6 has identified the former St. Louisan as an "organizer, both individually and through your organization, the Phyllis Schlafly Eagles, of the Stop the Steal ("STS") movement."

Several of the Eagles' staff people, including the Eagles' directors of research and communications as well as the producer of Martin's podcast, work at the 7800 Bonhomme Avenue location. Ryan Hite, the communications director (and former communications director for the Senatorial campaign of Todd Akin), was listed as the contact on a Dec. 29 press release the Center issued promoting the Jan. 6 rally -- a release that specifically identifies Martin as "co-founder of Stop the Steal 2020." The release also said that John Schlafly would speak at the event.

There is no evidence that he did. But John and his brother Andy did write in their Dec. 29, 2020 weekly column, that Vice President Mike Pence "has ample basis for declining to accept and open Electoral votes from contested states" and should do so.

Like Martin, John Schlafly is no stranger to the publisher of the Gateway Pundit. Hoft introduced Schlafly as a speaker at the Eagle Council meeting in 2018. John also spoke at a 2019 rally in Clayton organized by Hoft in support of Trump's border wall.

The GJR sent Hite a list of questions related to Martin and John Schlafly and the events of Jan. 6. He did not respond. Separately, the GJR reached out to Schlafly. He also did not respond.

Hoft, in an interview with GJR last April, said he had attended the rally because he had been invited by Stop the Steal and wanted to hear Trump speak but left before the violence. He called that violence "outrageous" and "wrong." Asked who he thought had been responsible for it, he said, "I do believe that some violence was Antifa," but "I'm not the person who is going to tell you they did all the damage there. I don't believe that."

Nonetheless, searches for stories about the violence turn up only pieces like one alleging government use of flash bombs and rubber bullets to provoke the "peaceful protesters," and calling those arrested for the violence "political prisoners." Hoft has also set up a new website, AmericanGulag.org, "to provide sunshine and publicity to the scores of political prisoners wrongfully imprisoned as a result of the protest on January 6th."

In the months after Jan. 6, Hoft's fortunes continued to boom. Even in November, 2021, a full year out from the election, his site had nearly 29 million visits, the analytics firm similarweb reported. That compared with 5.3 million for stltoday.com.

Similarweb estimated the Gateway Pundit's annual revenues at $10 million to $15 million; an online advertising expert consulted by the GJR offered a slightly lower $8 million to $12 million. After expenses for buying his own advertising on other ad networks, Hoft, who is the Gateway Pundit's sole owner, probably realizes annual earnings in the range of $1 million to $3 million, the expert said. This person asked not to be identified for fear of reprisals by readers of the Gateway Pundit.

Hoft's legal woes, however, are apparently mounting.

Twenty-five election workers around the country had been targeted for violence by people who cited pieces they'd read about them on Hoft's site, Reuters reported. Some of them sued.

One was Eric Coomer, the security chief for Denver-based Dominion Voting Systems, who said he'd received death threats and had had to go into hiding after Hoft wrote a story accusing him of having personally guaranteed Antifa members that Dominion election machines had been rigged to elect Biden. Hoft was deposed in that case last Sept. 17.

During that deposition, one of Coomer's attorneys asked Hoft: "You have no evidence that Dr. Coomer interfered with the 2020 presidential election; right?"

"Correct," Hoft answered.

Hoft also acknowledged to the attorney that he had not reached out to Coomer or his employer before accusing either. He said he'd based his initial pieces on a social media post by another far-right activist, Joe Ortmann, who is also a defendant in the suit Coomer filed, along with the Trump campaign, Giuliani, Sidney Powell, One America News and Newsmax, among others.

This past Dec. 2, two Georgia election workers also sued Hoft and his identical twin brother, Joe, who contributes to his website from his home in Miami, in St. Louis Circuit Court. The two workers, a mother and daughter, also claimed defamation, and said they too had received death threats, as well as other forms of online and in-person harassment and abuse. The suit was brought by a collaboration of attorneys including St. Louis-based Dowd Bennett, and signed by, among others, Dowd Bennett attorneys James Bennett, John Danforth and Matt Ampleman.

Postscripts

Ed Martin got a subpoena from the Jan. 6 committee. On his very active Twitter account he has complained that the House investigation has been politicized and should itself be investigated.

Ali Alexander also got a subpoena and has been deposed by the Jan. 6 committee. He has not been charged with a crime in the case and has denied working with anyone to attack the Capitol, CNN has reported. In early April he said he had received another subpoena, this time to appear before the grand jury the Justice Department is using to investigate Jan. 6.

Steve Bannon got a subpoena but ignored it, leading to a charge of contempt of Congress. His daily podcast, "Bannon's War Room," became one of the main purveyors of the big lie, according to this and other reports. Hoft has been a frequent guest. Hawley

appeared in May to discuss his book.

Timmy Teepell remains a partner at OnMessage Inc., where the first line of his biography refers to his role as "lead consultant" in Hawley's successful 2018 race for Senate.

The connection has renewed salience in part because last November, Giffords, the gun safety group founded by former Congresswoman Gabby Giffords, sued the Josh Hawley for Senate campaign in federal court in Washington, along with two affiliates of the National Rifle Association (NRA) and another defendant.

The suit asserted that OnMessage had "evade(d) campaign finance regulations by using a series of shell corporations to illegally but surreptitiously coordinate advertising with at least seven candidates for federal office," including Arkansas Sen. Tom Cotton, Wisconsin Sen. Ron Johnson, and Trump as well as Hawley. The suit said the scheme enabled OnMessage to funnel as much as $35 million from the NRA to these candidates since 2014. Some of the Hawley advertising ran on KMOV-TV (Channel 4 in St. Louis), the complaint said.

The complaint said an organization based in Alexandria, Va. used the name "OnMessage" when it developed ads and media strategy for the candidates, but "Starboard" when it did the same things for the NRA. And in placing those ads for the politicians and the NRA, it used two more names. But the suit said the leadership for all the organizations were the same people — and two of them were Teepell and Brad Todd, one of his partners at OnMessage and Starboard who had also been active in Hawley's 2018 campaign.

Neither Teepell, Todd nor OnMessage is named as a defendant. But in naming the Hawley campaign, it says: "In 2018, Josh Hawley for Senate accepted contributions of up to $973,411 from NRA-PVF (one of the NRA affiliates) in the form of coordinated expenditures …." Both the acceptance of the funds and the failure to report them represented violations of federal election laws, the complaints said, for which Hawley and the other defendants should pay an "appropriate civil penalty."

The Hawley campaign filed Jan. 21 to have the case dismissed. If that motion is rejected, however, the discovery phase could provide considerably more information, the Giffords lawyer said, because the complaint has been based to date entirely on public documents.

Meanwhile, Rep. Vicky Hartzler, another Republican senate candidate, hired OnMessage last summer to help her in her campaign for the Republican nomination for Missouri Senator. The Washington Examiner reported that the OnMessage executives who would be working with her would include Teepell and Todd. Hawley has endorsed Hartzler for senator.

Hartzler's and Schmitt's fortunes have both risen recently, as Greitens' have fallen. Long thought to be the front-runner in the race, Greitens has the support of Trump allies including Michael Flynn and Rudy Giuliani. Kimberly Guilfoyle, a Trump campaign adviser and the girlfriend of Donald Trump Jr., is the national chairwoman of his campaign. Hoft gives him fawning coverage while savaging Schmitt on his website as a "RINO" (Republican In Name Only). Bannon frequently features him on his podcast.

But many Republicans fear a Greitens nomination could give Blunt's seat to a Democrat, and recent accusations by Greitens' ex-wife of physical abuse of her and their children may be taking a toll. Recent polls show Greitens sliding and Schmitt and Hartzler pulling even or ahead of him.

LockerDome — 'Jewel' of St. Louis startups, has helped fuel Gateway Pundit

by Paul Wagman

Over more than a decade, St. Louisans have heard many flattering things about LockerDome, a pioneer in the region's entrepreneurial ecosystem that has hired dozens of computer-savvy graduates from Washington University and elsewhere and put them to work downtown doing computer-savvy things.

What would surprise many St. Louisans is that a "jewel" of the St. Louis startup community — one that involves some of the biggest names in St. Louis tech — has worked with and provided revenue to the Gateway Pundit, purveyor of conspiracy theories.

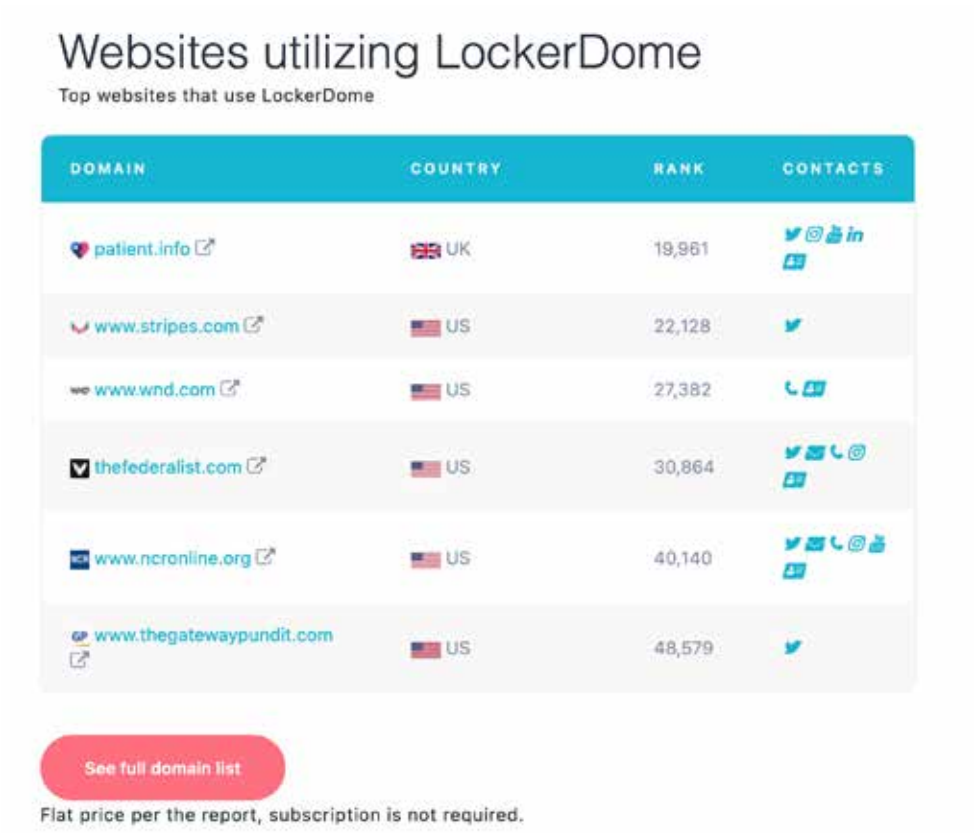
"LockerDome is profiting off fake news and helping to fund a fake news website by approving the Gateway Pundit to be a publisher in its network," one person familiar with the situation said. "I don't think this was ever their intention, but the sad truth is that a jewel of the St. Louis startup scene is funding an organization that promotes hate, racism and fascism."

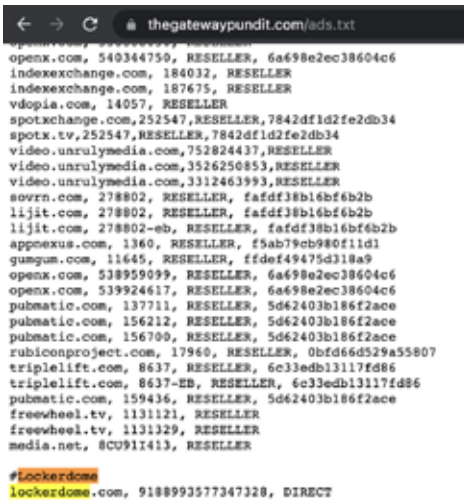
LockerDome did not respond to repeated requests for comment.

LockerDome, which was founded in 2008 as a social media platform focused on sports, grew rapidly in employment and space at its Washington Avenue location, the Post-Dispatch reported in 2015. The company by then had already raised more than $18 million from dozens of investors, including Cultivation Capital, a St. Louis-based venture capital firm, and Cardinals President Bill DeWitt III. It had received $200,000 in 2012 through the Missouri Technology Corp., the state's vehicle for funding startups.

Members of the company's board of directors — according to a business information website Crunchbase — include Brian Matthews and Jim McKelvey. Matthews is a co-founder of Cultivation Capital and also its general partner and was featured in a flattering St. Louis Business Journal story only a few weeks ago. McKelvey, who besides having joined Matthews in co-founding Cultivation Capital, also co-founded Block, Inc., formerly known as Square, with the founder of Twitter, St. Louis native Jack Dorsey. McKelvey is also well-known in St. Louis as the co-founder of LaunchCode, a non-profit that helps people without traditional qualifications develop tech skills and find jobs using them, and as the co-founder of Third Degree Glass Factory, an art studio and event space. He serves on the board of directors of the Federal Reserve Bank of St. Louis and the board of trustees of Washington University.

LockerDome has evolved into an advertising technology company. Operating as a kind of middleman, it pays online publishers to put digital advertisements on their sites; the advertisers, who may not even know where their ads are being placed, pay LockerDome. Many of the ads in the LockerDome network





are low-grade nonpolitical "clickbait" — "These Celebrities Have Aged the Worst" or "Ph.D. Economist Makes Shocking Prediction." Others are overtly political, asking readers to vote yes, no, or not sure, for example, on this question: "Would you vote for Trump again in 2024? (Free gift for all who answer)." Clicking on that ad, in turn, leads to another saying "Liberals are FURIOUS that Trump supporters get the White House Wrist Watch for FREE!").

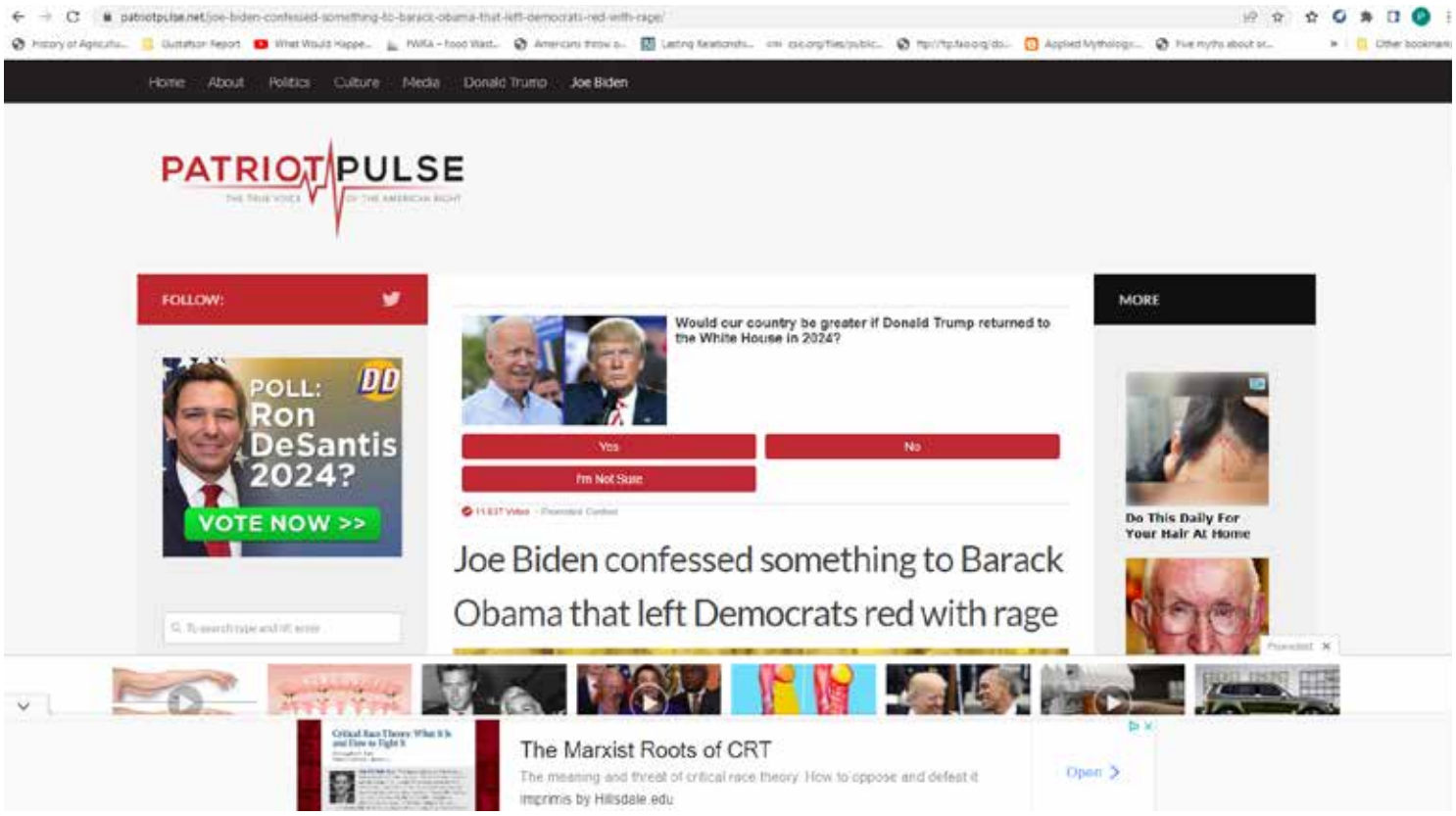
A website called webtechsurvey.com provides the details. As of April 23, the date the screenshot shown on the facing page was taken, LockerDome was putting ads on 626 sites. Ranked sixth among those sites — in traffic — was the Gateway Pundit.

An online advertising expert consulted by the GJR said it appeared that, at least until recently, the LockerDome relationship was bringing the Gateway Pundit revenues of at least tens of thousands of dollars per month. The expert asked not to be identified for fear of reprisals from readers of the Gateway Pundit, who have targeted others whom Hoft has accused of misdeeds.

The webtechsurvey site also showed that Gateway Pundit isn't the only right-wing conspiracy site with which LockerDome does business. Others included westernjournal.com, the Federalist.com, activistpost.com, patriotpulse.net and Renewedright.com.

At the same time, LockerDome does business with Stars and Stripes and with sites that represent liberal points of view, such as opednews.com, and ncronline.org, the online version of the National Catholic Reporter. So it appears that the company's business model is politically agnostic.

The biggest players in the advertising platform industry, Facebook and Google, have long faced criticism from the right for "deplatforming" right-wing conspiracy sites like Gateway Pundit. Hoft has protested for years



about discrimination by Big Tech, testifying to Congress in 2018 that "tech companies ... are trying to put me and others with my politics out of business." Sen. Josh Hawley, the author of "The Tyranny of Big Tech," is a leading critic in Washington on this subject.

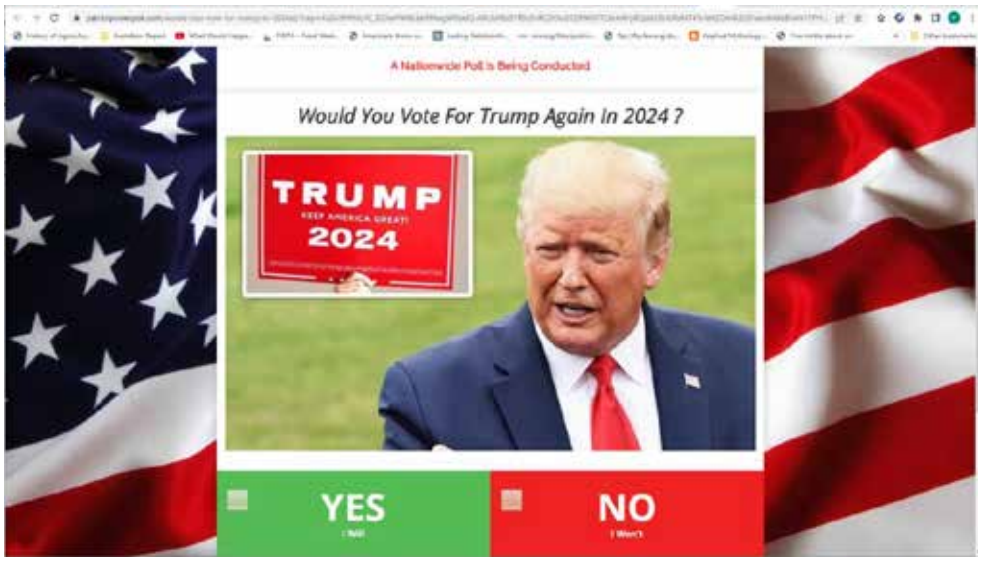
Such criticism notwithstanding, Google severed its advertising relationship with the Gateway Pundit last Sept. 1. The tech company sent Hoft an email that he published himself informing him that Google had "repeatedly found content ... that violates our ... policies." Google had provided Hoft with revenue of $1.1 million between November 2020 and June 2021, Forbes reported.

The other platforms with which Hoft does business — including LockerDome, at least until recently — probably made up for Google's departure, the online advertising expert said.

This past Feb. 7, LockerDome announced that it has rebranded itself as Decide Technologies. The company's press release said the decision followed an extremely successful 2021 in which revenue climbed 38 percent to $32.2 million, and in which headcount grew to 81 from 51.

The release said the rebrand "better reflects its technology's ability to use machine learning and data to help advertisers and publishers determine when to place advertisements."

But it's not clear whether the rebrand had implications for the company's relationship with the Gateway Pundit. In late February, Gateway Pundit ads that used to tie back to LockerDome were simply linking to Decide. More recently, LockerDome/Decide ads have not been in evidence. Yet the Gateway Pundit is still listing LockerDome as one of its authorized ad networks, as the screenshot on the previous page, taken April 13 from gatewaypundit.com/ads.txt, shows.



The current status of LockerDome/Decide's relationship with the Gateway Pundit is therefore not clear.

In any case, LockerDome/Decide is continuing to work with other hard-right sites, such as wnd.com, which is still pushing conspiracy theories about the 2020 election, and patriotpulse.net. Above are screenshots of a LockerDome/Decide ad running on patriotpulse.com April 21, asking "Would our country be greater if Donald Trump returned to the White House in 2024?". (The other ads on that page about CRT and RonDeSantis are not LockerDome's). It is followed by a screenshot of the ad that then pops up if you click on it, about voting for or against Trump in 2024.

The identity of another of the Gateway Pundit's advertising platforms might also come as a surprise. China-bashing is common on the site, with articles like these two recent pieces by Joe Hoft, Jim Hoft's identical twin: "More Evidence China's PLA (Military) May Have Initiated COVID-19 In an Open-Air Test", and "China Reaffirms Alliance with Iran Days After the Ayatollah Releases Video Showing Assassination of President Trump".

Yet, at least until earlier this spring, AliExpress — owned by the Chinese multinational Alibaba — was one of the Gateway Pundit's conspicuous advertising platforms. Just this past February, the Biden Administration added AliExpress to an annual list of markets that the United States accuses of counterfeiting and copyright violations. "The global trade in counterfeit and pirated goods undermines critical U.S. innovation and creativity and harms American workers," Katherine Tai, the U.S. Trade Representative, said in announcing the names of the companies on the current list.

Re the Gateway Pundit: LockerDome won't talk

by Paul Wagman

On the subject of its connection with the Gateway Pundit, LockerDome has nothing to say. Ever.

The first report of a business relationship between the St. Louis-based company and the St. Louis-based Gateway Pundit came last December from Reuters. In an in-depth investigation that detailed death threats and other abuse by readers of the far-right website against election workers accused by the Pundit of cheating Trump, the news agency noted that it had sought comment from five advertising networks that did business with the site. All but one responded, Reuters said. The exception was LockerDome.

Over a period of three months beginning in mid-January, the GJR requested comment in six separate emails to five different individuals in senior leadership positions with LockerDome, which is now called Decide Technologies. The individuals are Gabe Lozano, the CEO and co-founder (two emails); Ryan Allen, president; Jim Enright, senior vice president of business development and marketing; Jim McKelvey, board member; and Brian Matthews, another board member. The GJR also left a phone message for Matthews. There were no responses.

But all of that, perhaps, pales next to the silence that greeted the protests of an individual who had professional and even personal relationships with some of the company's top brass.

In August of 2021, this individual, who travels in St. Louis business circles, was invited to a party at Lozano's house. (The party was later canceled due to Covid.) The next month he was attacked in a story by Jim Hoft on the Gateway Pundit website, which Hoft owns.

Within 24 hours, the individual had received a voicemail on his personal cell phone which he interpreted as a threat to his and his family's physical security. His social media accounts were bombed with taunts and threats and racist imagery. Some of the attacks used the exact same derogatory wording that had been used to describe him by Hoft.

So the individual reached out — repeatedly — to some of his LockerDome contacts. In indignant but respectful emails that he shared with the GJR, the individual told Lozano and Mark Lewis, LockerDome's chief financial officer, what had happened to him. He asked them to terminate their company's relationship with the Gateway Pundit and requested a personal response.

Over five months starting last fall, the individual wrote four separate emails – one just to Lozano, one just to Lewis, and two to both.

He never got a response.

The GJR agreed not to identify the individual, for fear of additional threats.

Ed Martin wears the Schlafly mantle in comfort

by Paul Wagman

Ed Martin's success in claiming Phyllis Schlafly's mantle has brought him not only continued prominence but also a comfortable income.

Martin is president of at least three Schlafly-related entities. Very little money passes through one of them, Phyllis Schlafly's American Eagles, and Martin draws no income from it. But that's not the case with two others.

As president of the Eagle Forum Education & Legal Defense Fund, Martin received $200,342 in 2019, the organization's latest IRS Form 990 shows. This was an increase of more than $36,000, or about 22 percent, from just two years earlier, the 2017 Form 990 shows.

No other officers or directors received any compensation whatsoever at the organization, and no other employee made as much as $100,000. Over the same two-year period, the organization's total assets — nearly $19 million at the end of 2019 – showed a decline of about 26 percent.

The Eagle Forum Education & Legal Defense Fund defines its mission as "to study and research problems concerning the status of women ... and to defend the civil liberties, legal, economic, and social rights of women."


Ed Martin

President

Email: Ed(at)phyllisschlafly.com

Twitter: @EagleEdMartin

Ed Martin is the President of the Eagle Forum Education & Legal Defense Fund.

Ed was nominated by Phyllis Schlafly on January 31, 2015 t succeed her as the President of both Eagle Forum organizations. Phyllis Schlafly, whom the Board elevated to Chairman of the Board and CEO, said, "Ed Martin is uniquel qualified and prepared to carry on the essential educational and political leadership of Eagle Forum that has made it the premier organization of grassroots volunteers in the conservative movement.

Martin, the former Missouri Republican Party Chairman and successor to Phyllis Schafly, has been subpoenaed by the Jan. 6 committee, which said he was an "organizer, both individually and through your organization" of the Stop the Steal protest.

Also based at 7800 Bonhomme is America's Future, Inc., a nonprofit whose Form 990 describes its mission as to "strengthen, and nourish the principles and traditions of our free society," primarily through radio and other media. Until his recent death at age 100, the chairman emeritus of the organization was John K. Singlaub, a former U.S. Army Major General who was forced into retirement after publicly clashing with President Jimmy Carter in 1978. Together, Singlaub and Martin signed a letter in 2020 to U.S. Attorney General Bill Barr seeking the dismissal of charges against Michael Flynn. Trump later pardoned Flynn.

As president of America's Future, Martin received $52,503 in 2019, the latest Form 990 shows. As at the Eagle Forum Education & Legal Defense Fund, he was the only officer or director who got paid and the only individual whose compensation is itemized. Martin's 2019 pay represented a pay cut from his 2017 pay of $59,423.

Adding his pay from the Eagle Forum Education & Legal Defense Fund to his pay at America's Future, Martin received a total of $252,845 in 2019 from the two organizations. The 990s report that Martin worked an average of 32 hours a week at the Eagle Forum job and just eight hours a week in the America's Future position.

These facts suggest that John and Bruce Schlafly, two sons of Phyllis who sided with Martin against one of their sisters in a dispute over control of their mother's legacy, are largely letting Martin have his way, a source familiar with the family dynamics said. Both brothers are on the boards of both organizations, and John is Secretary/Treasurer of both as well. Neither of Schlafly's two daughters plays any part in the ostensibly female-oriented organization, the source noted.

"This doesn't surprise me," he said. "It's not like he's getting $500,000. It doesn't shock the conscience completely.

"But it's what a lot of people expected would happen. He (Martin) is pushing it about as far as he can. He's making $250,000-plus in the nonprofit sector for just 40 hours a week. Board members have a duty to prevent the squandering of assets, but that's what Martin appears to be doing."

Brilliant lawyers invented false claims supporting Trump's election lie

by William H. Freivogel

Young lawyers chosen to clerk for U.S. Supreme Court justices are the most brilliant law school graduates of their generation. Some go on to serve as justices themselves — Roberts, Rehnquist, Gorsuch, Kavanaugh, Barrett, Kagan, White, Breyer, Stevens.

One remarkable fact about President Trump's attempt to block the peaceful transfer of presidential power for the first time in the 230 year history of the Constitution is that a remarkably high number of brilliant Supreme Court clerks signed on — John Eastman (Clarence Thomas), Sen. Josh Hawley (John Roberts), Sen. Ted Cruz (William Rehnquist) and D. John Sauer (Antonin Scalia).

All four backed the unconservative notion that one state — Texas — should be able to get the Supreme Court to toss out the presidential electors of four other states to reverse the election. Eastman even advised Vice President Mike Pence he had the power to refuse to accept certified electors on Jan. 6 and riled up the crowd that marched on the Capitol in support of that objective.

As former Sen. John C. Danforth and other noted Republicans put it in a friend of the court brief in December, 2020, the idea that one state could get federal courts to knock out the electoral votes of other states is "contrary to 230 years of history" and "would make a mockery of federalism and separation of powers." Federalism and separation of powers are central to tenets of a conservative interpretation of the Constitution.

A notch down from these brilliant former Supreme Court clerks are other well known attorneys who directly represented Trump in court and are facing disciplinary consequences - Rudy Giuliani, Trump's personal attorney, Sidney Powell, who had represented disgraced former National Security Adviser Michael Flynn, Lin Wood, a noted Georgia attorney, Cleta Mitchell, participant in the infamous call in which Trump attempted to force Georgia Secretary of State Brad Raffensperger to "find" enough votes to flip the state; Jenna Ellis, a Colorado attorney and conservative media commentator; Boris Epshteyn, a former Trump aide who has sought "alternate electors"; and Joseph diGenova, who was Reagan's U.S. Attorney in D. C. and said after the 2020 election that a Trump Homeland Security official should be "drawn and quartered. Taken out at dawn shot" for having declared the election free of fraud.

The lawyers are accused of lying to the court and/or in public statements about the election and for arranging for fake electors.

Legal publications such as the National Law Journal, Lawfare and the ABA Journal have covered the legal disciplinary actions well, with Lawfare devoting a special section to Capitol Insurrection.

In a column last month, Lawfare's highly respected editor, Benjamin Wittes, zeroed in on a judge's ruling in March that Eastman's claim of attorney-client privilege failed because the privilege does not cover an attorney's actions helping a client commit a crime — in other words Eastman's attempt to help Trump subvert the election.

Wittes wrote, "It is no exaggeration to say that the history of the United States has never seen an account of a president's conduct quite so devastating as the first nine pages of Judge David Carter's opinion of March 28 in Eastman v. Thompson. ...

'Certainly Watergate produced no document about Richard Nixon comparable to it in its combination of brevity, spare factual simplicity, and total evisceration of its subject's honor and conduct. Nor did Teapot Dome or the Whiskey Ring scandals produce such material concerning Warren Harding or Ulysses S. Grant. Nothing that Lawrence Walsh had to say about Ronald Reagan or that Kenneth Starr wrote about Bill Clinton, both after years of investigation and exposition at great length, remotely approaches it in power."

The opinion, Wittes says, "leaves the fair-minded reader in no doubt that the events that took place between Joe Biden's defeat of Trump at the polls and congressional certification of Biden's victory on Jan. 6 were an all-out effort by the lame duck president to seize and retain power in unapologetic defiance of the law using extra-constitutional means — up to and including violence directed against a coordinate branch of government....the judge certainly appears to be correct that Trump was using Eastman's legal services in conduct that, as a prima facie matter, violates both 18 U.S.C. § 1512(c)(2) and 18 U.S.C. § 371, the former of which forbids the corrupt obstruction of an official proceeding and the latter of which criminalizes conspiring to defraud the United States."

Remarkably, even though the federal judge has basically accused Eastman of having aided Trump in a crime — not just any crime but a crime to block the peaceful transfer of power for the first time in American history — Eastman is continuing to press the case by calling upon states such as Wisconsin to decertify their electoral votes for Biden."

Meanwhile, a new group of liberal lawyers, the 65Project, has begun filing complaints against lawyers involved in filing the 65 baseless lawsuits Trump forces pressed without success between the election and inauguration.

There has been little coverage of the group, aside from a detailed article by Jennifer Rubin in the Washington Post. The only other coverage found in a Lexis-Nexis search was by The National Pulse, a website that says "it is delighted to be able to state that we have never had to issue a substantive correction, apology, nor retraction unlike large corporate media entities who rush to publish false stories." Its story is headlined: "U.S. Election Integrity Lawyers Are Being Targeted By a Group Whose Leader Accepted a Chinese Communist Propaganda Junket." It smears the group as a Chinese front: "Former Senator Tom Daschle — a board member of a new dark money, left-wing group targeting conservative election integrity lawyers - took a trip to China sponsored by a key communist influence group flagged by the U.S. government for its efforts to infiltrate American politics. The new group — 65Project seeks to deter right-wing lawyers from fighting on behalf of election integrity by attempting to disbar and intimidate lawyers who fought for the issue during the 2020 election."

> "[T]his case was never about fraud, it was about undermining the People's faith in our democracy..."
> — U.S. District Judge Linda Parker

Action taken against Giuliani, Powell, Wood

The New York courts suspended Giuliani's law license a year ago, which means his license will likely remain suspended as the years-long disciplinary process plays out. The court decided that Giuliani made numerous knowingly false statements, including: "false statements that there were 600,000 to 700,000 fabricated mail-in ballots [in Pennsylvania]; "false statements that dead people 'voted' in Philadelphia in order to discredit the results of the vote in that city;" "numerous false and misleading statements regarding the Georgia presidential election results," such as false statements related to voting by underage voters, felons, and dead people and false statements concerning Dominion Voting Systems and illegal vote counting; and numerous false statements about illegal voting by undocumented residents of Arizona."

Sidney Powell and Lin Wood were sanctioned by a Michigan court last summer also for claims about Dominion. The court ordered them and seven other lawyers to pay the fees and court costs and complete continuing legal education courses in the areas of election law and pleadings standards. The court also referred the lawyers to the authorities responsible for disciplining lawyers in Michigan and the other states.

"[T]his case was never about fraud—it was

Continued on next page

Little-known national conservative network includes Missourians involved in Jan. 6

by Paul Wagman

In the further reaches of American conversative politics, the Council for National Policy (CNP) is one of the most exclusive and least-known organizations — "a little-known club of a few hundred of the most powerful conservatives in the country," in the words of The New York Times.

Several of the St. Louisans involved in the events of Jan. 6 are members of CNP, whose membership included some high profile figures in the election denial efforts. Members include Ginni Thomas, wife of Supreme Court Justice Clarence Thomas, whose text messages to Trump Chief of Staff Mark Meadows have lately brought increased attention to her efforts to overturn the election. They also include Cleta Michell, a lawyer who participated in President Trump's call to the Georgia Secretary of State asking him to "just find" the votes he needed to win. The Federalist Society, the National Rifle Association, and the Club for Growth are also represented in the organization.

Bob McEwen, the organization's executive director, denied that it played any role and denounced the violence, the Washington Post reported.

On the other hand, he also said the organization couldn't be responsible for what members do on their own time. And according to the Center for Media and Democracy, the "CNP convened a meeting on Nov. 12-14, 2022 to strategize on how to challenge the election results. ... 'Action Steps' distributed from that panel ... asked members to call on state and federal lawmakers to challenge the election results and appoint alternate slates of Trump electors to the Electoral College."

So it seems fair to point out how many of the figures in this story have connections — at least on paper — through this one organization.

• The late Phylllis Schlafly was one of the group's founders.

• Her organizational heir, Ed Martin, is a member.

• Steve Bannon and Robert Mercer, the donor who has been so generous to Sen. Josh Hawley, are or were members.

• Ali Alexander was a member.

• Timmy Teepell, Josh Hawley's political consultant, is a member.

• Michael Farris, the lawyer who reportedly wrote the brief that Ken Paxton used to file his complaint with the Supreme Court, is a member and serves on the board of governors.

• Anne Schlafly Cori, the daughter of Phyllis Schlafly who fell out with Ed Martin and who now heads the Eagle Forum, is a member.

• John Singlaub, the late chairman of Clayton-based "America's Future, Inc.," was a member.

And Hawley, although not listed as a member, addressed the organization just last May at its meeting in Naples, Florida.

about undermining the People's faith in our democracy and debasing the judicial process to do so," U.S. District Judge Linda Parker said, calling it "a historic and profound abuse of the judicial process."

Powell asserted that Dominion had provided a "back door" that allowed officials to "take a certain percentage of votes from President Trump and flip them to President Biden." She claimed the software was designed "to rig elections" and was a "massive criminal voter fraud." She also suggested that state officials got kickbacks and bribes to install these systems.

She said Dominion was "founded by foreign oligarchs and dictators to ensure computerized ballot stuffing and vote manipulation to whatever level was needed to make certain Venezuelan dictator Hugo Chávez never lost another election."

When sued for defamation, Powell's lawyer suggested Powell's public statements were not intended to be statements of fact and should not have been taken seriously. No reasonable person would conclude that the statements were truly statements of fact, Powell claimed.

In another case involving false claims about Dominion, a federal judge last November ordered two Colorado lawyers to pay nearly $187,000 to defray legal fees growing out of their pro-Trump election suit. The two lawyers, Gary D. Fielder and Ernest John Walker, filed the case in December 2020 as a class action on behalf of 160 million American voters, alleging there was a complicated plot to steal the election from Trump. The court concluded:

"As officers of the Court, these attorneys have a higher duty and calling that requires meaningful investigation before prematurely repeating in court pleadings unverified and uninvestigated defamatory rumors that strike at the heart of our democratic system and were used by others to foment a violent insurrection that threatened our system of government."

The two had sought $160 billion in damages, alleging a scheme involving Dominion; the tech company Facebook, its founder Mark Zuckerberg and his wife, Priscilla Chan; and elected officials in four states.

Loopholes in ethics rules

One aspect of the legal ethics issue that has not been covered extensively is the ambiguity about whether a lawyer's false public statements about an issue of public importance are subject to discipline.

This is especially uncertain when the lawyer is speaking as a public official and is not representing a client — Sens. Hawley and Cruz, for example.

Public officials speaking about important government matters can claim First Amendment protections, even for some false claims, experts say.

Even lawyers who were acting for clients may escape discipline for statements made out of court to the press.

Andrew M. Perlman, dean of Suffolk Law School, wrote, that, "while representing President Trump's legal interests (i.e., while acting in their roles as lawyers), Sidney Powell, Rudy Giuliani, and John Eastman made numerous comments outside of court, such as at press conferences, on social media, and on television, that some have alleged were knowingly false but did not necessarily violate any legal responsibilities outside of the rules of professional conduct.

"..The comments by Eastman, Giuliani, and Powell did not violate the rules of civil procedure because they were not made in the form of court filings."

Lawyers who lie in legal proceedings can be sanctioned for violating rules of civil procedure.

But lawyers who lie to the press on the courthouse steps, can't be sanctioned under those rules. The only discipline they could face is violating the lawyer's Code of Professional Responsibility, which is more vague.

Perlman says the only provision that applies is "Comment [6] to the Preamble to the Model Rules, which says that: a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority."

But he concludes: "In ordinary circumstances, the profession should hesitate to discipline lawyers for discussing matters of great public interest, including (and perhaps especially) with the press. But given the institutional stakes here and assuming the constitutionality of the basis for discipline, the profession should not be reluctant to impose discipline when lawyers knowingly spread misinformation in the course of litigation that undermines the legitimacy of our democracy."

One final ethical gray area surrounding Jan. 6 was Justice Thomas' failure to recuse himself from a Jan. 6 case even though his wife, Ginny, wrote 29 texts to former White House Chief of Staff Mark Meadows urging efforts to overturn the Biden win.

The National Law Journal quoted legal ethics experts who concluded Justice Thomas arguably crossed the line in not recusing himself from a case where he was the lone dissenter to a Supreme Court action turning over Trump records to the House investigating committee.

The ethics experts said Thomas' failure to recuse himself was an "unprecedented situation," but also pointed out that justices make their own decisions on recusals under the current rules that guard separation of powers.

Chicago freelance music photographer captures arrest of NYC subway shooter

by Bob Chiarito

"We got him." Those were the words of New York City Mayor Eric Adams on April 13 to announce the arrest of Frank James, the man suspected of shooting 10 people the day before on a subway train in Brooklyn. But they also could apply to Meredith Goldberg, the Chicago-based freelance photographer who made the picture of the arrest that ran on the front pages of several newspapers around the country.

Goldberg, who specializes in documenting punk rock shows, arrived in New York the day before to visit relatives. She said she was aware of the shooting and that the suspect was still on the loose but didn't think much about it.

"As soon as I got off the plane I had texts about the shooting and the next morning, my sister said 'Be careful, he's still on the loose.'"

Goldberg was out capturing street scenes along St. Mark's Place in Manhattan's East Village neighborhood when she saw several police officers. "I didn't think they were going to grab lunch so I got my cameras out [a Canon 60d with a 85/1.8 prime lens and a Canon 90d with a 24/2.8 prime lens] and saw them handcuffing a guy. I took a few pictures of that and heard people saying 'that's the guy, that's the guy!'" Then I asked a cop if it was the subway shooter and he said, 'It sure looks like it.'"

While Goldberg, 53, has spent the last two decades shooting punk rock shows at night and street scenes by day, she started out in news, attending the University of Missouri Journalism School and completing internships at the Flint Journal, Indianapolis Star and Troy Daily News in Ohio.

"I consider myself a photojournalist who shoots punk rock," Goldberg said, adding that before her picture of the James arrest, her most high-profile news shot was a February 2020 cover shot of two union workers for In These Times magazine.

She also said her encounter was more than just luck, citing a quote from Roman philosopher Seneca that she said several of her photographer mentors would often verbalize: "Luck is what happens when preparation meets opportunity."

Indeed, there are examples of photographers or videographers being at the right place at the right time —perhaps most famously when brothers Jules Clément Naudet and Thomas Gédéon Naudet were in New York on September 11, 2001, shooting a documentary on Engine 7 in Lower Manhattan when terrorists struck. The Naudet brothers had the sense to pivot and take the video that news outlets around the world continue to show to this day. Darnella Frazier, 17 at the time, filmed the murder of George Floyd in 2020.

Meredith Goldberg

"I feel that I was lucky that it happened right in front of me, but I was prepared by having the experience to know that if you see cops moving urgently towards something, you move towards them, even if you can't see what's going on at first," Goldberg said.

Kevin Landwer-Johan, a Tampa, Florida-based photojournalism professor at the University of South Florida and freelance photographer, said it takes more than luck.

"Having a nose like she did to check things out, that was great," Landwer-Johan said. "I harp on that with my students a lot. Be ready. If you're a music photographer, that's cool. But I don't care if you're a product photographer. Do you know how to use a camera and most importantly, do you have a nose for journalism and what makes a good picture story?"

Mark Dolan, a recently retired photojournalism professor who taught two decades at the S.I. Newhouse School of Public Communications at Syracuse University and Southern Illinois University in Carbondale, Illinois, said being curious is essential for all photographers.

"That's a mantra for me in my classes," Dolan said. "It's also a hallmark of good photojournalism. You always have to be curious and aware. You have to be aware of what's in front of you, what's different. If you are in-tune, you'll become aware of what's going on because other people aren't paying attention."

Dolan added that while it was good Goldberg had her professional cameras with her, in todays' high technology world, it is more important that one is aware than equipped with professional gear because photographers can use their phones.

"The best camera to use is the one you have on you," Dolan said. "And if you have a new iPhone with the three lenses, it's even preferable sometimes because when you have a real camera with big glass, you stand out. Emergency people will always try to pick you out and tell you that you can't do this when everyone else is doing it with iPhones or whatever their phone cameras are. Photography is not a crime, you can't stop me from taking pictures on public property, but when they're the ones holding the guns, it's not an easy argument to make."

After capturing the photo of James being arrested, Goldberg said because she is from Chicago she thought of the Chicago Tribune first and contacted its photo desk. She then contacted the Associated Press — telling both media companies that she was experienced and studied at the University of Missouri.

Before the AP responded, Goldberg received an email from the Chicago Tribune reading "Hi Meredith, Probably would be most productive to contact the Associated Press in New York."

She said she then heard from the AP and they took the picture, which ended up on front pages across the country.

Chicago Tribune photo editor Todd Panagopoulos said it wasn't obvious to a photo staff member at the paper that James, the suspect, had a Chicago connection.

"It turns out he did stay in Chicago at some point, but it's not what you would say is a Chicago-only story," Panagopoulos said. "We pay AP to get things. In times of tight budgets, he made a decision," Panagopoulos said, adding that he wished he had been involved. "But, we may have come to the same decision where she should get more money from the AP and in that sense it's a win/win for everybody because I know I can't match what AP likely paid."

The Chicago Tribune ultimately ran a different picture of James on its front page, one taken later that day by a different AP photographer.

As for Goldberg, by the next day, she was already planning on taking more pictures of whatever she came across.

"You know what they say — yesterday's photo was yesterday, make a new one today," Goldberg said. "So, I'm going to grab my gear and head out."

Courtesy of Verified News Network via YouTube

Oklahoma-based digital news platform relies on artificial intelligence to deliver community-based journalism

by Emilly Olivares

An independent news organization based in Oklahoma is using artificial intelligence to create a digital news platform where journalists own a percentage of the company.

The news outlet, Verified News Network, was founded in 2018 by Brittany Harlow, a former television news anchor with experience in radio journalism.

Harlow and her husband, now the chief executive of VNN, built a digital news platform that challenges traditional methods of funding local news by giving its contributors a stake (up to 5 percent.) It then relies on human and smart modifiers to filter and verify news.

"Women in particular do not own a lot of news media," Harlow said. "It's mostly owned by older white men, and that is something that I feel really reflects in mainstream news, like that is the viewpoint that people are seeing, that's what's perpetuated, but in reality there's a whole lot of other viewpoints."

The site has six different owners, including Rahkiya "Rocky" Brown from New York and Rachael Schuit from Michigan.

Through the vesting model, journalists invest into the company through sweat equity and monthly or yearly dues, in return for a percentage of the company and the reward of serving communities.

As owners, journalists Harlow, Schuit and Brown are responsible for producing local stories that empower them as independent journalists and empower their communities whose stories might not otherwise receive coverage.

VNN wants "people to take back control of what kind of news they want to receive, instead of a profit-driven entity making the decisions for you," which is why their emphasis is local news coverage. While Rocky covers stories about her community in upstate New York and Rachel covers Michigan, the platform looks forward to growth and expanding coverage to all 50 states.

Stories like Schuit's or Rocky's, "Local musician celebrating year's end with new mixtape," cover in-depth stories about their communities that wouldn't otherwise air on news outlets owned by media companies that are heavily influenced by sensationalism. Harlow says that the most successful stories offer community perspectives and believes they are the "most popular stories because we are telling them in ways that no one else is telling them and giving voices to people who have been stereotyped and mistreated by authority."

The pandemic has influenced the way people are consuming media and producing it. There is a demand for easy and accessible information, The Pew Research Center reports that, "more than eight-in-ten U.S. adults (86%) say they get news from a smartphone, computer or tablet."

Schuit said that Covid made her think about her future and the kind of lifestyle she wanted and realized she "wanted to be a part of something new, something that is just getting started, I wanted that experience," resulting in her partnership with VNN.

For Schuit, "it means alot to be part of an organization that's committed to doing good journalism and really is committed to putting journalism in the sphere where people are at, and that's online," she says, "that's really where people are going, they're spending their time scrolling on their phones, it's a futuristic mentality."

The journalists remain committed to upholding the foundation of public service by providing good local stories, opportunities for journalists and verified news.

Central panel of a "STAY HOME" mural by @milt1coronado located at Project Logan at Fullerton and Milwaukee in the Logan Square area of Chicago, Illinois.

Photo by James aka @urbanmuralhunter on that other photo site.

Edit by Teee.

Study: COVID-19 reporting on scientific studies 'tempered' results instead of exaggerating them

by Owen Racer

Even though media outlets relied on journalists without science backgrounds during the height of the Covid-19 pandemic, their stories tended to temper claims rather than exaggerate the conclusions of studies on masking, spread and who was getting sick and why.

A recent study by two University of Michigan School of Information faculty members found that journalists were often unfairly blamed for rushing to publish the latest news about Covid-19 research when, in fact, they brought a natural skepticism to the reporting.

"Our findings suggest that journalists are actually pretty careful when reporting science," researcher Jiaxin Pei said in a statement. "Journalists have a hard job. It's nice to see that they really are trying to contextualize and temper scientific conclusions within the broader space."

Lisa Palmer, a longtime environmental and science journalist, said journalists reporting on the pandemic did numerous things well: they explained the process of science, efficiently covered timely updates to the rapidly developing pathogen, and the providing of analysis.

When teaching her aspiring scientific journalists, Palmer, currently the National Geographic Research Professor of Science Communication at The George Washington University's Columbian College of Arts and Sciences, said tells her students to put on their "BS-blinders." By doing that, they avoid falling into the assumptions that just because a study says something is statistically significant, that doesn't mean it is the seal of approval. Likewise, Palmer teaches that human minds are wired to see the truth in visual representations, and being critical of that is crucial as a scientific journalist.

Determining significance is crucial, said Mira Sotirovic, an associate professor on propaganda and the Director of Graduate Studies for the Institute of Communications Research at the University of Illinois.

"First, before a journalist reports on a study, he/she should establish its newsworthiness. For example, was [the] study published in a peer-reviewed journal, what are the findings and how strong they are (are they significant?)," Sotirovic said.

Palmer said journalists should not be taken in by graphics used to promote scientific research. "What is it actually showing?"

Palmer encourages the awareness of data's convincing nature, fact or fiction, when it is displayed visually, is dangerous to readers. In response, she encourages her writers to be skeptical, to make sure what they're seeing on paper and writing about is the same thing.

Likewise, Sotirovic said that readers should ask the same basic questions that journalists should ask about every scientific study; who paid for the study, how was the study, how were concepts measured, what are the limitations of the study?

Any journalist covering any form of science must overcome the difficulties of gathering and containing all the nuances of a graph to a less data-fluent audience, a real struggle Palmer said. To pivot complex scientific knowledge into comprehendible reading, Palmer said the key is to map out the hypothesis of the study and identify what the scientist was trying to accomplish in the study. Then, journalists must communicate in a digestible way to the audience while assuring to not overstate anything not a part of the study, Palmer says.

As far as her own approach to making scientific reports understandable for readers, Palmer said she focused on identifying why the story is important and making the data comprehendible.

While admitting that she thinks journalists are generally careful when reporting science, Palmer said no study can be the "perfect end all be all." Readers can always find an echo chamber to confirm their bias when it comes to scientific journalism, so outlet diversification is crucial to truth-seeking, Palmer says.

"Science reporting is in a growth stage," Palmer said.

Although scientists and journalists are usually after the same thing, the truth, they are inherently set up to oppose each other in a presumable pretensions' way, said Jenny Wohlfarth, a journalism professor at the University of Cincinnati.

Wohlfarth said she encourages aspiring journalists to go into health, environmental, and/or scientific reporting, as they are fields that are only going to get "more important."

Local news outlets can help readers vet credible sources of information on invasion in Ukraine

by Jackie Spinner

This morning as soon as I woke up, I went immediately to search for news from Ukraine. It's hard to imagine a more important, more devastating story gripping the world right now.

It is not a local story for much of America, yet, and its significance is undoubtedly greater to those of us who lived through the Cold War. I spent much of my childhood with the possibility of war with Russia, with nuclear bomb drills and fictional dipictions on TV that didn't seem far-fetched.

The top foreign policy story that consistently captivates many Americans these days is climate change, according to the latest Pew Research survey.

Russia still matters. It mattered enough

Photo by Mark Steele

> "It begs the question: what role, if any, do local news outlets have in even covering this story?"

to be a survey question for Pew, which asked respondents whether limiting the influence and power of Russia should be a top foreign policy priority of the US government; between 37 and 45 percent indicated it would, a spread that reflects whether they believed international cooperation was beneficial to solving the problem.

It begs the question: what role, if any, do local news outlets have in even covering this story?

We are the referee in a news information battle, throwing flags when we need to and making the hard call after seeing the replay. People trust us, at least more than they trust national news.

We have an obligation to our readers to point them to credible news sources about Russia and Ukraine, even if we may not be covering the story ourselves. Russia's propaganda machine is effective at influencing our readers. We know this well from the 2016 presidential election. At the smallest, most local levels, the Russians were there to steer our readers in one direction, to create dissent, to occupy the agenda. They're already in our comment sections. Do our readers know how to spot a troll?

This is the time to partner with a local public radio or TV outlet, to team up to promote news literacy on this story. Instead of simply interviewing the Russian and Eastern European experts at the community college or other educational institution, I would ask them to help explain to readers where readers can go to find more information, to find credible information. I'd share the Instagram names of Ukrainian photographers; they're not hard to find. I'd provide links to English-language Ukrainian news outlets like the Kyiv Independent. Let people get news directly from the source if they don't like our filter.

Even if our readers have grown tired after 20 years of war in Afghanistan, we can explain why this is different. For 77 years, international order has maintained that big countries don't take smaller ones by force. Such an order has given us peace for decades even though it may not seem that way.

Even with the civil wars and regional conflicts, that order has enabled global cooperation to bring people together to try to solve problems of climate change, refugees, terrorism and yes, even the pandemic. It has opened trade.

A world in which Russia can grab what it wants because of its size and military power is not a world that makes the lives of our readers better. In fact, it's a world with deep economic costs. It's a world that will make it harder to solve the local problems that vex us because we will be too distracted by the big ones.

I personally do not want my children to grow up under the threat of nuclear war. I don't want them to grow up in a world in which America's power continues to be diminished, where big is better, where small is at risk. I don't want our external threats to hog the attention; our internal ones, which the Jan. 6 insurrection showed, are also real.

But mostly, I don't want our readers to turn away, and I know, after decades in the business, that they will if I don't give them a reason not to.

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.

All news outlets should rethink field safety when sending reporters alone on assignment

by Jackie Spinner

A young TV reporter in West Virginia recently was struck by a vehicle while reporting on a water main break. The local NBC-affiliate where she worked never broke from the story, even as it was clear she had been run over.

WSAZ-TV stayed live as Tori Yorgey yelped and exclaimed, "I just got hit by a car." Later, still hidden from view, her camera recording the dark, wet pavement, she declared, "That's live TV for you."

Yorgey was hailed for keeping her composure and bouncing back up to finish the report.

Fortunately, she was not seriously injured.

But in the hours and days that followed, TV reporters, particularly women, lambasted an industry that heavily relies on multimedia journalists, reporters who serve as one-person crews for breaking news stories. Multimedia journalists are responsible for shooting, setting up stand-ups (and then getting in front of the camera to operate it remotely) to deliver the news without a photographer.

One TV reporter described on social media how her bosses routinely sent her to cover crime stories, with suspects still on the loose, and before the police were on the scene. Another was assaulted at an immigration rally. Her news directors brushed it off as "the risk of the job."

GJR published an op-ed by Nikki Davidson, a former multimedia journalist, who called on TV stations to stop sending multimedia journalists out alone on assignments. And the National

Press Photographers Association pressed for a "renewed focus on field safety."

It would be easy for those of us in print journalism to write this off as a problem for TV news reporters. After all, TV crews, like photojournalists, are particularly vulnerable because of their gear. Writers can hide easier. We don't show up with a camera, which can be provocative.

But the fact is that media organizations, traditional print publications included, have long put female reporters in dicey situations without concern for their safety. For our part, many female journalists have gone along with it, myself included. Newsrooms like to perpetuate the image of a hardened, risk-taking reporter who doesn't come back without a story. In a competitive industry, many reporters take risks to get ahead, something I observed as a war reporter overseas.

False bravado is outdated. We don't have to make ourselves tougher than we are to gather accolades. We tell young reporters our stories of banging on doors in the middle of the night,

of following people like it's a rite of passage. And while I certainly stress the importance of shoe-leather reporting now as a journalism professor, I also remind my students of what Don

Graham, my then-publisher at The Washington Post, told me before I went to Iraq for the first time: "No story is worth your life."

Not all publishers, editors or TV news editors send the same message, perhaps because the leadership at most media organizations are still dominated by men.

Women are in 40 percent of the leadership roles in America's print and online newsrooms, according to the annual News Leaders Association survey.

While women of color have risen to top leadership roles in broadcast TV, with Kimberly Godwin now the president of ABC News and Rashida Jones the president of MSNBC, only a third of local news directors are women. The majority of women in TV work in local TV markets.

Women journalists are more likely than their male counterparts to be targets of violence and online harassment. Solo reporting puts them at particular risk, and TV is not alone in sending one-person crews to cover the story, particularly as newsrooms staff shrink and the cost of covering stories increases.

The trend in solo reporting has drawn the attention of the Committee to Protect Journalists, which released tips in 2019 for journalists who have to cover potentially dangerous assignments on their own. Among them, CPJ encourages journalists not to drive alone to a remote area and to talk to managers about concerns.

That is easier said than done. Women TV reporters tell stories of being rebuffed when bringing up their concerns. Or producers and directors not bothering to check in after they've been shot at, run off the road or assaulted. That is not acceptable, and as an industry, both men and women need to stand up against such callous disregard for the frontline multimedia journalists who are asked to go get the story.

Smart reporters who use calculated risks to get a story and who exercise smart situational awareness should be awarded.

We should applaud when a reporter like Yorgey brushes herself off after an accident and keeps going. But we shouldn't encourage the risk in the first place.

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Newspaper Association. GJR is partnering with Pub Aux to re-print Jackie Spinner's monthly "Local Matters" column.

TV stations should stop sending multimedia journalists alone on assignments

by Nikki Davidson

There's a female TV reporter stereotype that America loves to hate.

She wears high heels, is constantly surrounded by a cloud of hairspray and will stop at nothing to break the next big story. She flirts with sources to get the inside scoop. She ruins lives and reputations without fact-checking or batting a heavily false-lashed eye.

But when a video went viral in January of West Virginia TV reporter Tori Yorgey being hit by a car while doing a live shot about a water main break, the country saw a version of a TV reporter they might not have recognized.

A young woman stood alone in the dark, with no camera crew, unprotected and vulnerable. She couldn't see the danger that was barreling toward her. Yorgey is receiving well-deserved praise for keeping her composure on live TV for WSAZ-TV–an NBC affiliate–after being struck by the SUV. But why was she out there alone in the first place?

I worked as a TV reporter for more than 10 years, and the answer is simple: TV stations created one-man-band reporter positions about 20 years ago to cut costs. If one employee can do the work of two, it saves the station money. Yorgey, who was hit on her last week at the station, was part of an industry that uses and exploits TV reporters like her to get stories for their viewers, often at the expense of their safety and well-beining. (Yorgey, a Pennsylvania native, is the new nighttime reporter at WTAE-TV in Philadelphia.)

I was a multimedia journalist or a "one-man-band" for most of my career. I shot and edited almost all of my stories alone in the field. Often, I'd set up live shots and front them by myself for the evening news, standing in a dark and empty parking lot like the one Tori Yorgey was in.

I never wore high heels; they wouldn't have survived the days I dragged my camera bag and tripod through the mud for severe weather coverage or the times I sprinted to capture a shot of an alleged criminal being walked into the local jail. Instead of flirting my way through investigations, my routine was white-knuckling the mace I carried in my pocket every time a boss sent me alone to knock on the door of a criminal in hopes of getting an exclusive.

I was chased and screamed at regularly. In the worst neighborhoods, police patrol cars would spot me with my gear and pull up alongside me to tell me it wasn't safe to be there alone. I would nod and say, "I just need to get one interview."

I knew I shouldn't have been in these situations solo, but the consequences of saying "no" to management or coming back to the station empty-handed were overwhelming. Fast-food workers were getting paid more than I was, so I didn't have a reserve saved up in my bank account to quit. Even if I wanted to leave my job, I was locked into a contract that stipulated I'd have to pay my news station thousands of dollars just to stop working there.

One day, I finally got the guts to push back about being sent to a dangerous neighborhood alone to get a video of flash flooding at 2 a.m. I was called into my boss's office the following day to be reprimanded and reminded that these situations are "just part of the job" before being sent out of the office to knock on more doors alone.

My experience echoes what many reporters today are up against.

The company that sent Tori Yorgey out alone isn't small or tight on cash. Gray Television owns the station and will soon become the nation's second-largest television broadcaster when a deal to purchase additional TV stations is completed. Gray owns stations in 113 cities, and their newscasts reach 36% of US television households.

The company's chief executive, Hilton Howell Jr., is ironically also the chairman for Bankers Fidelity Life Insurance Company. One could assume he has experience understanding hazards and risks. Yet under this management, Gray continues to place employees in dangerous situations to keep costs low.

Meanwhile, the public's trust in the local media is falling. A Pew Research Center poll found that while 82% of Americans had at least some trust in the information from local news organizations in 2016, that number fell to 75% in 2021.

Quality journalism isn't always possible when employees are forced to do it all. I often had to drive hours to get to a story, taking up precious time behind the wheel that would have been better spent making phone calls to sources or researching data. Instead, every day was like an episode of CBS's "The Amazing Race," and I was just glad I had something by my deadline. My stories suffered because of it.

When news editors force reporters to "do it all," viewers aren't getting access to the quality journalism they deserve. A group of journalists is now calling for safety on the job, and a petition circulating with more than 1,600 signatures is demanding that local TV news ends the practice of solo live shots.

This should be a wake-up call to TV station management and viewers about the reality of a grueling business that has lost sight of its mission to inform and serve the public in a quest to save a buck.

Photos by Brian Munoz

Cori Bush (with bullhorn) leads protests in St. Louis after the acquittal of Jason Stockley in 2017. Bush went on to be elected to Congress in 2020.

NEWS INTERPRETATION

City of St. Louis 'betrays' its pledge to alter legal positions protecting abusive police, critics say

by William H. Freivogel

Six months after St. Louis Mayor Tishaura Jones' administration promised to reconsider its defense of legal doctrines that protect abusive police, it is continuing to defend them, prompting charges of "betrayal" from civil rights lawyers.

In campaigning for office, Jones spoke frequently about the need for greater police accountability, citing the deaths of George Floyd in Minneapolis from a knee on the neck and Breonna Taylor in Louisville from a botched no-knock raid.

Six months ago, St. Louis Public Radio asked the mayor's office why it still was going all out to defend St. Louis police in similar cases - the death of Nicholas Gilbert in 2015 in a case of prone restraint with six officers on top of his manacled body and the police killing of Don Ray Clark Sr. in 2017 in a no-knock raid on the 63-year-old veteran's home in Dutchtown.

Jared Boyd, the mayor's chief of staff, said then that the city would reconsider its legal positions and that the new city counselor would take a new look at "what winning looks like… It's not to say we shouldn't be cognizant of city resources, but that can't be the only thing" as it has been traditionally, he said.

Those words have been thrown back at the mayor's office in recent days by civil rights lawyers, by two of the town's best-known columnists, Tony Messenger of the Post-Dispatch and Ray Hartmann of Riverfront Times, and by the host of St. Louis on the Air, Sarah Fenske.

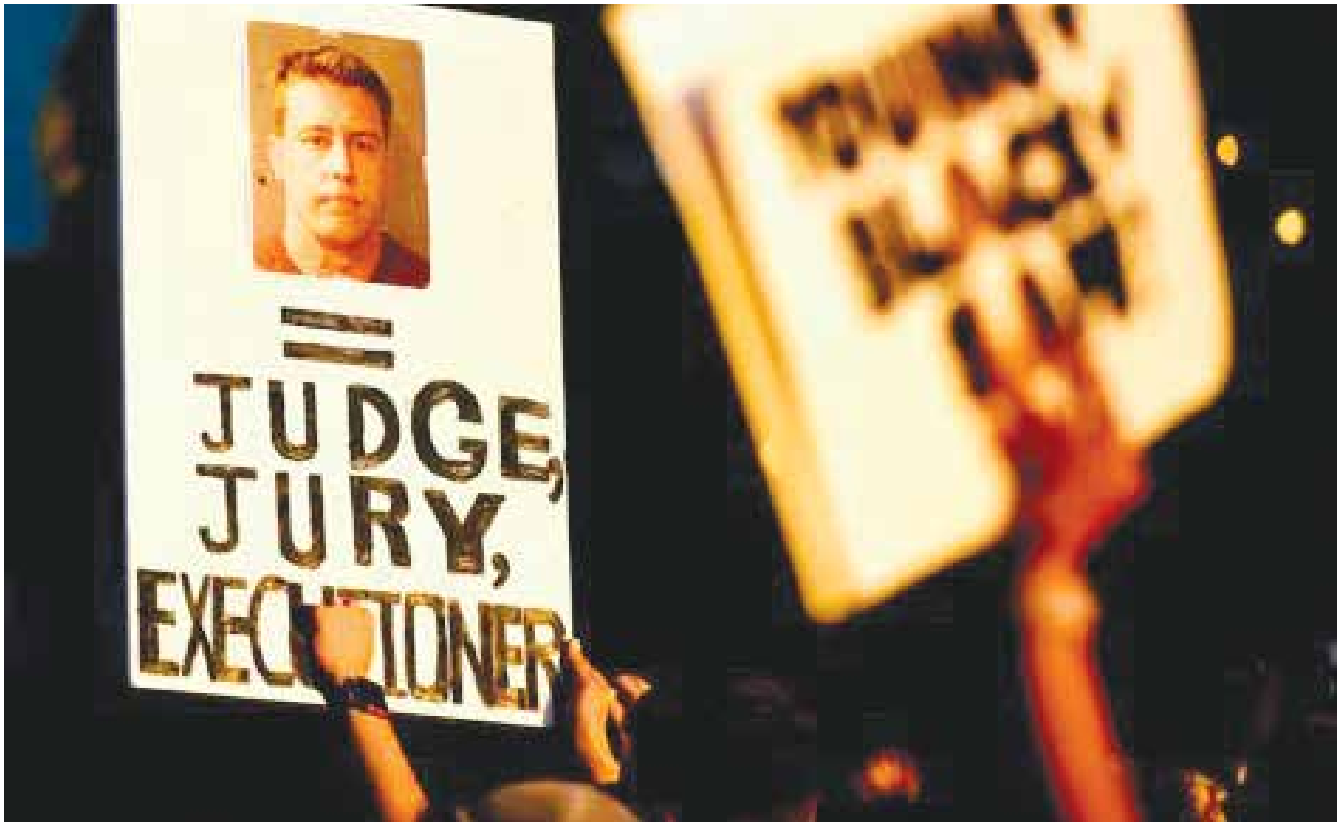
Javad Khazaeli, who represented citizens who filed civil rights suits after being abused and arrested during the Sept. 17, 2017 "kettling," said the word for the mayor's inaction was "betrayal."

Not only is there no evidence of altering the city's position in the prone restraint and no-knock cases, but the city is also trying to protect officers who abused citizens during the much-criticized mass arrest on the evening of Sept. 17, 2017 during protests that followed a judge's acquittal of former officer Jason Stockley in the killing of Lamar Johnson after a high-speed chase.

Khazaeli says the city is seeking a national precedent expanding the use of the doctrine of qualified immunity in mass arrest situations.

Qualified immunity already is the leading roadblock to police accountability, acting as a get out of court free card for officers who violate citizens' civil rights.

It's actually better than a get out of court free card. It's a never come to court card. The



Protesters fill the street of St. Louis "Delmar Loop" in September 2017 to protest the acquittal of former St. Louis police officer Jason Stockley in the shooting death of Lamar Smith. The city later admitted that "rogue" officers kettled protesters in a city block to arrest them and white officers beat an undercover Black officer, mistaking him for a protester.

case is thrown out before ever going to trial.

If an officer's conduct does not violate clearly established law, the officer is immune from lawsuits. The only conduct that does violate "clearly established law" is an action that "every reasonable" police officer would know was illegal the moment it occurred. That may require a prior Supreme Court decision involving almost identical facts.

The city lost on qualified immunity case in the kettling case in January before a three-judge panel of the 8th U.S. Circuit Court of Appeals in an opinion written by a judge appointed by President Trump. Now the city is asking the entire 8th Circuit to meet en banc to overturn the panel decision.

Nick Dunne, a spokesperson for Jones, told the Riverfront Times, that the city "is not and will not make any argument to expand qualified immunity — only to apply existing federal law as it applies to holding individual public servants accountable."

But the city's brief calls the appeals panel's decision "a dangerous precedent for police attempting to preserve public order in civil disorder situations."

The brief angles for a Supreme Court precedent, saying the case "raises questions of critical national importance in the context of policing mass civil disorder." It seeks a new ruling that would immunize subordinate officers "under the unique circumstances of a mass arrest, during mass civil disorder" — even if their supervisors orders were clearly unreasonable.

The brief does not cite a prior Supreme Court decision exempting all subordinate officers from liability in mass arrest situations. So this would be new law.

A massive amount of evidence has been assembled showing widespread misconduct in the Sept. 17 kettling arrests. Officers beat citizens, sprayed them in the face with pepper spray and arrested them after trapping a group in a city block near Washington and Tucker Blvd. in downtown St. Louis and refusing to let them leave.

A federal judge made this summary: "Over 100 people were arrested that night. During and after the arrests, officers were observed high-fiving each other, smoking celebratory cigars, taking selfies on their personal phones with arrestees against the arrestees' wills, and chanting, 'Whose Streets? Our Streets!' An anonymous person posted a celebratory photo of police officers on Twitter that night."

The night of Sept. 17 was the same night that white officers severely beat a Black undercover officer, Luther Hall, whom they mistook for a protester. The beating occurred after the officers had exchanged racist texts expressing their enthusiasm for beating Black demonstrators.

Different critics of the mayor put the blame for failing to alter the city's legal position on different people. Hartmann, the RFT columnist, says that even though the new city counselor, Sheena Hamilton, is the first Black woman in that post, she has an establishment background with Armstrong Teasdale and Dowd Bennett and has defended major employers against race discrimination suits.

Khazaeli blamed Robert Dierker, the former judge and deputy city counselor, who has supervised the briefs and clearly added flourishes. Khazaeli said:

"All I know is that the person who talks to us and who is the brains behind this litigation during this current administration is the same person who titled a chapter of his book, "The Cloud Cuckooland of Radical Feminism.'" The book was, "The Tyranny of Tolerance: A Sitting Judge Breaks the Code of Silence to Expose the Liberal Judicial Assault."

In the early stages of the Gilbert prone restraint case, Dierker wrote that Gilbert's mother's argument to the U.S. Supreme Court was "agitprop" designed to "use published reports regarding the death of George Floyd as a cudgel to try to browbeat this Court into reviewing a case that is a straightforward application of basic Fourth Amendment principles. The only things in common between this case and the reports regarding George Floyd are drug use and heart disease."

That argument didn't persuade the Supreme Court, which sent the case back to the 8th Circuit.

Undaunted, Dierker's response for the city was that the Supreme Court had actually "found no fault" with the 8th Circuit's decision — even though it had sent it back to the appeals court with an opinion expressing disagreement. Dierker said the appeals court shouldn't spend any more time on arguments before it "put(s) an end to this case."

The 8th Circuit Court hasn't acted yet. Kevin M. Carnie Jr., the lawyer for Jody Lombardo, said the city has not expressed an interest in settling the case before it hears what the appeals court will do.

Emanuel Powell, staff attorney at ArchCity Defenders and a lawyer for the Clark family, said police officers in that prone restraint case are also seeking qualified immunity. Powell has been awaiting a decision on pretrial motions since Nov. 19 of last year. He says that the litigation delays can end up denying clients justice. In a separate case involving a death in the Workhouse, the mother of the dead inmate died recently after waiting more than two years for a decision.

"It's a litigation strategy, he said, "that results in exceptionally long times between the filing of cases and any real work to uncover the truth and get accountability for those impacted by police violence."

NEWS INTERPRETATION

Libel decision shut down segregationists clinging to Jim Crow

by William H. Freivogel

To understand why New York Times v. Sullivan is one of the great First Amendment victories of the past century, take a journey back to the segregated America of the1960s.

America was a place where racial segregation and discrimination were the law of the land and a way of life in the South, Midwest and much of the North. Restaurants and hotels were segregated by law. Billboards called for Earl Warren's impeachment. George Wallace stood in the schoolhouse door. Parents spit on Black children integrating Central High School in Little Rock. J.Edgar Hoover's FBI snooped on the Rev. Martin Luther King Jr. and tried to get him to commit suicide. The FBI sent anti-King editorials to friendly newspapers, such as the St. Louis Globe-Democrat. One Globe editorial printed immediately before the King assassination said, "Memphis could be only the prelude to a massive bloodbath in the Nation's Capitol [sic] …."

All across the South, segregationist politicians tried to intimidate the national press by winning big libel judgments in biased southern courthouses. TV images of Bull Connor's police using fire hoses and police dogs on teenage demonstrators were changing the minds of people in the Midwest and North. And the segregationists wanted to

shut them up.

The $500,000 judgment that L.B. Sullivan won against the Times in the trial court — even though he hadn't been mentioned by name - was a small indication of the financial threat to the media posed by libel suits.

Harrison Salisbury, the legendary Times reporter and editor, estimated that the Times faced about $3 million in libel and criminal libel verdicts in the South, all flowing from civil rights coverage. Justice Hugo Black noted in his concurrence the opinion wrote that the Times had 11 libel suits against it in Alabama alone, seeking a total of $5.6 million. CBS faced another $1.7 million, he noted. This situation came at a time when the nation's leading newspaper was financially vulnerable, having just started to recover from a financially damaging strike. George Freeman, a former New York Times lawyer, said that the advertising side of the Times argued in favor of the paper pulling out of the South editorially because of the financial threat of the libel suits.

In short, New York Times v. Sullivan wasn't just about protecting the press. It was about making democracy work. News stories and commentaries about cutting back on its protections in the wake of Sarah Palin's failed libel suit against the Times, sometimes skip over how important the decision was at a seminal moment in American history.

Breathing room for democracy

The case was argued in the Supreme Court on Jan. 6, 1964 with the Rev. Dr. Martin Luther King Jr. in the courtroom. Five months earlier, Dr. King had led the huge March on Washington for Jobs and Freedom. The Kennedys had pleaded with King to cancel the March for fear it would backfire. Instead the largest crowd in United States history marched on the National Mall for civil rights. Five months after the case was argued, Congress passed the Civil Rights Act of 1964. (On the day of the oral argument, Justice Arthur Goldberg sent down to King a copy of King's book of the Montgomery bus boycott - "Stride Toward Freedom" – asking for an autograph.)

Justice William J. Brennan Jr. emphasized the importance of providing "breathing space" for democracy by allowing the media to make mistakes in their pursuit of a story.

"We consider this case," wrote Brennan, "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials….Erroneous statement is inevitable in free debate, and (it) must be protected if the freedoms of expression are to have the 'breathing space' they 'need to survive.'"

The decision constitutionalized defamation law and just about insulated the press from suits over stories about public officials or public figures – whether or not the stories were 100 percent accurate. To win, a public official or public figure must prove not just falsity but also "actual malice," by which the court meant "reckless disregard of the truth" or knowledge of the falsity of the allegation.

'Heed Their Rising Voices'

The controversy began with a mistake-riddled full-page advertisement in The New York Times with the stirring title "Heed Their Rising Voice." That admonition was aimed straight at Congress quoting a New York Times editorial that had urged, "Let Congress heed their rising voices for they will be heard." The ad had been placed by southern ministers leading the civil rights movement and by noted entertainers such as Harry Belafonte, Sidney Poitier and Marlon Brando and celebrities such as Jackie Robinson and Eleanor Roosevelt.

The ad contained several mistakes. Most were minor. Dr. King had not been been arrested seven times, just four. Students were not singing "My Country 'Tis of Thee; they were singing the National Anthem. Students were expelled by the Alabama State Board of Education not for leading a demonstration at the Capitol, but rather for demanding service at a lunch counter in the Montgomery County Courthouse on a different day. Most of the student body, not the entire student body, protested the expulsion. They did it by boycotting class, not refusing to re-register. The biggest mistake was the claim that armed police had ringed student protesters at Alabama State and padlocked their dorm to "starve them into submission." The dorm had not been surrounded nor were the officials trying to starve the students.

The New York Times advertising department made no effort to check the facts, instead relying on the good name of civil rights leader A. Philip Randolph, who vouched for the signatures on the ad. Had the Times checked its own morgue, it could have discovered the errors.

Confederate regalia at trial

Almost no one read the ad in Alabama. Only about 394 copies of the editorial circulated in the state, about 35 of which were distributed in Montgomery County where L.B. Sullivan was the police commissioner. Sullivan was not named in the ad, a fact that became important in the decision.

The person who noticed the ad and got the controversy started was himself a journalist, Grover C. Hall Jr., editorial editor of the Birmingham Advertiser. Hall wrote an editorial condemning the ad, titled, "Lies, lies, lies." Hall himself opposed segregation and was the son of a Birmingham Advertiser editor who won the Pulitzer Prize for opposing the Ku Klux Klan in the 1920s. But Hall Jr. thought that northern pressure caused pushback from the South. He also was irritated that the northerners turned a blind eye to racism in their own backyards.

The courts's handling of Sullivan's lawsuit against the Times was infected by segregationist bias. The trial judge, Walter Berman Jones, denied the Times' efforts to remove the case to federal court, even though that ruling was contrary to legal treatise on the subject of jurisdiction that Jones himself had written.

The 100 year anniversary of the Confederacy fell during the trial, and Jones allowed the jurors to wear Confederate uniforms and pistols to court to commemorate the occasion. Sullivan could not prove damages, but several witnesses testified that they knew the ad referred to him because he was in charge of the Montgomery police. The jury returned a $500,000 judgment, a large sum at the time.

Justice Brennan, the liberal spark plug of the Warren Court alluded to the civil rights backdrop of the case. He wrote that the ad communicated "information, expressed opinion, recited grievances, protested claimed abuses, and sought financial support on behalf of a movement whose existence and

Continued on next page

objectives are matters of the highest public interest and concern." And later: "The present advertisement as an expression of grievance and protest on one of the major public issues of our time, would seem clearly to qualify for the constitutional protection."

Brennan gave several reasons for providing more protection for speech critical of public officials than private individuals. One was that American history demonstrates that the First Amendment does not permit seditious libel. Seditious libel punishes criticism of the government. Brennan referred to the famous crisis of 1798 regarding the Sedition Act. That law made it a crime punishable by prison and steep fines to criticize public officials, including the president, then John Adams. The law was used to jail newspaper editors who supported Adams' political opponent, Thomas Jefferson. Brennan noted that the Sedition Act never had been tested in the Supreme Court. The controversy preceded the establishment of judicial review in the 1803 Marbury v. Madison decision. But Brennan said that the "attack upon the Sedition Act's validity has carried the day in the court of history" and that "its invalidity has been assumed" by the justices of the Supreme Court.

Another reason for removing some libel protection from public officials was that the court had recognized that statements made by public officials acting within their public duties could not be actionable unless made with actual malice. Citizen critics should be on a level playing field with public officials, he wrote.

Finally, the court ruled that Sullivan could not collect because he was not named in the ad. The ad was not "of and concerning" Sullivan.

Chief Justice Earl Warren had chosen Brennan to write the opinion because he was the mostly likely justice to win over the entire court for a unanimous opinion. Brennan was known as a schmoozer on the court who was extremely successful in creating majorities and sometimes unanimous opinions. Brennan succeeded in the Sullivan case when Justice John Harlan withdrew his dissent at the last moment.

As a matter of First Amendment theory, the Sullivan decision was viewed as a victory for the theory advanced by Alexander Meiklejohn basing First Amendment theory on self-government. As Meiklejohn put it, "The principle of free speech springs from the necessities of the program of self-government. It is not the Law of Nature or of Reason in the abstract. It is a deduction from the basic American agreement that public issues shall be decided by universal suffrage." Meikleljohn went on to stress that his source of protection for free speech protected speech about public matters rather than private ones. Because the source of the freedom flows "from the necessities of self-government by universal suffrage" it assures only "speech which bears directly, or indirectly, upon issues with which the voters have to deal… considerations of matters of public interest." It does not protect private speech about private matters in the same way, he argued.

"Another reason for removing some libel protection from public officials was that the court had recognized that statements made by public officials acting within their public duties could not be actionable unless made with actual malice."

Public figure, public concern

In 1967, soon after Sullivan, the court extended the actual malice standard to public figures. The court took the action in two cases involving famous figures, one of whom is more remembered for his notoriety than fame. He was retired major general Edwin Walker, who was accused in an Associated Press story of having urged students at the University of Mississippi to riot to bar the admission of the first black student, James Meredith.

The other public figure case involved Georgia football coach Wally Butts, who was accused in an article in the Saturday Evening Post of fixing a 1962 football game with legendary Alabama football coach Bear Bryant. The court decided that both Butts and Walker were public figures. Butts won and Walker lost. The court differentiated the two stories because the AP story on Walker was on deadline and did not show any violation of journalistic standards. The Butts story, on the other hand, was an investigative report that the magazine had plenty of time to research. The non-sports reporter who wrote the story based it on a source who claimed to have overheard a telephone conversation between Butts and Bryant. The source was unreliable, having written bad checks. In addition, the reporter did not check out the story thoroughly. For example, he did not interview another person who was said to have overheard the conversation.

Chief Justice Warren explained the extension of Sullivan to public figures by noting that the political process does not provide a check on the activities of political figures as it does on public officials. For that reason, he concluded, "public opinion may be the only instrument by which society can attempt to influence their conduct." In a society where the distinctions between the public and private sphere are blurred, public figures "often play an influential role in ordering society," and they have access to the media to "influence policy and to counter criticism of their views and activities."

Prior challenges

Today's campaign to overturn NYT v. Sullivan is not the first. During the 1980s two big national libel suits by two generals left media lawyers wondering how much protection Sullivan provided. Gen. William Westmoreland sued CBS for its stories criticizing the general's conduct of the Vietnam War. Israeli Gen. Ariel Sharon sued Time magazine for its stories about his involvement in the Israeli killling of Palestinian refugees in camps in Lebanon during the Israeli invasion of Lebanon. Both lawsuits were wars of attrition that involved huge defense costs and that damaged the credibility of the media involved.

But the challenge within the court was more serious. Brennan himself didn't like the way the press had covered the Abe Fortas scandal, which forced Fortas off the court. Justice Byron R. White, had been on board in Sullivan partly because of the civil rights backdrop. But White soon became known for decisions limiting press prerogatives — refusing to recognize the reporter-source confidential relations, allowing principals to censor student newspapers in the St. Louis case of Hazelwood v. Kuhlmeier and allowing police to use warrants to search newsrooms, a decision Congress overturned.

William H. Rehnquist also was a critic of NYT v. Sullivan when he came on the court, but ended up as its savior, expanding Sullivan in an important decision involving parody – Hustler Magazine v. Falwell, 1988.

The Rev. Jerry Falwell was a nationally prominent and politically influential preacher who frequently provided important support to conservative candidates and causes.

Larry Flynt, the publisher of pornographic Hustler Magazine, printed an ad parody patterned after the Campari liquor advertising campaign in which celebrities talked about their "first times." Although the ad suggested through double entendre that the celebrities were talking about the first time they had sex, the ads actually talked about the first time that had drunk Campari. The Hustler parody said that Falwell's first time having sex was with his mother in an outhouse when they were both drunk. It also said Falwell only preached when he was drunk. A label in small type at the bottom of the ad read: "Ad parody – not to be taken seriously."

Falwell sued for emotional distress and had home court advantage in his home state of Virginia where won a big judgment against Hustler for infliction of emotional stress — $100,000 in compensatory damages along with additional punitive damages. What few

people knew about Rehnquist was that he had once been an avid, amateur cartoonist in his days at Stanford University. One of the influential amicus briefs in the case was filed by the nation's editorial cartoonists. They pointed out that exaggeration, parody, sarcasm and hyperbole were their bread and butter.

The brief was obviously influential as Rehnquist cited it in his opinion providing First Amendment protection to the Hustler cartoon. The chief justice wrote about the long history of hyperbolic political cartoons dating back to the cartoons that ridiculed Boss Tweed during the Tammany Hall corruption of the 19th Century. He wrote:

"The political cartoon is a weapon of attack, of scorn and ridicule and satire; it is least effective when it tries to pat some politician on the back. It is usually as welcome as a bee sting, and is always controversial in some quarters....Several famous examples of this type of intentionally injurious speech were drawn by Thomas Nast, probably the greatest American cartoonist to date, who was associated for many years during the post-Civil War era with Harper's Weekly. In the pages of that publication Nast conducted a graphic vendetta against William M. 'Boss' Tweed and his corrupt associates in New York City's 'Tweed Ring.' It has been described by one historian of the subject as 'a sustained attack which in its passion and effectiveness stands alone in the history of American graphic art.' Another writer explains that the success of the Nast cartoon was achieved 'because of the emotional impact of its presentation. It continuously goes beyond the bounds of good taste and conventional manners.'

"Despite their sometimes caustic nature, from the early cartoon portraying George Washington as an ass down to the present day, graphic depictions and satirical cartoons have played a prominent role in public and political debate. Nast's castigation of the Tweed Ring, Walt McDougall's characterization of Presidential candidate James G. Blaine's banquet with the millionaires at Delmonico's as 'The Royal Feast of Belshazzar,' and numerous other efforts have undoubtedly had an effect on the course and outcome of contemporaneous debate. Lincoln's tall, gangling posture, Teddy Roosevelt's glasses and teeth, and Franklin D. Roosevelt's jutting jaw and cigarette holder have been memorialized by political cartoons with an effect that could not have been obtained by the photographer or the portrait artist. From the viewpoint of history, it is clear that our political discourse would have been considerably poorer without them."

Rehnquist conceded "there is no doubt that the caricature of respondent and his mother published in Hustler is at best a distant cousin of the political cartoons described above, and a rather poor relation at that. If it were possible by laying down a principled standard to separate the one from the other, public discourse would probably suffer little or no harm. But we doubt that there is any such standard, and we are quite sure that the pejorative description "outrageous" does not supply one."

Rehnquist extended the Sullivan actual malice standard to parody and other hyperbolic speech. It is a somewhat unusual application of a standard that requires proof of actual malice, reckless disregard of the truth and knowledge of falsity. The Hustler ad was published with the knowledge that the claim of having sex with his mother in an outhouse was actually false

Steve Wermiel, a Brennan biographer, recalls Brennan was ecstatic with Rehnquist's opinion. "Rehnquist...wrote an opinion that Brennan could have written. Brennan said the press should just kiss Rehnquist for his opinion in Hustler v. Falwell. He could leave the court in peace. If Rehnquist could write that opinion, New York Times v. Sullivan was safe."

HEED THEIR RISING VOICES - errors in boldface

The New York Times
NEW YORK, TUESDAY, MARCH 29, 1960
"The growing movement of peaceful mass demonstrations by Negroes is something new in the South, something understandable....

Let Congress heed their rising voices, for they will be heard."
- New York Times editorial
Saturday, March 29, 1960
Heed Their
Rising Voices

As the whole world knows by now, thousands of Southern Negro students are engaged in wide-spread non-violent demonstrations in positive affirmation of the right to live in human dignity as guaranteed by the U.S. Constitution and the Bill of Rights. In their efforts to uphold these guarantees, they are being met by an unprecedented wave of terror by those who would deny and negate that document which the whole world looks upon as setting the pattern for modern freedom....

In Orangeburg, South Carolina, when 400 students peacefully sought to buy doughnuts and coffee at lunch counters in the business district, they were forcibly ejected, tear-gassed, soaked to the skin in freezing weather with fire hoses, arrested en masse and herded into an open barbed-wire stockade to stand for hours in the bitter cold.

In Montgomery, Alabama, after **students sang "My Country, 'Tis of Thee"** on the State Capitol steps, **their leaders were expelled from school**, **and truckloads of police** armed with shotguns and tear-gas **ringed the Alabama State College Campus.** When the **entire student body** protested to state authorities **by refusing to re-register, their dining hall was padlocked in an attempt to starve them into submission.**

In Tallahassee, Atlanta, Nashville, Savannah, Greensboro, Memphis, Richmond, Charlotte, and a host of other cities in the South, young American teen-agers, in face of the entire weight of official state apparatus and police power, have boldly stepped forth as protagonists of democracy. Their courage and amazing restraint have inspired millions and given a new dignity to the cause of freedom.

Small wonder that the Southern violators of the Constitution fear this new, non-violent brand of freedom fighter...even as they fear the upswelling right-to-vote movement. Small wonder that they are determined to destroy the one man who, more than any other, symbolizes the new spirit now sweeping the South-the Rev. Dr. Martin Luther King, Jr., world-famous leader of the Montgomery Bus Protest. For it is his doctrine of non-violence which has inspired and guided the students in their widening wave of sit-ins; and it this same Dr. King who founded and is president of the Southern Christian Leadership Conference-the organization which is spearheading the surging right-to-vote movement. Under Dr. King's direction the Leadership Conference conducts Student Workshops and Seminars in the philosophy and technique of non-violent resistance.

Again and again the Southern violators have answered Dr. King's peaceful protests with intimidation and violence. They have bombed his home almost killing his wife and child. They have assaulted his person. **They have arrested him seven times**-for "speeding." "loitering" and similar "offenses." And now they have charged with "perjury" under which they could imprison him for ten years. Obviously, their real purpose is to remove him physically as the leader to whom the students and millions of others — look for guidance and support, and thereby to intimidate all leaders who may rise in the South. Their strategy is to behead this affirmative movement, and thus to demoralize Negro Americans and weaken their will to struggle. The defense of Martin Luther King, spiritual leader of the student sit-in movement, clearly, therefore, is an integral part of the total struggle for freedom in the South.

Decent-minded Americans cannot help but applaud the creative daring of the students and the quiet heroism of Dr. King. But this is one of those moments in the stormy history of Freedom when men and women of good will must do more than applaud the rising-to-glory of others. The America whose good name hangs in the balance before a watchful world, the America whose heritage of Liberty these Southern Upholders of the Constitution are defending, is our America as well as theirs...

We must heed their rising voices-yes-but we must add our own.

We must extend ourselves above and beyond moral support and render the material help so urgently needed by those who are taking the risks, facing jail, and even death in a glorious re-affirmation of our Constitution and its Bill of Rights.

We urge you to join hands with our fellow Americans in the South by supporting, with your dollars, this Combined Appeal for all three needs-the defense of Martin Luther King-the support of the embattled students-and the struggle for the right-to-vote.

Your Help is Urgently Needed...NOW!!

'Can you provide a definition of the word woman?'

by William H. Freivogel

Judge Ketanji Brown Jackson never could have expected to be asked that simple question — 'what a woman is'' — by Sen. Marsha Blackburn (R-Tenn.) Jackson's response was by turns puzzled, nervously amused and then lawyerly in saying no. She said she couldn't define the word without knowing the legal context.

The brief confrontation was one of those moments that can capture the public imagination because suddenly all of the complexities of the Supreme Court are boiled down to one simple question a kindergartner might answer but a brilliant Harvard Law graduate would not. The exchange quickly became big news on Fox and other right-leaning media sites.

What was missing — as it so often is — was context. In this instance the context is the two-century struggle women have fought to try to gain equal rights — to define what woman means. A struggle that included the hearing that led to the confirmation of the first Black woman nominated to the court.

The story of the legal crusade for equal constitutional rights for women runs counter, however, to the Blackburn's views on women's equality and counter to the originalism that Republican senators espouse when interpreting the Constitution.

The men who wrote "equal protection" into the Constitution never meant to protect women and the Supreme Court waited a century before striking down a law for violating the "equal protection" of women.

Thomas Jefferson wrote, "all men are created equal." No one in polite society then thought women's legal rights to vote or own property or work outside the home should be protected. In fact our national belief in equality didn't make it into the original Constitution.

In antebellum America the rules of coverture — derived from English common law — gave husbands the rights to a wife's paid and unpaid labor, most of her property and her obedience. Wives couldn't sue or make contracts without their husbands' consents, nor could they vote. In the eyes of the law, the "very being or legal existence of the women is suspended during marriage" wrote William Blackstone, the great 18th century legal commentator.

When women gathered at Seneca Falls in 1848, they wrote their Declaration of Sentiments, patterned on the Declaration

of Independence, except they declared "all men and women are created equal." Instead of laying out King George's tyrannies, it laid out the tyrannies of men, beginning with the refusal to allow women to vote or have any voice in lawmaking.

It took a Civil War and half a million American deaths to lay the groundwork for the 14th Amendment and "equal protection." But for a century that didn't include women.

Equal doesn't apply to women

The 14th Amendment provided in 1868 that, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" and added, "No State shall…deny to any person within its jurisdiction the equal protection of the laws."

But when two women — one from Missouri and one from Illinois — went to the Supreme Court to claim the amendment's protection, they quickly found they were not included.

The Illinois Supreme Court had denied Myra Bradwell the right to practice law solely because she was a woman. Her lawyer in the Supreme Court, Matthew Hale Carpenter, harkened back to the Declaration of Independence saying, "In the pursuit of happiness all vocations, all honors, all positions, are alike open to every one; in protection of these rights all are equal before the law."

There was no lawyer arguing the other side of the case, but Bradwell lost anyway. As the 1873 opinion put it, "the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.

"The harmony….(of) the family institution is repugnant to the idea of a woman adopting to a distinct and independent career from that of her husband….The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mothers. This is the law of the Creator."

The next year, the Supreme Court turned away Virginia Minor, who had tried to register to vote in St. Louis in 1872. Chief Justice Morrison Waite, writing for a unanimous court, wrote there was no doubt but that women may be citizens, but there was also no doubt that not all citizens of the United States can vote. It's up to the states to decide who has that right and Missouri said no.

Even when the Supreme Court seemed to be ruling in favor of women, it did so based on debilitating sex stereotypes. In Muller v. Oregon in 1908, the court upheld a law limiting the workday of women in factories to 10 hours. This came at a time when the court generally ruled that laws limiting the right of contract were unconstitutional under the 14th Amendment. The court justified its ruling in Muelle on the weakness of women.

"That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her,...and as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

"Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength… As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved."

Even 'sprightly' barmaids may not apply

Even after women narrowly won the right to vote in 1920 with ratification the 19th Amendment, the Supreme Court continued to give women second class status under the Constitution.

As late as 1948, the court upheld a Michigan law that forbade a woman to work as a bartender unless she was the "wife or daughter of the male owner." Justice Felix Frankfurter jovially noted the "historic calling" of the "alewife sprightly and ribald," but cautioned that the 14th Amendment "did not tear history up by the roots." He added that Michigan could "beyond question, forbid all women from working behind a bar….The fact that women may not have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced, does not preclude the States from drawing a sharp line between the sexes."

And in 1961 the court upheld a Florida law that excluded women from jury lists unless they requested inclusion, resulting in almost all all-male juries. The court continued to interpret equal protection in light of a woman's role in the family, just as it had in Bradwell almost a century earlier. A woman, who had been convicted of killing her husband with a baseball bat after he cheated on her, thought women on the jury would better understand her plea of temporary insanity.

But the court said no. "Despite the enlightened emancipation of women from the restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life."

Ginsburg vs. Schlafly

In 1964 Congress passed the Civil Rights Act that included sex discrimination as an afterthought. A Southern legislator added sex to the grounds for discrimination, possibly as a poison pill to defeat the entire act. Some members of Congress laughed, but sex was included in the final law.

Still it wasn't until Ruth Bader Ginsburg brought Reed v. Reed to the Supreme Court in 1971 that the court ruled for the first time that the 14th Amendment's 103-year-old promise of equal protection could strike down a law that discriminated on the basis of sex.

The next decades were a race between two very different women, Ginsburg and Phyllis Schafly from Alton, Il. Ginsburg was taking case after case to the Supreme Court to provide women with equal rights, while Schlafly was convincing state legislators to kill the Equal Rights Amendment for fear of same-sex bathrooms and women in the military. Both women succeeded. The ERA still is not part of the Constitution, but Ruth Bader Ginsburg won almost complete equality by including women as a "person" deserving "equal protection."

The pinnacle of Ginsburg's legal victory was the opinion she wrote for the court throwing out the male-only admission requirement of the Virginia Military Institute, a male bastion.

The language that Blackburn quoted in her confrontation with Jackson was from the VMI case. The quote about the sexes not being "fungible" was not actually Ginsburg's words but a quote from a prior case.

The senator's political point was clear, however: Jackson's inability to define a woman underscores the "dangers of the progressive education."

"Just last week," she added, "an entire generation of young girls watched as our taxpayer funded institutions permitted a biological man to compete and beat a biologoical woman in the NCAA," a reference to Lia Thomas, a champion transgender swimmer on the University of Pennsylvania's women's team.

Critics pointed out that Blackburn has a long record of opposing laws that Ginsburg had supported as a lawyer or upheld as a justice. Blackburn voted against the Lilly Ledbetter Fair Pay Act of 2009, the reauthorization of the Violence Against Women Act and opposed ratification of the ERA.

Critics also point out that applying the original meaning of 14th Amendment would not have protected women at all.

Jackson finally found a way not to answer the question. She pointed out that the definition of sex in the law was an issue that is likely to come before the court, so she should not express an opinion.

One interesting footnote is that Justice Neil Gorsuch, one of the most conservative justices on the court, wrote the decision in 2020 holding that the word sex — added as an afterthought to the 1964 Civil Rights Act by a Southern segregationist — includes sexual orientation and gender-identity.

The Senate's decision to confirm Jackson as the first Black female justice is the next signpost on the path toward equality.

Photos by Susy Schultz

Ray Long signs his new book alongside PR representative Joanna Klonsky.

Journalist's book on former Illinois House Speaker Mike Madigan fills in gaps of two storied careers

by Susy Schultz

Ray Long is either the luckiest man in Illinois journalism or he has an inside source.

His just-released book about former Illinois Speaker of the House Michael Madigan came out only a few weeks after a headline making 22-count federal indictment was filed by the U.S. Justice Department against the 79-year-old career politician.

"I turned it in January 2021," said Long of his manuscript. "And I was disappointed that it didn't come out by Thanksgiving. And then, it didn't come out by Christmas."

Long paused. The Chicago Tribune investigative reporter and former Springfield bureau chief was sitting at a small table signing books at the doorway to the side room of the Billy Goat Tavern on lower Michigan Avenue in Chicago. Then, with a slight humble smile, he added: "But the delay turned out to be a great thing."

"Ray's timing is unbelievable," said Pat Brady, former chairman of the Illinois Republican Party. Brady was one of about 150 journalists and politicos who came to celebrate the release of Long's book: The House that Madigan Built: The Record Run of Illinois' Velvet Hammer (University of Illinois Press).

"The pairing of Ray Long and his subject matter of Mike Madigan is wonderful," said Marj Halperin, a Democratic analyst and communication consultant. "They truly are each icons in their own way."

The late March turnout was a tribute to Long, a 25-year veteran of Springfield coverage, who is as well-known to people who are either in or follow state politics. It included some who knew Long when he began, such as retired Tribune reporter Jim Strong and current newsroom colleagues such as Chris Jones, editorial page editor.

"Ray is intensely focused on his work," said Terrence James, a Tribune photographer. "And more important, he is a profoundly grounded human being."

But also many of his colleagues who are also Long's competitors.

"Ray is the perfect guy to write this book," agreed Chicago Sun-Times columnist Mark Brown. "Ray—like everything else on the Madigan story—has been Johnny-on-the-spot," adding: "But there are probably two dozen of us (political reporters) kicking ourselves."

Madigan was part of Ray's beat for more than 25 years, which is how many years Long has covered the state capital for various news outlets, including the Sun-Times, AP and the

Ray Long signs his new book.

Tribune.

Through it all, Long has often been called by many who know him a man of integrity and a top reporter.

"I am unafraid to tell someone who beat me on a story that they did a good job and over the years, maybe that's made a difference," said Long in response to being accused of being a good person and reporter. "I also treat everybody with respect even when I am writing tough stories. I try to be fair and accurate and I think I am just persistent."

A quick unscientific poll of Long's editors who showed up at the Billy Goat back up Long.

"Ray was the guy who would run through a concrete wall for you and then call and say what else do you need?" said his former editor at the Chicago Tribune Hanke Gratteau. "He's just relentless."

"I've worked with Ray at two different newspapers, the Sun-Times and Tribune," said Joyce Winnecke, who was also Long's editor. "He's always been one of the hardest working and most decent reporters with really great instincts, illustrated with the timing of this book."

"There really isn't another journalists so positioned to write this," said John Dowling, who covered Springfield for the Associated Press with Long and in another iteration was also Long's editor at AP. "He's covered Madigan his whole career from the time he became speaker to his downfall. He has seen it all. And he is someone who was in covering Illinois politics, has also seen the bigger picture."

Long has written numerous detailed and hard hitting stories about former Speaker Madigan in the past.

Yet, for decades, many thought Madigan was untouchable.

"Madigan and his acolytes always said he never crossed the line but this time he is alleged to have crossed the line in many ways," said Long.

Madigan's many titles gave him power over state money, legislation, reapportionment and slating. It won him friends but it also meant even those who opposed him would go out of their way to not anger the Speaker.

"I'm not saying that he was guilty of things before but he has been involved in a number of eyebrow raising scams in the past. And I'm not saying that he was dirty his entire career—we never proved that and he was never charged with anything."

Then, why was an indictment so long in coming?

"Sometimes the feds don't really audit the papers," said Long.

Madigan was a political student of Mayor Richard J. Daley, the first Mayor Daley. The power Madigan amassed in his nearly four decades as Speaker shaped Illinois politics, policies and the state itself as Long outlines in his book:

Loved, revered, hated or feared, Madigan commanded an outsized role. It all played into the Madigan Mystique — which still exists somewhere between real and perceived power. Whether one viewed Madigan as a genius, a jerk or both — and plenty of people populated each camp — he managed consistently to mesmerize his admirers and frustrate his foes. Madigan's political opponents found themselves beaten down so often by his persistent but subtle force that he became known early on as "The Velvet Hammer."

A few years ago, the protective walls started to crumble. Madigan's friend and associate, Michael McClain was indicted in late 2020 along with two former Commonwealth Edison executives. In the indictment, Madigan was not named but he was identified as "Public Official A." A few months later, Madigan was deposed as House Speaker and in February 2021, he resigned as Democratic Party chair about 50 years after he had entered politics.

On March 2, Madigan was indicted on "racketeering and bribery charges for allegedly using his official position to corruptly solicit and receive personal financial rewards for himself and his associates," according to the news release from the U.S. Attorney's Office. McClain was also indicted, a second time, for carrying out Madigan's directives. Both Madigan and McClain have pleaded not guilty to the charges and denied any wrong doing.

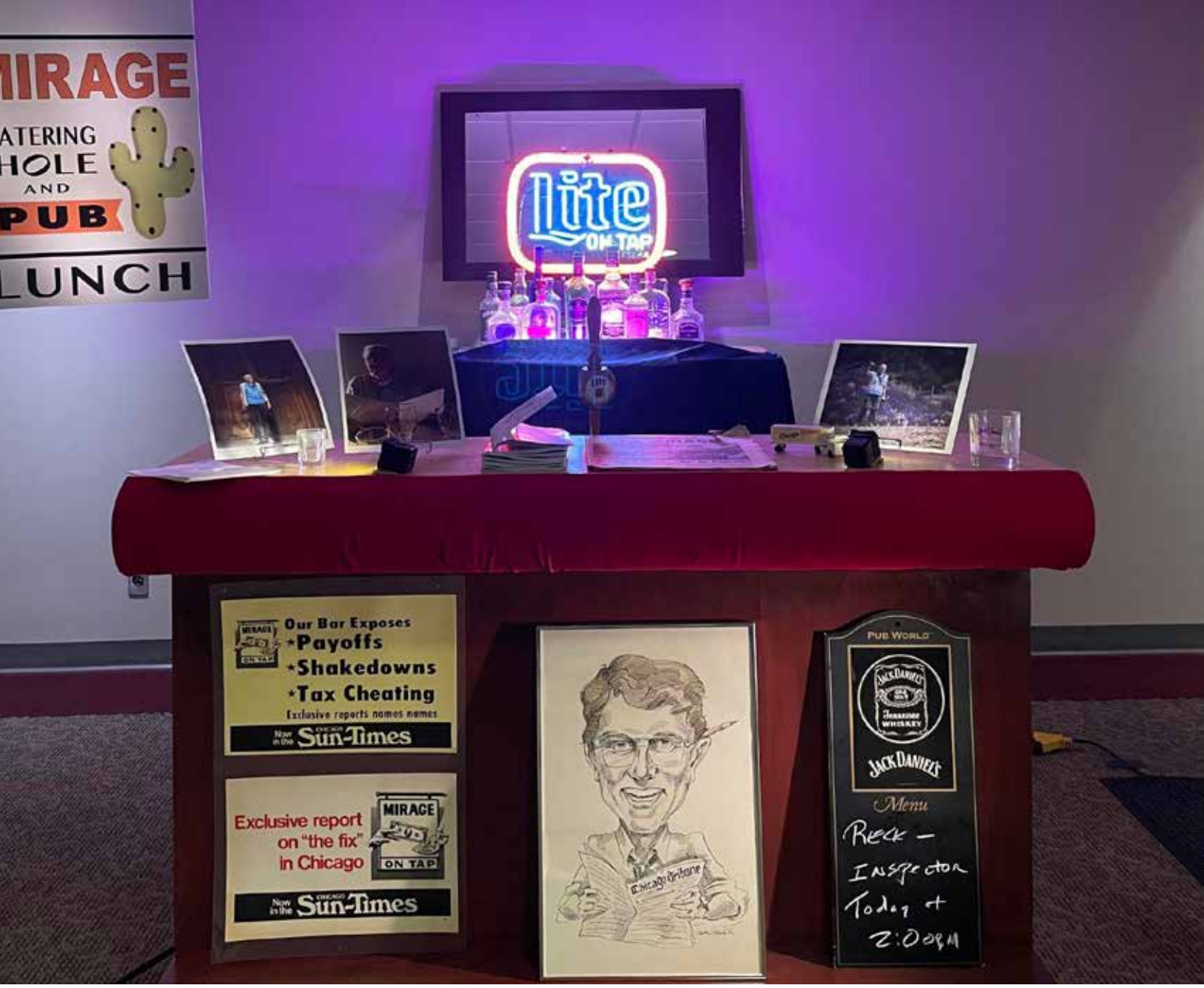
The indictment frames the nefarious activities as occurring in the last decade. But Long's book serves as a primer on the Speaker's full career. It includes details that only a reporter such as Long would have.

"It is so good, it should be required reading," said NBC5 political reporter Mary Ann Ahern. "It's just great. It really fills in a lot of the holes on how things happened." Ahern and Long have known each other since their early days in journalism when both competed against one another as reporters in Peoria.

"He is such a solid fantastic reporter. He's the real deal," she said. "Every reporter, young and old, should read this book. It's a primer for the way the state has operated."

So, does this mean the book also marks the end of an Illinois political era?

Said Ahern: "Who knows. It may continue. I'm not sure we always learn from our mistakes."



William A. Recktenwald
A Freedom Fighter for the ages

by Geoff Ritter

Publisher's note: William A. Recktenwald, a storied reporter and journalism professor, died last year, shortly after retiring from the SIUC School of Journalism. He was much loved by his students and former colleagues at SIU and the Chicago Tribune. GJR is recognizing him posthumously with its Freedom Fighter award. This story about "Reck's" career was written by one of his students and friends on the occasion of his memorial service last fall.

William A. Recktenwald went undercover to expose fraud and abuse in one of America's biggest cities.

"Reck," as many knew him, was the senior lecturer in journalism at Southern Illinois University Carbondale for 21 years before his retirement in late 2020. From 1978 to 1999, he was an investigative reporter and deputy bureau chief at the Chicago Tribune.

He earned his reputation as an investigator with the Better Government Association, disguising himself as an ambulance driver and nursing home worker in the early 1970s to expose abuse and fraud. A partnership between the BGA and the Chicago Sun-Times in 1978 led to the famous "Mirage," a tavern opened by Reck and Sun-Times reporters to highlight corruption among Chicago city inspectors. Later at the Tribune came his most dangerous assignment of all: going undercover as a prison guard in a series of stories about conditions at the Pontiac Correctional Center.

Later, Reck worked to shine a light on gang violence across Chicago, particularly in cases where the victims were children. He worked on multiple stories that were finalists for Pulitzer Prizes, and he was part of the teams behind two Pulitzer wins. He

was inducted into the Chicago Journalism Hall of Fame in 2008.

"He was a natural at going undercover," said famed Chicago reporter Pam Zekman, who worked with Reck on the Mirage sting. "He had an ability to adapt to any kind of situation. He had a low-key way of dealing with people to win their confidence."

For years, Reck used that skill to expose injustices in the city of Chicago. Then, later in life, he taught the skill to others.

Only kid with an FBI agent bunking at home

William Ames Recktenwald was born October 12, 1941, at Mt. Carmel Mercy Hospital in Detroit, Michigan, the son of William Arthur and Mildred Rose (Gately) Recktenwald. His family, including two older sisters, moved when he was an infant to Oak Park, Illinois, and shortly afterward to La Grange Park in the western Chicago suburbs.

"From first through eighth grades, I attended St. Francis Xavier Catholic School," Reck recalled. "It was about a block and a half from my house. I would walk to school and go home for lunch and then walk home from school again." All of his teachers were nuns. Some later wrote him at the Tribune to marvel at his improved spelling.

"Obviously," Reck commented, "they never heard of the copy desk."

He attended Lyons Township High School in La Grange, graduating in 1959. He disliked school and struggled with reading due to undiagnosed dyslexia. He gave most of his attention to the Civil Air Patrol, a civilian auxiliary of the U.S. Air Force. At 14, Reck started as a cadet and rose to become a lieutenant colonel at the age of 26. He became director of the state's cadet program, remaining with the CAP until 1986.

He earned an associate's degree from the College of Du Page in 1967 but had little interest in more schooling. To earn money, he sold shoes, ran a liquor store cash register, bagged groceries, and drove nails into prefabricated wooden boxes. He also was in the Army, earning an honorable discharge as a private E-2 in 1964. After that, he served six years in the National Guard as a military policeman.

When he was still young, Reck was drawn to a particular guest at the Recktenwald home on North Stone Avenue. Roswell T. Spencer, a longtime friend of Reck's father, worked at the Chicago field office of the Federal Bureau of Investigations and stayed with the family for several months. Spencer bunked in an upstairs bedroom and took the train into the city each morning. Reck, just 4 or 5, wondered what he did there. "I was the only kid on the block with an FBI agent living in his house," he recalled. "Believe me, that was cool." Spencer proved to be a good friend and patron. In 1962, following Reck's 21st birthday, Spencer landed him a job as an investigator with the Cook County State's Attorney's Office.

Vote and ambulance scandals

It was night work, and Reck would have to assume disguises. His task would be to drift in and out of taverns, looking for evidence of illegal gambling operations. Reck did this for four years. He loved it.

In 1967, again with Spencer's help, Reck began his long tenure with the Better Government Association, a civic watchdog group that partnered with reporters at the city's newspapers and television stations. Working with the Chicago Daily News in 1968, Reck posed as a Madison Street derelict and successfully registered to vote under a handful of aliases, including James Joyce and Henry David Thoreau. He also rented a room in a skid row hotel with the suspicion it was being used to harvest ballots. These efforts uncovered a massive vote fraud operation that preyed in particular on Chicago's poor residents.

In 1970, Reck and Chicago Tribune reporter Bill Jones obtained city ambulance attendant licenses and went undercover as so-called "misery merchants" at some of Chicago's private ambulance companies.

Here, Reck witnessed "the most sickening display of mistreatment of human beings I have ever encountered" — patients dragged across the floor, pulled down stairs, left to die on stretchers as unscrupulous ambulance attendants haggled for payment. Reck and Jones also found falsified records and payments of "drop money" to police officers in exchange for directing victims to certain ambulance companies. The investigation ended in bribery charges against 10 officers, as well as a Pulitzer Prize for Jones, who split the prize money with Reck.

Reck became chief investigator for the BGA in November 1971 amid further probes into vote fraud, including one uncovering "flagrant violations of voting procedures" in the 1972 city primary. That garnered another Pulitzer for the Tribune. In 1975, Reck took a leave of absence from the BGA to become the chief investigator for the U.S. Senate Special Committee on Aging's examination of nursing home abuse. Reck reported to the committee on elder abuse at a Pittsburgh hospital and medical labs offering kickbacks to a phony clinic in Chicago. Using fake references, Reck applied as a janitor at a Chicago nursing home, where instead he was hired as a nurse and promptly charged with distributing medications to 37 patients.

He witnessed staff punching the elderly, uneaten food being scraped from one tray to another, and rats scurrying everywhere. "I saw the so-called Golden Years become a grim death sentence in places where nobody cares," Reck said. He eventually sought the help of his mentor, Roswell Spencer, in obtaining a job in statewide investigations. Spencer told Reck that he worked well with reporters and should consider staying at the BGA.

The Mirage

That's what he did. In 1976, the BGA and Reck partnered with Chicago Sun-Times reporters Pam Zekman, Zay Smith and others for one of the most sensational newspaper stings in the city's history. Reck and Zeckman initially posed as a husband and wife, Mr. and Mrs. Ray Patterson, in order to purchase a run-down tavern on Chicago's North Side. Their new corner watering hole, named "The Mirage" at Reck's suggestion, opened and operated for four months, with Reck himself often slinging glasses of Old Style and Miller Lite from behind the bar. But using hidden cameras, the team — including Sun-Times photographers Jim Frost and Gene Pesek — captured abundant evidence of bribes, shakedowns and kickbacks proposed by officials and building inspectors. The network of payoffs was baked into the city's bureaucracy.

Detailed in a series of 25 stories in the Sun-Times in 1978, as well as nationally on "60 Minutes," the Mirage affair resulted in a federal investigation of city hall and numerous reforms aimed at cracking down on graft and corruption.

The work was grand and theatrical, and it attracted widespread attention. While considered by many a front-runner for a Pulitzer in 1979, it fell short after other national editors suggested, to some controversy, that the investigators' efforts amounted to entrapment.

The Trib

Reck reached out to his old friend Bill Jones, now managing editor at the Chicago Tribune. In March 1978, Reck began at the newspaper as a reporter — a fact that astounded him, given that he was a poor speller and typed using just one finger. Yet, Reck's new position led to his most dramatic assignment yet.

On July 22, 1978, three corrections officers died at the Pontiac Correctional Center after hundreds of prisoners, some armed with shanks, attacked the guards, set buildings on fire and stormed the north cell house. The prison remained on lockdown. Jones convinced Reck to apply for a guard job and figure out what had led to the violence. Reck got the gig. Following a one-hour orientation, and a warning not to bring in guns or drugs, he worked his first shift in the segregation unit among 215 of the prison's most violent inmates. As Reck served prisoners wet ravioli through their cell bars that night, a fight broke out. He felt a giant arm grab him. He jerked away, but the food cart trapped him between it and the bars. Something hard hit him in the back. He managed to break away, fleeing the cell block with another guard.

On another shift, he was paired with a sadistic guard named Cadillac to serve dinner again, this time in the cell block where the riot had occurred. Cadillac was ready to fight any of the prisoners, any time. They knew it, and they baited him. "I

was scared," Reck admitted.

He began sending his notes each night to Jones and city editor Bernie Judge, just in case something were to happen. After nearly two weeks, two other guards caught Reck conferring with a Tribune photographer at a nearby McDonald's. His cover was blown. But Reck had captured an unparalleled view of the simmering violence contained within the prison — as well as administrators' attempts to deceive the public about it. He snapped photos with stealth and dictated his notes into a recorder, sometimes while concealed only by shadow. Back at the Tribune office, Reck and rewrite man Mark Starr took just a week to rework his notes into a series of stories that led to the replacement of the warden and the director of the Department of Corrections. The story increased Reck's standing at the Tribune. "It helped me because it showed that I could do investigative journalism not only as an investigator but also in putting the words into a story," he said. Another project he worked on that year at the Tribune was "Growing Old in America," a 14-part series that was a runner-up for a Pulitzer.

Reck went to work deep in the newsroom's trenches. He loved the challenge of daily news and worked in the Tribune newsroom every Sunday for the rest of his time there. He also began working as a mentor to new employees, especially younger workers and interns. His attention shifted away from investigations and toward social issues in the city of Chicago. New observations led to new stories. Chief among his interests was the appalling violence on the city's streets. In January 1984, Reck and fellow Tribune writer Nathaniel Sheppard Jr. collaborated on "Gangs," a series of stories showing the growing influence of gangs in the city. In 1986, the Tribune staff released "The American Millstone," a study of America's urban underclass.

Reck dug in deeper, collecting statistics to highlight trends across the city. Using a newsroom calculator, Reck deciphered revealing facts, including that Chicago was seeing an armed robbery occur, on average, every 20 minutes. They sought faces to tell these stories. In 1993, Reck was integral in the newspaper's effort to report on each of the city's child homicide victims for a year, always on the front page. The accounts were vivid and raw. Charles Coleman was just 14, Reck reported, when a classmate shot him in the chest on the ninth floor of a Chicago Housing Authority high-rise. He died on a concrete floor. Danielle Daniels, 4, died less than two weeks later, drowned in a bathtub and then suffocated on a bed by her mother. In all, the Tribune staff told the stories of 61 children who died suddenly that year, nearly a third of them on the street. Their combined work, "Killing Our Children," won widespread acclaim. "It was a powerful series," U.S. Senator Paul Simon wrote Reck, "and I am grateful to you." In November 1993, Reck became the Tribune's deputy bureau chief, directing the schedules of the metro staff's 150 or so employees.

Sailing and flying

Reck was devoted to his career and never started a family of his own. His pastimes played a vital role in his life. He was an avid hiker and a licensed pilot. In 1983, he purchased his first sailboat. The next year, he purchased another. He began sailboat racing on Lake Michigan, often entertaining friends on the water. In 1987, he took part in the race from Chicago to Mackinac

"At the end of his first year of teaching, Reck thought about it and then signed on for another. He continued doing this, over and over, for the next 20 years."

> **"I learned lots and met many good people. To all of them I send the best of greetings and good wishes in this time of change. Be safe, tell the truth."**
>
> **— William Recktenwald**

Island and completed the race in 40 hours. Subsequently, he convinced the sports department at the Tribune to allow him to cover the race. He did so for the next 12 years.

The stress took its toll. In 1995, a ruptured ulcer put Reck in intensive care for a week as doctors gave him blood transfusions. Once recovered, he began looking toward life beyond Cook County. In almost deliberate contrast, he purchased a vacation home in Hardin County, the least populous place in Illinois. He began to report on attractions in downstate Illinois, culminating in the 1999 series "The Other Illinois." Taking all of the photographs to accompany this series was Tribune photographer Phil Greer, a native of southern Illinois.

On August 17, 1999, Reck retired from the Tribune. More than a hundred colleagues turned out for a party in his honor at Chicago's famed Billy Goat Tavern. But he was not one to stay idle. Soon, he reported for orientation at another job more than 300 miles away.

When word of his coming newspaper retirement spread, Reck received a call from Mike Lawrence, whose own career in newspapers and government had brought him to the Paul Simon Public Policy Institute at SIU Carbondale. Because of extra funding through the Freedom Forum, Lawrence told Reck, the university's journalism school had the opportunity to offer a year-long teaching assignment. Was he interested?

Reporter to professor

After some hesitation, Reck joined the faculty of the SIU School of Journalism in 1999 as "journalist in residence." Despite his own early apathy toward school, Reck found he now enjoyed the classroom. "The first students that I met I liked, and I guess they liked me," he said. "By the second semester my classes were filling and getting wait listed very quickly. A number of students told me that they had actually learned things from me. And I enjoyed teaching."

At the end of his first year of teaching, Reck thought about it and then signed on for another. He continued doing this, over and over, for the next 20 years. His longtime colleague from the Tribune, Phil Greer, eventually joined him on the faculty. Reck took on a larger course load —senior-level classes in news writing, investigative reporting and public policy reporting, among others — and was regarded as the most professionally experienced member of the journalism faculty. He also became a guiding force and mentor to many in the newsroom of the Daily Egyptian, SIU's student-run newspaper.

He helped coordinate special publications for the school of journalism, including student-produced books on the Shawnee National Forest, the 2012 "Leap Day" tornado in Harrisburg, and the 100th anniversary of the Daily Egyptian. He advised the SIU chapter of the National Association of Black Journalists and went to particularly great lengths to champion student journalists of color. While he took pleasure in getting to know his students, it also brought occasional pain. In 2008, a 22-year-old journalism student from Batavia, Ryan Rendleman, was killed in an accident while on his way to an assignment for the Daily Egyptian. Reck later called the day of Rendleman's death "the worst day in my life." Afterward, he worked with great purpose to secure national recognition for Rendleman among the ranks of journalists killed while gathering the news.

Reck advanced to become the school of journalism's senior faculty member, as well as eventually its deputy director. He served as the president of SIU's Faculty Senate in 2011 and 2012 and was the first non-tenured faculty member to do so. He also taught internationally. In the summer of 2002, funded by a U.S. State Department grant, Reck traveled to Tanzania as a volunteer teacher. The next year he did the same to Nepal, Sri Lanka and India. He visited Maldives, Uganda and Kenya as a guest lecturer in 2006. In 2008 and 2009, he was a Fulbright senior specialist in Uganda, teaching journalism for six months to students at Makerere University in Kampala. He also traveled often for pleasure, visiting more than 75 countries. In 2004, on a repeat visit to Sri Lanka, he was injured in the deadly tsunami that suddenly submerged his hotel patio in nearly 20 feet of water. He had to swim to safety. Reck and other survivors found one man drowned and another crushed by a concrete wall in the hotel's office. "It felt like being inside a washing machine," he told the Daily Egyptian. In the years to come, he returned to Sri Lanka to do follow-up reporting for the Southern Illinoisan, the St. Louis Post-Dispatch, WSIU Public Broadcasting and the Chicago Tribune.

One last time

They gathered one last time at the tavern on North Wells.

Avenue in Chicago, in January 2018, to celebrate 40 years since the legendary sting. A few months later, Reck, Pam Zekman and Zay Smith met again to accept a lifetime achievement award from the Chicago Headline Club. That June, the Chicago City Council passed a resolution commending Reck's career of nearly six decades. As investigative journalism waned, talk of his most famous case remained spirited. "This one stood out," then Sun-Times editor Chris Fusco said at the 2018 reunion. Still, it raised a question: "Is undercover reporting ethical?" Reck viewed it as an essential tactic. Some reporters wrote about indictments the night before they became public. Reck wanted to write stories that caused authorities to start investigations. "It is very difficult being in journalism without having some type of indignation when wrongs are done," he said.

On the final day of 2020, Reck retrieved the last of his personal items from SIU, retiring a second time to his cut of forest deep in Hardin County. This time, he planned to stay. He lamented the decline of investigative reporting, the contraction of the journalism school, his own weary mind.

He made plans to travel more, likely back to Iceland or Nicaragua. In July 2021, he experienced an abrupt decline in health. He was taken to Deaconess Midtown Hospital in Evansville, Indiana, where his condition worsened. Once again, the rupture of an ulcer placed him in intensive care as doctors rushed to give him blood.

On the afternoon of August 20, Reck died at the Linda E. White Hospice House in Evansville. Three days later, following a funeral mass, friends buried him at St. Joseph Cemetery in Elizabethtown, Illinois.

He lived a life filled with accomplishments, as well as a few striking contradictions. A child with poor reading skills, he became a revered writer at one of America's great metropolitan newspapers. An apathetic student, he transformed into a respected instructor at a major research university. He lived in isolation but surrounded himself with friends from around the globe.

He had been a reporter, a teacher, a sailor and a pilot; he tended bar, drove ambulances and even guarded the north cell block for a time. Many of his lives he lived in public. Some, he kept close to himself. A few of them, it turned out, had been nothing but mirages.

"I had been concerned about leaving the hurry and busy of the city," he said of leaving the Tribune in 1999, "but find that life here in the Hardin County countryside fits me like a glove. You can see more stars out here in one night than in a month in the city."

Two decades later, he retreated to the same expanse of land near the Garden of the Gods. He took time to reflect on his life once more.

"I learned lots and met many good people," he wrote to his friends as he left the university. "To all of them I send the best of greetings and good wishes in this time of change. Be safe, tell the truth.

"God Bless you," he concluded, "and keep you safe."