



Gateway Journalism REVIEW

Founded 1970 as St. Louis Journalism Review

**Covering the migration 'crisis'
when the road leads to the Midwest**

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TABLE OF CONTENTS

- 4 **NEWS ANALYSIS: Chief Justice Roberts falling short on restoring Supreme Court legitimacy**
- 8 **Chicago media struggle to tell migrant stories as thousands surge into the city**
- 11 **Where the US stands on migrant laws**
- 12 **Editorial cartooning has long history in America, but its future is much less clear**
- 14 **ESSAY: In smaller newsrooms, some sports reporters are covering 10 sports at once**
- 15 **OPINION: Journalists need to expand beyond crisis reporting in covering migration**
- 16 **ESSAY: Student journalist lose access to TikTok in states where the video sharing app is restricted, banned**
- 17 **Autistic photojournalism student prepares to enter a workforce that doesn't yet understand neurodiversity**
- 18 **After storied career at Chicago Sun-Times, Maudlyne Ihejirika is 'redefining retirement'**
- 21 **Long-stalled defamation cases against Gateway Pundit could move ahead**
- 23 **St. Louis judge bars Post-Dispatch publication in murder case**
- 25 **OPINION: Missouri senator's manly virtues book delights jesters and satirists**
- 28 **OPINION: Fox conduct shows need to revive traditional goals**
- 30 **US lags other nations in regulating AI**



Illustration by Steve Edwards

Chief Justice Roberts falling short on recapturing Supreme Court legitimacy

By William H. Freivogel

Last December, GJR published "A citizen's guide to a U.S. Supreme Court losing its legitimacy." This follow-up recounts recent ethics controversies and the leading decisions of this past term.

After 18 years, Chief Justice John G. Roberts Jr.'s Supreme Court has the lowest credibility of any court in almost a century. The court's standing has not been this low since FDR tried to pack the court after it struck down New Deal laws.

Credibility and legitimacy are the coin of the realm for the 68-year-old chief justice who could remain atop the court for another two decades or longer. He is quite likely to surpass the record 34 years that famous Chief Justice John Marshall guided the court from 1801-1835.

Roberts will be judged for how well he

retained the court's credibility at a time when a conservative majority of hard-right justices are gaining control and when sharp political divisions in society are pressure-testing the machinery of democracy.

The chief justice is trying hard to defend the court's legitimacy, but polls and legal commentary suggest he is falling short.

New disclosures about lavish hospitality received by Justices Clarence Thomas and Samuel Alito have only made the chief justice's defense of the court more difficult. He declined to appear before Sen. Richard J. Durbin's Senate Judiciary Committee citing the importance of retaining a separation of powers between the branches of government. But critics accused him of dodging the ethics issue and say the highest judges in the land should have ethics

standards at least as strict as other judges.

None of the disclosures about Thomas or Alito is likely to lead to them being forced from the court. Both are stubborn men who would not capitulate to public pressure. Nor are there the votes to impeach them or to pack the court with more liberal justices - a move that many think would just exacerbate the legitimacy problem.

Still the stories of lavish gifts have permeated the public debate about the court.

The chief justice, who came on the court as one of the more conservative justices, is now positioned in the ideological middle of a court that has moved right.

The big dip in the court's legitimacy came from the *Dobbs vs. Jackson* decision a year ago overturning *Roe v. Wade* and 49

years of precedents that had reaffirmed the constitutional protection of abortion as part of a woman's privacy right. A Gallup poll after Dobbs showed disapproval of the court had risen to 58 percent, the highest in 90 years.

The Associated Press-NORC Center for Public Affairs Research found this year that confidence among women had crashed with just 12 percent of women saying they had great confidence in the court. As recently as 2018, that number had been 32 percent.

Roberts tried to head off Dobbs' explicit abandonment of Roe. But he wasn't able to persuade his most likely conservative ally, Brett Kavanaugh, to join him in a more moderate approach.

Kavanaugh joins Roberts in the middle

In the just completed term, the chief justice was more successful bringing over Kavanaugh in a surprising pro-voting rights decision from Alabama that upholds the Voting Rights Act's consideration of race to keep states from minimizing Black voters by packing them into the fewest possible congressional districts.

Roberts and Kavanaugh also joined the three justices appointed by Democrats in rejecting the effort by southern states, including Missouri, to force the federal government to expel or lock up millions more undocumented immigrants whose only crime was crossing the border. Kavanaugh wrote that the states did not have legal standing to force the federal government to arrest more people than it had the capacity to incarcerate.

Kavanaugh, Justice Amy Coney Barrett and Roberts joined the Democratic justices in rejecting the so-called independent state legislature theory that would have allowed state legislatures to ignore state law in redistricting. The court held that the Constitution "does not vest exclusive and independent authority in state legislatures to set the rules regarding federal elections." Former President Donald Trump and his supporters who tried to replace Trump electors for Biden electors in decisive states in 2020 had favored the independent state legislature theory.

The lesson of these three moderate decisions is that the conservative majority that read the abortion right out of the Constitution will not always hold up in the most controversial cases.

Lee Epstein, the leading analyst of Supreme Court voting patterns and a former professor at Washington University, put it this way: "The data show a shift from the most conservative and aggressive court in modern history to one that has moderated. Perhaps the justices — especially Roberts, Barrett and Kavanaugh — have faced up to the public's waning confidence and decided

to self-adjust." Epstein's data analysis is in *The New York Times*.

Richard J. Lazarus, another former Washington University law professor now at Harvard, said Roberts seemed to have wrested control of the court back from Justice Clarence Thomas. "The chief rather than Thomas remains the most influential justice on the court in terms of the outcomes in the court's opinions," he said.

Stephen Vladeck, a University of Texas law professor, told the *Washington Post*'s Ruth Marcus: "the chief justice and Justice Kavanaugh and Justice Barrett are fairly conventional conservatives, what we might call Bush conservatives. And it ought not to be surprising that Bush-type conservatives are troubled by some of the especially envelope-pushing arguments that are being advanced by plaintiffs and some states in these cases."

It also is notable that the Supreme Court has turned a cold shoulder to Trump's false election claims and his challenges to criminal investigations. Also, bar disciplinary proceedings are punishing some of the lawyers who pitched his false claims in court.

Trump was so mad at the court last fall when he was forced to turn over his taxes that he told his followers to ignore the Supreme Court's authority.

"The Supreme Court has lost its honor, prestige, and standing, & has become nothing more than a political body, with our Country paying the price. They refused to even look at the Election Hoax of 2020. Shame on Them!"

More recently Trump has made political points in the Republican presidential primary by taking credit for having appointed the justices who overturned Roe.

Even if Trump's justices on the court are not receptive to his extreme legal claims, some Trump judges in the lower courts have made questionable and much criticized decisions that serve to undermine the legitimacy of the federal courts.

One Trump judge took the abortion drug off the market even though it had a long track record of safety. Another Trump judge tried to appoint a special master requested by Trump in the secret documents case. A third, on July 4, ruled in favor of Missouri and the Gateway Pundit in ordering that the federal government not to contact social media companies relating to constitutionally protected speech, even if it is wrong.

The first two of these decisions were quickly set aside. The third is based on what many First Amendment scholars think is a highly questionable legal theory that seems to interfere with the social media platforms First Amendment rights.

Gregory P. Magarian, the Thomas and Karole Greene Professor of Law at Washington University, said on St. Louis

Public Radio on July 10, that the Louisiana judge's ruling limiting government contact with social media platforms was "very surprising."

He continued, "it is a very sweeping and consequential order. And I don't know of any precedent like this, where a court essentially told the government, you can't even communicate with a speech provider of some kind to encourage or urge or give the government's point of view about whether certain content should be available..."

"It's important to understand that this is a highly politically charged case and dispute. The attorneys general who are bringing these claims are uniformly Republican attorneys general, the judge, in issuing the order made a point of saying that the problem was censorship of conservative speech. And in his words, that was very telling. This has been a theme on the right for a long time that the conservative speech is being censored. It doesn't really seem to occur to these concerned attorneys general...that some of the speech being excised from these social media platforms may actually be false, pernicious misleading, may present problems that the social media platforms of their own initiative would want to get off their platforms...."

"If the government says, 'Hey, anti Vax stuff on Facebook is getting people killed. And Facebook says, Yeah, we agree. Thanks for bringing that to our attention. We think we should do something about that.' That's not a First Amendment violation that's socially responsible intermediation of speech."

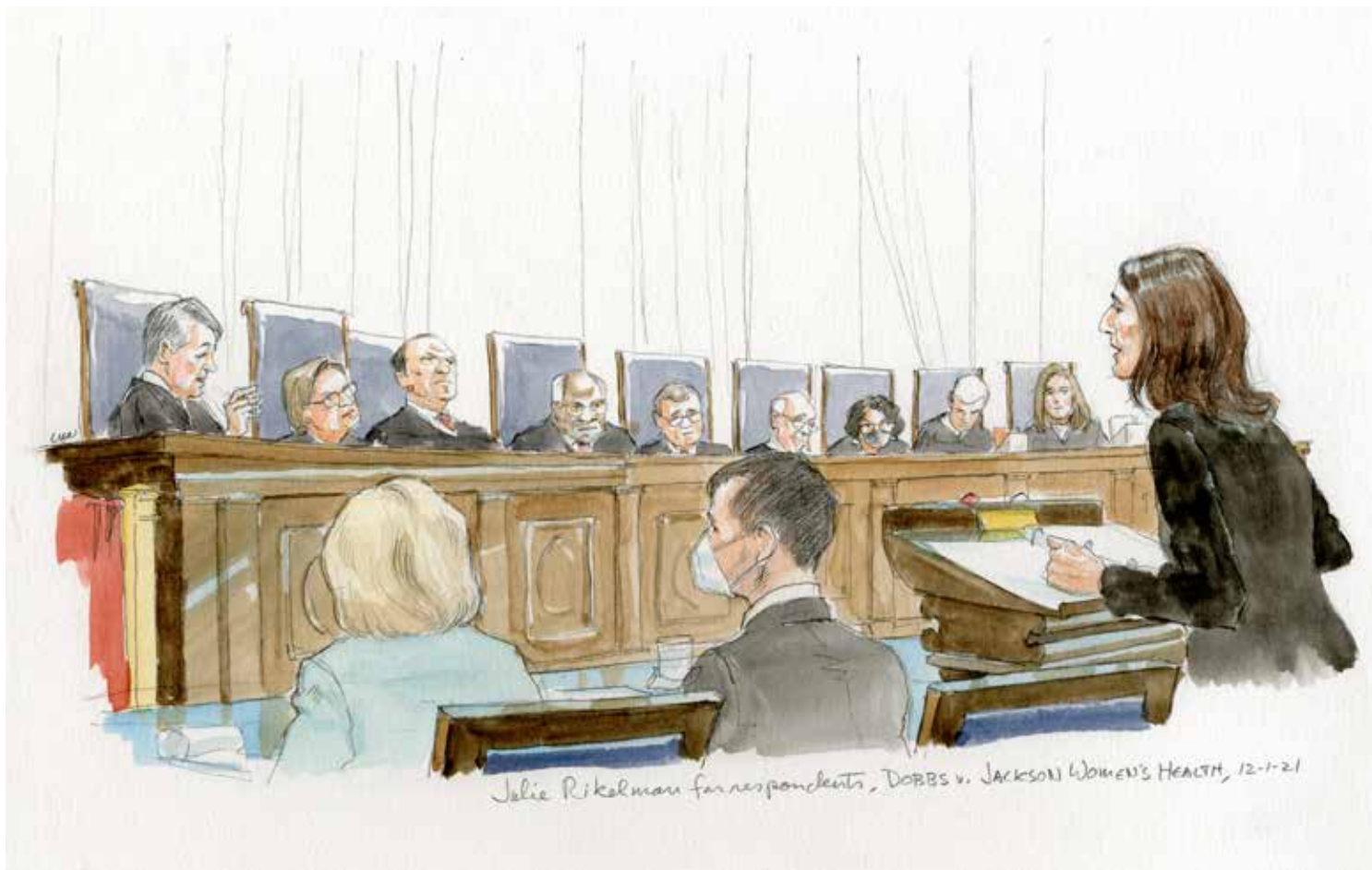
Some liberal media and political commentators have suggested that it is a mistake to read too much into the cases where Roberts appears to have engineered a moderate outcome. Each of the opinions was hedged and they are outweighed, commentators say, by the final decisions of the term ending affirmative action in college admissions, overturning President Biden's college loan forgiveness plan and protecting the speech of a Colorado web producer who had religious objections to being required to create websites celebrating the marriage of same-sex couples.

Two decades of conservative victories

In speeches defending the legitimacy of the Supreme Court, Roberts has said it is wrong to downgrade the legitimacy of the court based on the unpopularity of some decisions.

In an interview on C-Span a few months after the Dobbs decision, Roberts said, "I don't understand the connection between opinions that people disagree with and the legitimacy of the court...You don't want public opinion to be the guide to what the

Continued on next page



Julie Rikelman, senior litigation director for the Center for Reproductive Rights, answers question from the justices during the Dobbs oral arguments in December 2021.

Illustration by Art Lien

appropriate decision is...."

Most legal commentators agree that the court should interpret the Constitution, not try to win a popularity poll.

But critics of the Roberts court disagree with its legal approach. The court has tossed aside settled precedents and has delivered on a conservative political wish list involving abortion, affirmative action, voting rights, school desegregation, guns, religion, big money in politics and less deference to government regulation.

In addition, the majority of the justices now embraces originalism as the proper way to interpret the Constitution, basing decisions on the meaning of constitutional provisions when they were written and the historical traditions of the country at that time.

During the Warren court half a century ago, no member of the court was an originalist. Critics say the originalist approach freezes the Constitution to a historical tradition that protected slavery, limited democracy and equality and ignored women's rights, which were nonexistent.

Even though Roberts has been pushing back against some moves to the right, he has engineered some of the most important conservative opinions of his court.

In a 2007 Seattle school desegregation case he said race should not be taken into account in school assignments, declaring,

"The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." He reiterated that sentiment in his opinion for the court throwing out affirmative action admissions policies at Harvard and the University of North Carolina.

Civil rights lawyers were particularly incensed that Roberts cited *Brown v. Board of Education* as consistent with this colorblind approach to race. Thurgood Marshall, who argued *Brown* and was the first Black justice on the court, made it clear during his life that race had to be taken into account to undo the vestiges of segregation.

Roberts also wrote the 2013 *Shelby County v. Holder* decision finding unconstitutional the part of the Voting Rights Act that required Justice Department preclearance for voting changes in the South. This is one reason that his decision this term to uphold another part of that law and rule for Black voters in Alabama was widely viewed as one of the term's big surprises.

Roberts was part of the majority in *Citizens United*, the unpopular decision permitting unlimited corporate and union treasury money to be used to help elect candidates.

And he was in the majority of the court's 2008 *Heller* decision to recognize an individual Second Amendment right to a gun, a decision that also reversed precedents

extending back to the era of bootleggers in the 1920s. Justice Thomas has successfully expanded that right to the point that gun regulations are now considered constitutional only if there was an historical analogy in 1791.

The court may be rethinking that approach, however, because it agreed to hear a case next term where an appeals court threw out the federal law that bars guns for domestic abusers. Zackey Rahimi of Arlington Texas pushed his girlfriend to the ground during an argument in 2019, dragged her to his car, slammed her against the dashboard and then fired a shot in the air to scare off a bystander. The court may well have picked that case with such unfavorable facts to pull back from Thomas' insistence on a historical analogy for gun regulation. There is no 1791 analogy to taking away guns from domestic abusers.

The Roberts court also has reversed the deference that its predecessor offered federal regulators. The "Chevron" deference that the court once extended to federal regulators has been replaced by a "major questions" doctrine that denies deference on controversial issues such as the environment and student debt relief, requiring instead explicit congressional authorization for the regulators' actions.

LGBTQ+ rights

The one issue on which the Roberts court has moved in a progressive direction is in recognizing same-sex marriage, although that was over Roberts' strong dissent.

Dobbs undermined the legal underpinnings of the same-sex marriage decisions by cutting back on the constitutional protection of personal dignity and privacy. But the chief justice will almost certainly support same sex marriage as a binding precedent, so it is in no immediate danger of being overruled.

Still the court didn't seem friendly to LGBTQ+ people in 303 Creative L.L.C. v. Elenis when it supported the free speech right of a Christian web designer who sought a court declaration that Colorado's public accommodations law violated the First Amendment by forcing her to design sites for same-sex marriages that she opposed on religious grounds.

The 303 Creative case has a Missouri connection because the website designer, Lorie Smith, was represented by the Alliance Defending Freedom, a Christian legal advocacy group where the senior counsel is Erin Morrow Hawley, wife of Sen. Josh Hawley, R-Mo.

Ms. Hawley's advocacy group was accused of misleading the court by suggesting that Smith had received a request from a gay man seeking a website for an upcoming marriage, when the man told the New Republic he never made the request and is married with a family.

Liberal critics have suggested Ms. Hawley should be sanctioned, but that is far-fetched. It seems the mythical web request had no effect on the case because it was a pre-enforcement challenge to allow a person to challenge a law without subjecting herself to committing a crime.

Still, the stories have contributed to the impression that the court was anxious to decide the case even though there was no indication that any actual person had

requested the service of Smith. The Supreme Court's rejection of the Biden college loan forgiveness also has been criticized on these grounds because the court concluded that Missouri had standing to challenge the program based on its impact on MOHELA, a Missouri college loan servicer that had not challenged the Biden program.

Deciding cases where identifiable people are harmed is a basic tenet of American law and is embraced by both conservative and liberal authorities. It is part of judicial restraint to keep the courts from becoming too powerful.

Magarian said Monday that it was clear the court was anxious to decide the 303 Creative case. "Clearly, the Supreme Court wanted to decide this case, wanted to hand down this ruling. And so they sort of stormed through the barriers that that ordinarily kind of defined procedurally what they can do."

Now, Magarian said, "there will certainly be instances of people coming out and saying, 'Hey, we provide an expressive service or an expressive good, we should be able to discriminate against African Americans, we should be able to discriminate against immigrants, we should be able to discriminate against women, we should be able to discriminate against Jews, or maybe against Christians or maybe against men.'"

Magarian has long criticized the Roberts court for being more solicitous of the well-heeled and powerful in First Amendment cases. As he has put it, "The court has put much more energy into expanding the free speech rights of politically or economically powerful speakers, while largely disdaining the First Amendment concerns of politically and economically disempowered speakers."

Conservatives point out that the court's 303 Creative decision could theoretically protect the free speech of an LGBT web designer. If the hypothetical designer wanted to refuse to design a website for a socially conservative church, the designer could

rely on 303 Creative to defend against the church's claim that public accommodations laws ban discrimination against religion and require the designer to create the site.

The author of the website decision was Justice Neil Gorsuch who wrote a pro-gay rights decision in 2020 holding that the federal civil rights law banning sex discrimination protects people from discrimination based on sexual orientation. For that reason, Gorsuch is not seen as hostile to gay rights.

Rip Van Winkle

Linda Greenhouse, the former Pulitzer-Prize winning Supreme Court reporter for The New York Times recently suggested this thought experiment as a way to assess the Roberts court.

"Suppose a modern Rip Van Winkle went to sleep in September 2005 and didn't wake up until last week. Such a person would awaken in a profoundly different constitutional world, a world transformed, term by term and case by case, at the Supreme Court's hand."

"To appreciate that transformation's full dimension, consider the robust conservative wish list that greeted the new chief justice 18 years ago: Overturn *Roe v. Wade*. Reinterpret the Second Amendment to make private gun ownership a constitutional right. Eliminate race-based affirmative action in university admissions. Elevate the place of religion across the legal landscape. Curb the regulatory power of federal agencies."

Greenhouse's conclusion: "By the time the sun set on June 30, the term's final day, every goal on the conservative wish list had been achieved. All of it. To miss that remarkable fact is to miss the story of the Roberts court."

The legal landscape that Greenhouse paints is a daunting terrain for the chief justice's uphill battle to recapture the court's legitimacy by showing that the court's decisions are based on law and not political preference.

GJR First Amendment Celebration

November 11, 2023 at Webster University at 5 p.m.

Presenting "Stripped for Parts" by Rick Goldsmith
at the 31st Annual Whitaker St. Louis
International Film Festival, Nov. 3-13, 2023

Goldsmith is the creator of award-winning documentaries including 'The Most Dangerous Man in America' about Daniel Ellsberg



Migrant families stand outside of the Inn of Chicago located at 162 E. Ohio Street, where nearly 1,400 migrants are currently seeking asylum on Thursday, June 29, 2023. The Inn of Chicago is the most populated migrant housing hotel in the city of Chicago at this time.

Photo by Addison Annis

Chicago media struggle to tell migrant stories as thousands surge into the city

AN EXAMINATION OF REPORTING ON MIGRANTS FINDS NEWER OUTLETS HAVE SUPPLEMENTED COVERAGE BY LEGACY MEDIA

By Stephen Franklin

Baffled travelers stepping off buses into an unknown city and life. Families huddled on police stations' floors. Painful accounts of robberies and rapes, and of deaths in jungles and rivers - the price of escaping grim horrors.

These and other stories told by the thousands of immigrants who have surged into Chicago in recent months, joining many thousands already here, have been told by Chicago's news media.

But has the news media done its job? Has it lingered beyond the picture or

quote captured on the immigrants' first days to make them more human? Has it sketched what's likely to become of them?

And ultimately, has it provided an accounting of what their arrival has meant to Chicago's institutions and its sometimes inflamed and often polarized racial and ethnic politics?

Much of the focus has been on the daily situation. Yet in time stories have also rolled out about the medical and legal problems facing the immigrants and about the costs of their care.

What's missing is reporting that brings together the whole picture. It starts with tracking how and why right-wing southern politicians began sending uninformed immigrants into liberal northern cities. We need a better understanding of the likelihood that the immigrants will find a haven in Chicago and other big US cities or be expelled - as New York Mayor Eric Adams did, sending migrants to neighboring counties. What happens if the new arrivals simply melt into the more than 400,000 undocumented in Illinois and the



A migrant mother and her children ask for money and food in the South Loop in downtown Chicago on Thursday, June 29, 2023. More than 10,000 migrants have arrived in the city since 2022. Most of the migrants arriving in Chicago are from Venezuela like this family.

Photo by Jackie Spinner

11 million in the US?

In a broader view, the situation has become a test whether Chicago's news media, beset by massive cutbacks and upheavals, but also benefiting from new and ambitious digital start-ups, have met the challenge.

The results have been mixed.

Immigration agency officials and immigrant advocates complain that the coverage has been episodic reporting and has failed largely to link all of the dots.

"What's being done right now is covering chaos," said Erendira "Ere" Rendon, vice-president of Immigrant Justice at the Resurrection Project, a major agency in Chicago's Latino community. "There's less coverage about how we make this sustainable. This is not going to be purely sustained by volunteers."

Melineh Kano, executive director of Refugee One, one of Chicago's major immigration agencies, explained that the media coverage has been important,

because news reports have almost always prompted "public response" for her agency and the immigrants it services.

Yet she laments the media's focus on the "bad aspects more than the good.... We don't hear much about the types of people who've crossed the border. We mostly hear about the political issues around the border."

Fred Tsao, senior counsel for the Illinois Coalition for Immigrant and Refugee Rights, points out a number of the news media should follow up on issues facing the immigrants, such as how they are settling in and moving on with their new lives. But his major complaint is over the media's description of the situation as a "crisis."

"It's a loaded term," he said. "It makes it look like the situation cannot be managed.... And it feeds into the inaccurate image that the world is a hot mess."

Mitch Pugh, the Chicago Tribune's executive editor, doesn't deny that his newspaper was caught "flat-footed," and

said it has since worked to catch up with better planning and coordination. "I think we covered the initial crisis, but not divined what this all means," he said.

"I'm not sure there's a really good model out there (for the coverage)," he added.

One of the constraints on the coverage, he said, is the reality of a much-reduced newsroom. Neither the Tribune nor the Sun-Times has a full time immigration reporter, a one-time staple for big city news media. Rather they have relied on others to step up.

Laura Rodriguez Prisa has provided much of breaking reporting on immigrants for the Tribune as has Alvia Malagon for the Sun-Times. Malagon's job is supported by a grant from the Chicago Community Trust for her reporting on social justice, immigration and income inequality.

What's missing from the traditional news media has been made up by recently born news outlets.

Continued on next page

Borderless, a small, four-year-old online publication and only one of a few online publications that focuses on immigrants, partnered, for example, with Block Club Chicago, a five-year-old online outlet, when the buses first began arriving. Handing out pamphlets to immigrants as they were arriving, a team of reporters from the two publications eventually tracked down and followed 10 immigrants. The stories, which also appeared in Spanish, provide the humanity missing at times from news reports.

Pointing to immigrants' support needs, Borderless in recent months has created a guide for donations for the recently arrived immigrants, has written about Black immigrants and told how Syrian and Turkish immigrant groups here were helping their countrymen in the wake of the devastating earthquakes.

As a neighborhood-based publication, Block Club Chicago, has spread its coverage out over the city. One insightful story revealed the dearth of lawyers for those in federal immigration court and a major increase in backlogged cases. Indeed, the backlog of cases in Chicago's immigration court has more than doubled since 2021, reaching 112,000 as of April.

Mick Dumke produced a powerful story for Block Club Chicago showing that a City Council committee on immigration had not met for over a year as the immigration situation was worsening.

To Carlos Ballesteros, a reporter for Injustice Watch, covering the latest immigrants means also examining the conditions of the undocumented in Chicago area, whose ranks he points out have been declining. He has tackled that kind of reporting, writing about abuses faced by older undocumented and officials' failure to help undocumented victims of sexual abuse obtain U visas, a road to becoming citizens.

"The coverage is incomplete. It is short-sighted. The immigrant perspective is lost," he said.

So, too, Melissa Sanchez, a Chicago-based reporter for ProPublica, has produced investigative reporting about problems with the care of immigrant children who entered the country without a parent or guardian. As national news reports and Congressional hearings have pointed out, caring for these youths has become a dilemma. In 2022, the government referred 128,000 unaccompanied minors to its Office of Refugee Resettlement, the highest such number in recent years.

As Chicago officials moved to temporarily house newly arrived immigrants in facilities in Black or mostly White communities, the media has captured the uproar at meetings and at the City Council from those opposed to locating the



Two migrants sit outside the 20th District police station on the north side of Chicago on Monday, July 10, 2023. For months, hundreds of migrants have been staying in police station lobbies in the city waiting to be moved to a shelter. The migrants are asylum-seekers from Venezuelas, Columbia, Honduras and other Central and Southern American countries.

Photo by Jackie Spinner

new immigrants in their communities.

Jackie Serrato, editor of the *La Voz*, a Spanish language publication of the Chicago Sun-Times, suggested that such reporting has not been analytical enough to explain the controversy. "The good reporters will say where some of these (complaints) may come from. And one reason is the dissatisfaction that people feel with the way public officials has disinvested in Chicago-born residents and vulnerable communities and the uncollaborative process to find shelter by the Lightfoot administration."

So, too Natalie Moore, an editor on the race, class and communities desk at WBEZ, thinks that the reporting on community conflict over the locating of immigrants needs to go deeper and to hear more voices, not just those most outspoken at meetings. "I know about disinvestment in the South and West (sides of the city) but also what it means to have a humanitarian

crisis that is spurred by the views of red state politicians," she said.

The uproar clearly has been heard and produced op-eds and columns in the Chicago news media dealing with it. Many of these have sought to provide some salve for the unsettled emotions, a critical role for the news media in troubled times.

One of the most powerful statements came from Sun-Times columnist Mary Mitchell. She detailed the burdens and inequities suffered by Chicago's Blacks, but then brought her column to a compelling conclusion:

"We can build on the legacy of segregation by turning our backs on those who do not look or talk like us. Or we can do what Johnson talked about in his inauguration speech when he summoned the "soul of Chicago," she said, referring to new Chicago Mayor Brandon Johnson.



A migrant family crosses the sidewalk as others stand outside of the Inn of Chicago at 162 E. Ohio Street on Thursday, June 29, 2023. The Inn of Chicago is currently housing 1,398 migrants, the largest of the city's existing shelters.

Photo by Addison Annis

Where the US stands on migrant laws

By Olivia Cohen

In a sweeping decision, the US Supreme Court rejected two conservative states' push to enforce more aggressive law enforcement initiatives against undocumented immigrants.

The ruling in late June marked a major win to the Biden administration, as the 8-1 decision revives the president's immigration guideline. Justice Samuel Alito was the only dissenter.

Missouri was one of the states with conservative attorneys general who had called upon the court to force the Biden administrations to deport more undocumented immigrants. Former Missouri Attorney General, now U.S. Sen. Eric Schmitt, had joined the legal action by Texas and Louisiana.

The Supreme Court ruled that the two states did not have legal standing to challenge the Biden policies. Justice Brett Kavanaugh, an appointee of former President Donald Trump, wrote that the court had never ordered "the Executive Branch to change its arrest or prosecution policies so that the Executive Branch makes more arrests or initiates more prosecution."

Texas, Louisiana and conservative legal allies such as Missouri had wanted to arrest and expel immigrants whose only offense was being undocumented; the Biden administration policy expels only those who have committed felonies. Biden officials had noted that the government did not have the resources to round up, arrest and deport 11 million undocumented immigrants.

Biden's Homeland Security guidelines aimed to focus on "national security, public

safety and border security." The Biden administration's new ruling worked to undo policies put in place by the Trump administration, which allowed anyone who is in the country without legal documentation to be deported.

Biden's immigration initiatives seeks to provide pathways to citizenship and strengthen labor protections by

- creating an "earned" roadmap for undocumented individuals,
- aiming to keep families together,
- embracing diversity, which includes a "No Ban Act,"
- promoting immigrant and refugee integration and citizenship, according to the administration's Immigration System.

In the case, Texas v. Biden, U.S. District Judge Drew Tipton, a Trump appointee, ruled in the state's favor, finding that Department of Homeland Secretary Alejandro Mayorkas' memo regarding the amended guidelines was illegal.

Texas Gov. Greg Abbott (R) called the new policies "outrageous" in a tweet.

"SCOTUS gives the Biden Admin. carte blanche to avoid accountability for abandoning enforcement of immigration laws," Abbott wrote. "Texas will continue to deploy the National Guard to repel & turn back illegal immigrants trying to enter Texas illegally."

Last year, the Supreme Court by a 5-4 vote refused to allow Biden's immigration enforcement guidelines to take effect, but the justices agreed to hear arguments on



the legal dispute and now have agreed with the president.

Despite the win for the president, migration guidelines will become stricter if individuals fail to use the pathways outlined by the administration. Title 8, which outlines deportation processes, remains in play, which allows individuals who cross the border illegally without legal documentation to be deported.

According to the International Organization for Migration, in 2020 approximately 281 million people – about 3.6% of the world's population – live as migrants.

Governors in the US have been feuding over how to handle the influx of migrants into the states. The Republican governors of Florida, Texas and Arizona have transported migrants to northern cities, including Chicago and New York, overwhelming these Democratic-led cities.

WHAT IS AN EDITORIAL CARTOON?

EDITORIAL (OR POLITICAL) CARTOONS TRY TO GRIND DOWN A NEWS STORY INTO A SINGLE IMAGE.

IT'S HARDER THAN IT LOOKS.



BUT UNLIKE FACT-BASED REPORTING, A CARTOON IS OPINION, NOT NEWS.



IT'S MEANT TO BE BIASED.



Illustration by Kevin Necessary

Editorial cartooning has long history in America, but its future is much less clear

By Angel Lasha Godfrey

After three years as the paper's first and only editorial cartoonist, Kevin Necessary left his job at the Cincinnati Enquirer earlier this year because of budget cuts.

Now a freelance cartoonist, Necessary joined the shrinking ranks of editorial cartoonists in America, whose jobs are being eliminated as the newspaper industry continues to lose papers, at a rate of two per week in 2022.

He estimated there were several hundred staff cartoonists in the mid-20th century but now only a handful work full-time at newspapers.

"Editors and publishers, whether it's newspapers or news sites or anything like that, I don't think they have a good grasp on why this work is valuable," said Necessary, vice president of the

Association of American Editorial Cartoonists.

Necessary's cartoons included this one — one of his most popular — that depicted the mascots of the Cincinnati Bengals and the Buffalo Bills kneeling on the field after Bills safety Damar Hamlin collapsed after tackling Cincinnati wide receiver Tee Higgins in January. He also illustrated cartoons about gun violence, COVID, and local elections.

Newspaper cartoons are going extinct, the result of shrinking newsrooms, the rise of social media and popularity of online memes.

"There are no jobs available because newspapers aren't hiring for editorial cartoonists," said Rob Snyder, who worked as an editorial cartoonist for the Baltimore Sun in the late 1980s. "When

newspapers began to cut positions in its editorial department 20 years ago, cartoonists were the first to go."

Editorial cartooning dates back to the year 1754. Good editorial cartoons are made up of a combination of good writing and clear drawings. Five other elements are also used to put these cartoons together. These elements are labeling, irony, exaggeration, analogy, and symbolism. They are meant to have the ability to draw in the audience within a few seconds and deliver a message without confusion.

"A well-known cartoon is like a drive-by shooting," Snyder said. "It's easily digestible, often humorous and doesn't require slogging through some editorial writer's boring argument that trips all over itself in some effort to appear

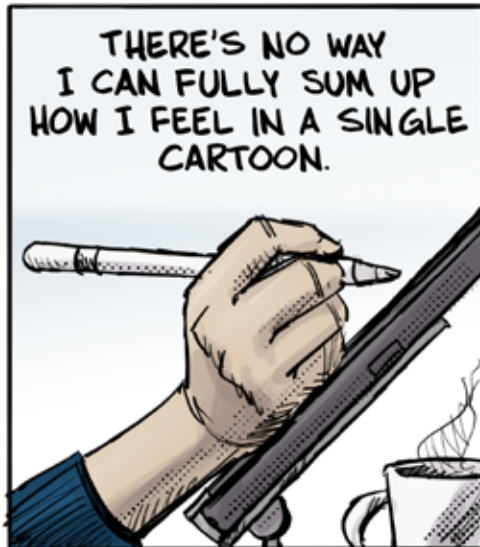
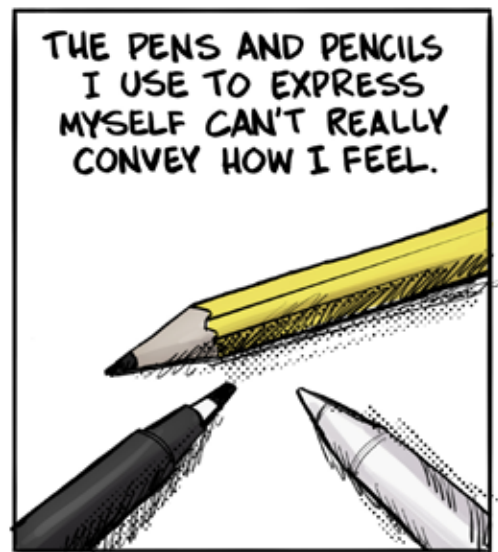


Illustration by Kevin Necessary

balanced or reasonable."

But the decline of newspapers has drastically changed the landscape, said Jenny Robb, head curator of Comics and Cartoon Art at The Billy Ireland Cartoon Library & Museum at the Ohio State University.

"I got bumped from more and more papers and I was barely holding on. I don't even count how many papers. It's kind of depressing," said Lalo Alcaraz, the cartoonist behind "La Cucaracha." Last year, Alcaraz was the first non-white person ever to win the prestigious Herblock Prize.

Social media – and the way people engage with news – also has contributed.

"Social media is where many find their news, their memes, their political images," said Signe Wilkinson, longtime editorial cartoonist for the Philadelphia Inquirer and Philadelphia Daily News who retired from the papers in late 2020.

Unlike social media, newspapers were generally read by a wide variety of people, she said, "so many eyeballs with

many different opinions would see the cartoons." That's not the case anymore. "Now eyeballs silo the news they get and see what they already agree with."

Snyder said he's also noticed a change in content and style, a reflection of the audience itself. "Americans aren't as culturally literate as they might have been even 60 years ago," he said. "Would they get a joke that riffed on a Biblical or literary theme? Cartoons too often now appear to depict news announcers from TV news or a couple sitting on a couch commenting on something they saw on TV."

Although social media users may lump memes and editorial cartoons in the same category, cartoonists said they most definitely are not.

"I'm against people calling editorial cartoons a meme," Alcaraz said. "it kind of cheapens what we do."

Those within the cartoon field have a wide range of different opinions on the art form now and its purpose and how it is viewed by others.

"The perspective of the way that comics are viewed has changed a lot. Comics were really viewed as something that was just for kids at the start of the last century but now especially after the emergence of graphic novels. People have realized that this is a very powerful art form," said Caitlin McGurk, curator of Comics and Cartoon Art and an associate professor at the Billy Ireland Library & Museum.

The problem is finding people to see them.

"I hope there will be new places for our cartoons to be seen by wide audiences but don't see those places right now," Wilkinson said.

In smaller newsrooms, some sports reporters are covering 10 sports at once

By Luke Lazarczyk

On New Year's Eve in New Orleans, Kansas State Wildcats football fell to the world-renowned Alabama Crimson Tide, 45-20 in the Sugar Bowl. Kansas State finished a historic season for the program, taking me to the press boxes of the Superdome in New Orleans and AT&T Stadium in Arlington, Texas, for the Big 12 Championship Game.

Just under 1,000 miles away in Manhattan, Kansas, the Kansas State Wildcats men's basketball team defeated then-No. 24 ranked West Virginia 82-76 in an overtime thriller. The men's basketball team's 12-1 record shocked many but still were not the main Manhattan storyline. Not yet at least.

Seventeen days later, back in Manhattan, I found myself in the press section in Bramlage Coliseum as the Wildcats won another overtime thriller. This time against No. 2 ranked in-state rival Kansas Jayhawks 83-82. The Wildcats now held a 16-2 record and were the No. 13 ranked team in the country. As the student section enveloped the court in a matter of seconds after the final buzzer rang, head coach Jerome Tang and the team had become the next Kansas State team to take the nation by storm.

As newsrooms shrink and beat reporters compete with scarce resources, most local sports journalists must cover multiple sports these days, sometimes simultaneously. Add The New York Times announced July 10 that it was disbanding its sports desk. Coverage of games, players and leagues will now come primarily from The Athletic, the sports website that the company bought last year.

"Kind of sad actually," National Sports Media Association executive director Dave Goren said about the sports writer job market. "A lot of people have gotten laid off lately, including a handful of our award winners who were just here."

Just recently, ESPN announced layoffs of many highly known on-air personalities. The Athletic also laid off 20 reporters in June of 2022. Goren said that the issue would need a major commitment to fix the issues causing layoffs in sports and news journalism.

"It would take somebody to invest millions and millions of dollars in news gathering or news reporting organizations," Goren said. "There are a handful now of these nonprofit organizations that are trying

to make a go of it. I wish them the best of luck. It's good for us as a society."

Depending on the circumstances, the work can be both rewarding and time consuming. That was the case for Jason Martin, former writer at the Daily Journal in Indiana from 2003-2009. Indianapolis was home to two very prominent teams in the NFL's Colts and the NBA's Pacers.

"When you're in a relatively small market and you've got two good teams you're going back and forth and we're limited staff" with three full-time reporters," Martin said. "We're still trying to cover our local high school and whatever came up. We were very, very busy but it was so exciting to be a part of."

For Martin, his main job was covering the Colts who were at their peak, winning the Super Bowl in 2007 while serving as the backup reporter for the Pacers. With limited staff, any major moment with the Pacers would require his immediate attention. One of those occurrences was one of the most infamous moments in sports history: The Malice at the Palace.

The Malice at the Palace was a brawl between Pacers players, most notably Ron Artest, and Detroit Pistons fans that went into the stands of The Palace in Auburn Hills, Michigan, right in the middle of the Colts season. Martin was sent to Ron Artest's press conference the next day, just the day the Indianapolis Colts would go on to play against the Chicago Bears, adding a new wrinkle to his schedule.

Covering multiple professional teams may have a reporter's schedule become discombobulated. That case could be even more so for those covering multiple high school sports exclusively.

"I never worked a consistent schedule," said Les Winkeler, former Sports Editor of The Southern Illinoian. "You might cover one game in the afternoon one day and the next day you're covering a game right out into (the) deadline. You really had to be flexible and adapt."

The variety of sports to cover in high school sports is much greater than professional sports. Winkeler said he covered up to 10 sports, from football to cross country. That's a lot of sources to maintain. Winkeler said his staff could keep up with the event coverage but then had to figure out when coaches were free for interviews. Winkeler would ask all the

coaches when their breaks were during the day and kept a hand-written list to know when coaches would be available.

"You had to use a little ingenuity when covering that many people," Winkeler said.

Both Martin and Winkeler also were challenged by having to learn new sports well enough to cover expertly during their reporting careers. For Winkeler, it was soccer.

"I had never really been around soccer at all," Winkeler said. "That was a pretty severe learning curve. There were times when I would rely on other people there or officials working the clock or whatever to explain things to me."

In Martin's case, he headed into Indiana knowing about two sports the city was infatuated with, basketball and football. Still, Martin found himself with limited knowledge of one of Indiana's favorite sports: Motorsports. The heart of Indiana's motorsports love is the Indianapolis 500, one of the most famous automobile races in the world. Martin had to learn the sport from people he knew beforehand and then by experiencing the event and the environment itself as a reporter.

"You're not going to be the expert in everything," Martin said. Most people come to sports journalism having played sports at some level. "Then they've got the ones that they're passionate about following themselves," he said. "I think inevitably, especially if you're in the general assignment kind of situation, you can end up with a lot of things, a lot of possibilities."

Martin, similarly to other sports journalists, was thrown into a sport and an area which he knew little about. Martin became accustomed to the area's love of motorsports and more by leaning into his skills. For those in the sports journalism world, as much as the assignment is to cover the sport, the work goes beyond learning the intricate details of each sport there is to work on. In the end, the journalist must adapt and lean into their skills as a pure journalist, no matter the sport.

"What you can rely on is just your reporting skills, telling stories of a person," Martin said. "So much of sports journalism is telling the stories about people with the added element of competition that draws people to it and makes people want to read what you're writing."

Journalists need to expand beyond crisis reporting in covering migration

By Dana Sachs

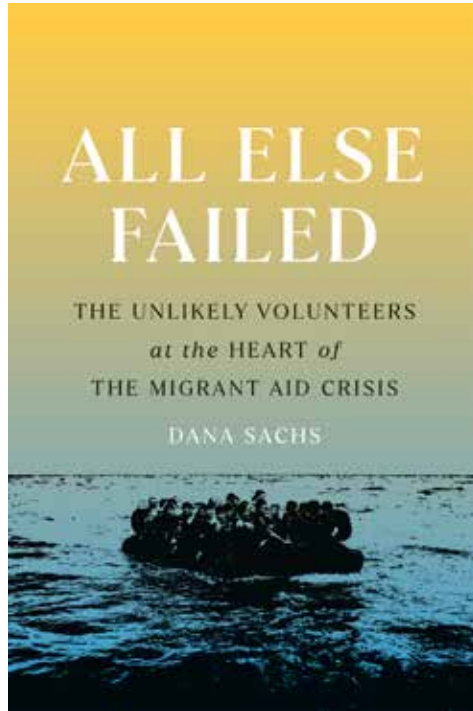
When the *Adriana*, an overcrowded migrant boat, sank in Greek waters in June, drowning hundreds, the catastrophe was unusual in scale, but those traveling on global migration routes regularly encounter terrible hardship. Most of the coverage of this story, however, was limited to the disaster itself, neglecting to illuminate how a complex, multi-faceted, and deeply flawed global migration system makes such tragedies all-but inevitable. Media consumers need more comprehensive coverage of that system—the Migration Industrial Complex, if you will—which affects our lives in myriad ways.

Consider almost any complicated global issue—the economy, climate change, food production, manufacturing, trade, wars, political instability—and you will find a deep connection to migration. It plays a major role in the international economy, the stability of nations, the supply of labor, grocery store inventories of pork chops and Florida oranges, and tragedies like the sinking of the *Adriana*.

The reach of the migration system became obvious to me during the years I conducted research for my book *All Else Failed: The Unlikely Volunteers at the Heart of the Migrant Aid Crisis*. When one Syrian refugee I interviewed described sitting in a smuggler's safe house in Izmir, Turkey, for example, waiting for the weather to break so that she and her five children could board a boat for Greece, she was describing one small but crucial component within the Migration Industrial Complex. But journalists need to more expansively address this complex web of services, locations, equipment, offices, and government entities that propel a major industry.

Smugglers and safe houses play a role in this system, but so do Coast Guards, factory owners who employ migrant laborers, school systems trying to educate children on the move, immigration lawyers, and merchants who sell SIM cards and rubber dinghies. Not all of them profit from or condone criminal syndicates and human trafficking, but they all operate within an intertwined global system that has an enormous reach but about which we have only a piecemeal understanding. Journalists are in the best position to put those pieces together.

Coverage of migration too often focuses on one of two angles: government policy (the political angle) and the lives of individual migrants (the human angle). Both are



important, but such a narrow scope misses the huge web of industrial practices that enable and hinder the movements of people. Only when journalism expands beyond crisis reporting can it begin to illuminate migration as the far-reaching system that it has become.

I can imagine a vast offering of deeply reported stories. For example, we would benefit from more expansive field reporting explaining how climate change is causing an increase in people fleeing drought in East Africa. How might efforts to address climate change help mitigate its effects and potentially allow more people to remain in their homelands? Another area for exploration would be the financing that supports networks of human trafficking. *The New York Times* reported that the 700 or so individuals on board *The Adriana* paid as much as \$4000 each for their passage on the ship and that the combined total revenue for that single voyage may have reached \$3.5 million. Aside from the now-arrested individuals accused of piloting and managing the boat, who else stood to profit from this major business venture? Who owned the boat? Was it insured, and, if so, how does maritime insurance interact with these criminal operations? We also need more expanded reporting on how migration affects the societies where these newcomers settle. Migrants and refugees now

provide labor for major industries like meat packing, agriculture, and in the service sector, as well as eldercare. Journalism can help us see how wealthier societies have become dependent on this labor.

Migration is no longer just a crisis; it has become a permanent fact of modern life, one that will only increase as climate change and other global instabilities worsen. To understand this long-term problem, we need to understand the industrial system that has emerged to facilitate and address it.

All of us would benefit from journalism like this, but it would especially help policy makers in a position to mitigate problems and prevent catastrophes by crafting responsive legislation.

Better reporting would undoubtedly help migrants as well. They are consumers of media like the rest of us but often have nothing but anecdotes and word of mouth to help them make life-altering decisions. A Syrian father told me about conducting research on his mobile phone to figure out which brands of life jackets were reliable and which were fakes that would fill with water and sink. His family survived, but I imagine that others, led astray by bad information, were not so lucky.

More expansive reporting can illuminate our understanding of the networks that facilitate and hinder migration—systems both legal and criminal, humanitarian and capitalist, individual and state-sponsored. How do smuggling syndicates work? CUT?? How are they financed? Who is making money? How do migrants pay for their journeys? How do they know which services to trust? Are they pawns or active players in these operations? Who is helping them or threatening them along the way? Reporting that focuses on crises, individual stories, and debates over policy leads only to short-term “fixes” that have, over the decades, achieved little.

Such reporting ignores the ways the migration system operates as an industry and how it involves not only millions of migrants but also society at large. Only when journalists illuminate the pervasive, permanent role of migration in contemporary society will we find long-term strategies for addressing the problems of migration. We will always need reporters to cover boat disasters like *The Adriana*, but more comprehensive coverage of migration as an industry could make such tragedies less likely to occur.



it's mic'd up Monday! fo...



one last motion comic f...



here's another mic'd up...



tell us what era you're i...



Get app

Student journalists lose access to TikTok in states where the video sharing app is restricted, banned

By Matthew Collier

The Prospector, the student newspaper of the University of Texas at El Paso, abandoned its TikTok account earlier this year after the state's TikTok ban began to take effect.

In December 2022, Texas Republican Gov. Greg Abbott directed state agency leaders to immediately ban employees from downloading or using TikTok on any government-issued devices. That would not have directly impacted student journalists except the next month, the university banned TikTok on its WiFi networks.

"We are independent when it comes to our content, yet we are housed under the Division of Student Affairs so we must adhere to certain guidelines as well," said Veronica Gonzalez, director of UTEP's Student Media and Publications.

Although the Prospector had only started to use TikTok to engage with its audience, another Texan student newspaper, The Daily Texan at University of Texas at Austin, had been using the video sharing app

extensively to cover the campus and to give people a behind-the-scenes look at its newsgathering.

The student media outlet shared its last TikTok on Dec. 12, 2022.

It has been focusing on using TikTok's marketing capabilities, said Chloe Moore, the Daily Texan's social media editor.

"TikTok is how a lot of students find out about social issues and activism," Moore said. "When you start banning it on campuses, you're restricting knowledge and access... I hope that there is a way that we can talk about security breaches and fix them without banning [TikTok] entirely."

TikTok has been scrutinized for years for its ties to the Chinese government, and conversations around banning it have been circulating for years.

The federal government this year banned TikTok on government-issued devices, following states that also have restricted its use. As of June 2023, the app has been banned for use by federal employees and

banned for use by state employees in 34 states.

Those bans do not directly impact student journalists who typically use their own devices to use social media. But it has nonetheless pushed some student newspapers at state colleges and universities off the platform.

"The ban here in Texas on TikTok is more focused on governmental use of the platform and anyone that works at a governmental entity, including at a state university, is implicated in this," said Samuel Woolley, the project director for propaganda research at the Center for Media Engagement at UT Austin. "If we're going to ban TikTok use on government devices for government employees, we need more nuance because researchers need access to TikTok because we need to study it... student journalists and journalists need access to TikTok because a lot of news gets made there."

The primary concern surrounding

TikTok's usage was the possibility of TikTok's China-based corporation being made to give the Chinese government data gathered from American TikTok users, but some have voiced concerns about the validity of this line of reasoning.

"I think it's a bait-and-switch operation, using xenophobia and nativism to channel legitimate concern about data privacy into useless and antagonistic policies that don't make us safer, and limit scholars' and journalists' ability to research threats to data privacy," Aram Sinnreich, a professor and chair of the Communication Studies division at American University, said. "It's a band-aid remedy that won't help fix the larger problems, namely the lack of data privacy regulations in the United States and the exploitation of those loose regulations by foreign adversaries who want to spy on and disinform Americans."

Montana took the restrictions a step further and completely banned TikTok in May after first restricting it on government-issued devices and networks as Texas did. Montana Gov. Greg Gianforte claimed that the Chinese government is using TikTok to spy on American people and that banning it will protect the privacy of Montana's citizens. The ban, which goes into effect in 2024, will almost certainly be challenged in court.

"There are serious First Amendment concerns related to the banning of platforms... At present the allegations about TikTok center around... whether or not the Chinese government has access to data," Woolley said. "We know that other social media platforms sell their data, so given that, there should be broader concerns about the ways in which [free] speech may or may not be tamped down on social media."

Advocates for student journalists are bracing for additional repercussions on campus media.

"If this becomes a bigger and bigger issue for student media, I think we all just need to find out a lot more about what the risks are," Mike Hiestand, a senior legal consultant for Student Press Law Center said. "If there are genuine national security risks or security risks involved when using TikTok, I think we all need to kind of reevaluate how we're using that tool. But a lot of it right now seems like hype."

Despite all of these concerns, the precedent set by these two states is primed to encourage more banning of TikTok across America, drawing the platform's viability into question.

"TikTok is very much in the crosshairs of politicians on both sides of the aisle in the United States," Woolley said. "I think that TikTok and also TikTok users understand that its future is in jeopardy in the United States, and the bans like the ban in Montana could just be the beginning."

ESSAY

Autistic photojournalism student prepares to enter a workforce that doesn't yet understand neurodiversity

By Bianca Kreusel

Two years ago, I joined my student newspaper, ready to do work that I had dreamed of doing ever since I had entered college. I was 20, a junior and autistic.

I struggled with assignments that weren't clear, with expectations that I was supposed to know things —because my neurotypical peers did— or understand how to capture emotion. I struggled to perceive certain reactions and emotions and how they were either positive or negative to the situation. I also, at first, struggled with making friends in the newsroom, finding that many of my peers communicated with each other with body language and tones that I didn't understand or recognize.

As an autistic photojournalist, I do understand and recognize emotion to a certain extent. I can recognize it quickly and take a photo of it. I see moments in the field and take the photo as a means to describe my own emotions and curiosity of why humans react to certain situations in the way that they do and the communities they come from. My lens is a means to fuel my curiosity. I see moments and details with the way people express themselves that my neurotypical peers overlook, including their gestures, their emotions, and the way people interact.

While I have only cycled through three jobs in my life, including one as a photojournalist and photography director at my college newspaper, I always notice a similarity: I am the only autistic person that I know of in that space, and there are no accommodations for neurodiverse employees.

This is not surprising to me. Roughly 21% of people with a disability were employed in 2022, according to the United States Department of Labor. In comparison, in the same year, 65.4% of people without a disability were employed. That is about one in five disabled people employed, and autism is only one group under that category.

Though we all don't want to admit it, many employers have internalized ableism that prevents autistic people from wanting to work. Many workforces don't campaign or try to recruit more individuals with autism, whether that is because accommodating employees can be seen as a nuisance or because workplaces just don't want to give us a chance at all.

Those who may get into the workforce — like myself — are limited with resources to help us navigate a neurotypical world. A world that includes verbal and nonverbal social cues, knowing automatically why someone may be upset or how they're feeling and having to make constant eye contact with superiors and colleagues.

Throughout my short time in the working world, I find myself having to mask — a common term used with those with autism in which neurodiverse people hide their authentic selves in an effort to gain greater social acceptance.

It is exhausting; it makes it difficult to constantly socialize with my coworkers, and when I don't, I'm deemed rude or sad. In reality, I don't have resources such as designated quiet spaces nor clear and concise directions on how to correctly perform my job. Instead, I have a gray area of unspoken rules and tasks I am supposed to "just know" or be expected to do without instruction. This might be easy and normal for neurotypical workers, but it makes working as an autistic person ten times harder.

Autistic people can be good journalists and photojournalists because of our attention to detail. I cannot speak for every individual with autism, but schedules, deadlines and a clear set of rules to follow allow me to thrive. Though it may be hard for us to express ourselves in a setting with our peers and colleagues, I find it much easier to express my curiosity of human connection as well as express my view on our colorful, infinitely diverse world through my camera lens.

Prioritizing the needs of autistic voices is essential because it truly reflects the goals of a workplace wanting to reflect DEI strategies, as well as creates total inclusivity for everyone. Autistic employees bring just as much skill and talent to the workforce as any other worker.

An earlier version of this story appeared in the Columbia Chronicle. It is reprinted with permission. The full version can be found on GJR's website.



Maudlyne Ihejirika co-moderates a mayoral candidate forum in Chicago on March 18, 2023. The forum for Brandon Johnson and Paul Vallas was hosted by the Coalition of African American Leaders at Kenwood High School. Johnson went on to win the April 4 runoff election.

Photo by K'Von Jackson for The Columbia Chronicle

After storied career at Chicago Sun-Times, Maudlyne Ihejirika is 'redefining retirement'

By Zoë Takaki

When Maudlyne Ihejirika, an award-winning journalist, asked me to meet her at her office recently for our interview, I was surprised. Hadn't she retired from the Chicago Sun-Times? What was she doing at a high-rise office in downtown Chicago?

Ihejirika was in the lobby, waiting for me so she could escort me to the third floor. She greeted me with a big hug and a smile even though we had only met once before.

She wasn't expecting a job at the Field Foundation after she left the Chicago Sun-Times after three decades. But people at the Field Foundation saw her social media posts about retirement and got in touch. They had a media and storytelling manager position and thought she'd be the perfect fit, Ihejirika told me.

The Field Foundation is a private foundation that gives grants and awards to organizations working to address

systemic issues in Chicago, issues that Ihejirika has been writing about all her life. It has scooped up other prominent journalists of color in the city, including Lolly Bowean, who covered race, poverty and the city's Black community for the Chicago Tribune.

Likewise throughout her career, Ihejirika has written about Black and brown communities across Chicago, worked for nonprofits she believes in, worked for the Department of Family Services and supported politicians who she believes will make a positive difference.

It was 5:30 p.m. when we met, and everyone had gone home for the day. The Field Foundation's office had that classic, beige office feel, decorated with light green accents throughout the space, the Field Foundation's signature color.

We sat down at a circular table with a humble, uneven tilt that shifted back and

forth as the evening went on.

She got comfortable as she took off her mask and adjusted her hair, and made sure I was comfortable as she offered me water and directions to the restroom. Her welcoming character felt not out of politeness or practice, but out of genuine care.

I opened my composition notebook to the 65 questions I had for Ihejirika, all scribbled down messily as I kept on thinking of more on the train ride over. There felt like so much to ask.

My first question "Where were you born?" required an answer longer than simply a city or a state.

Childhood - A tale of three cities

Ihejirika was born in Gombe, a city on the northeast side of Nigeria. She was a child of the Nigerian Biafra war — a civil conflict fought between Nigeria

and the Republic of Biafra over Biafra's independence.

Her mother was taking care of her and her five siblings at the time as her father was abroad attending Northwestern University's Kellogg School of Management on a scholarship. He wanted to go into accounting or finance.

Ihejirika remembered her mother anxiously waiting to hear from her father, not knowing if her husband knew she, and her children, were still alive. She recounted the starving tribe members in her community as Nigeria put a blockade on Biafra, not allowing food to go in, and nothing and nobody to come out.

Ihejirika's mother was able to sneak a letter to the US through an Irish missionary nun who was volunteering, allowing her dad to confirm his family was alive. With the support of his colleagues at Northwestern, her father was eventually able to bring his family to the US in 1969. She was five years old.

Her family moved into a townhouse in the South Commons, a housing enclave on Chicago's south side, close to the lake. The South Commons was created with the intention of having a mixed race and mixed income community. Ihejirika's family was one of the low-income families in the area. She was surrounded by people of all different races and incomes.

"It was a wonderful, wonderful experiment, because I grew up learning not to see color," she said. "I grew up learning not to see class."

As a kid, Ihejirika spent lots of time in the library, with her dad making her and her siblings go every Saturday and check out at least three books. He would then have them write book reports for all three books, which he would later read and grade. While some of her siblings complained and pleaded not to go, Ihejirika loved going, often checking out more than three books.

"I was the child who, at night, when he would come and say 'lights out,' he would wait by the door and count to three," she said. "And then open the door and say 'Maudlyne, turn off the flashlight.' He knew I had waited for him to leave, and then got under the blanket to finish my book."

Her father fostered her love of reading and writing, telling her, "One day, you're gonna write books other people are gonna want to read."

By the time Ihejirika graduated elementary school, white flight kicked in and the neighborhood was changing. The community around the South Commons became more segregated, and families with a higher income left.

Violence started to grow in the neighboring communities, and some kids, knowing that there were a few wealthy

families in the South Commons, started waiting around the commons to beat and mug kids of their lunch money and valuables. Ihejirika was beaten at the age of nine. That was her parents' last straw. They moved to the family to the suburb of Woodridge in hopes of a safer community. They didn't find it in Woodridge.

Ihejirika remembers that before the move to Woodridge, her parents warned her and her siblings of racism. But nothing could prepare her for what she encountered.

"We were the only Black family, and the first Black family for miles around," she said.

A brick was thrown in their window, "Go Home N*****" was spray painted on their garage door and a burning cross was placed on their lawn. She endured race riots in high school, experiencing incidents of white students throwing bottles and food at Black students across campus.

Turning 18 and leaving Woodridge, Ihejirika went to the University of Iowa to study creative writing, but quickly switched to journalism. "Once I got there and enrolled in the program, it was about a year in that I realized, 'wait a minute, someone's got to pay the bills while I'm writing books?'" she said, "So I walked across the street to the journalism department and said, 'Maybe I need to be a journalist.'"

She was happy with her decision. She fell in love with journalism after only one class.

Career - A love for writing about what's right

"The thing that made me fall in love with journalism was learning about the power of the pen," she said. "Learning that as a journalist, you could potentially make a difference with your words, as a child that came from war, that came from the utopian community, that came from a community where she confronted racism, now I'm being told you can make a difference in journalism. I was absolutely drawn to that. I wanted to make a difference."

She went on to go to graduate school at Medill School of Journalism at Northwestern University where she landed her first internship at the Chicago Sun-Times. "It was a dream. The Sun-Times was the paper my dad read when I was growing up. I used to sit in his lap, or look over his shoulder as he read the Sun-Times," she said.

Once she graduated, she started sending letters to the Sun-Times, lots of letters. "I kept in touch," she said, saying she sent letters and made calls for six months until eventually the Sun-Times said they had an open position.

Ihejirika described how she felt on her first day at the Sun-Times as "floating." "Nothing could worry me, I got the job," she said, "I felt very much that God had led me to where I was."

During her first few weeks on the job, all she wanted to see was her name in the paper.

"My brothers and sisters got tired of the phone call, 'Hey, did you see the Sun-Times today? I got three paragraphs on page four!'" she said.

She first covered general assignments, then moved to housing, then education then philanthropy. Eventually, Ihejirika was promoted to weekend city editor.

Mary Mitchell, a long time columnist at the Sun-Times, was an intern when Ihejirika was working as a reporter. Mitchell worked her way up in the newsroom quickly, and one day was assigned to "a really big story, which really was above my head," she said.

Mitchell said Ihejirika sat with her till the lights went off in the newsroom, helping her with the story until they got it right, together.

"She was very, very instrumental in me becoming the journalist that I am today," Mary said.

In 1997, Ihejirika decided to try something new and get more involved in the subjects that she was writing about. She worked for Republican Gov. Jim Edgar, the Illinois Department of Family Services, started her own PR company and did public relations for nonprofits that had a mission aligned with hers.

She enjoyed the direct impact she was making, wanting to "drive change." Yet she missed writing, and eventually decided to come back to the Sun-Times in 2003.

But she couldn't just pick up from where she left off; she needed to start again, cycling through all of the beats she had written for before. "That was hard. Because you come in, having done all of this stuff, and when you come back in, you're back at the bottom of the totem pole, because all the beats are taken," she said. "You have to make your way back up."

She made her way back up for 13 years, until one day when her editor at the time, Jim Kirk, came up with an idea for a column for her. At the time in 2017, early in the Donald Trump presidency, there was a national distrust of the media, with one complaint of the media from minority groups being the lack of accurate and positive reporting of their communities.

Kirk wanted to address this issue, and decided to create a column that would share positive and nuanced, diverse narratives of people in Chicago with a focus on Black and brown communities

Continued on next page

called "Chicago Chronicles."

"It was the job of a lifetime," Maudlyne said. "Every journalist lives for the day, they will be able to write about whatever the heck they want to write about, which is a column."

She did the column for six years, producing 900 hundred words weekly for a committed readership. She would sometimes find herself driving around the south and west sides of the city and look for interesting places and people. The more comfortable she got amongst the communities she was writing about, the more people started reaching out to her with story ideas and interview subjects.

Candi Meriwether, Ihejirika's editor for the Chicago Chronicles for four years, said Ihejirika was "a dream to edit."

"She is a consummate storyteller. She really wants to give a different kind of story, one that looks beyond the surface and finds the richness and beauty that is in all cultures, but especially in marginalized cultures in the city of Chicago," Meriwether said.

Meriwether said Ihejirika trusted Meriwether's edits, being open to insight and critique, making the two work well together.

"As confident as she is as a writer, she's extremely trusting of me, as her editor," she said.

Some highlights of hers from the column was her series on Sandra Bland, where she became close with Bland's mother, Geneva Reed-Veal and was able to get exclusive interviews that no other journalist received.

"We became friends," she said. "She would reach out to me whenever there was some news happening on the Sandra Bland case."

Ihejirika said her favorite part of the column was the relationships it created with her subjects. She said the column also carried a great responsibility.

"I felt like I absolutely had to show people that there was more than just the negative stories in those communities of color," she said.

Meriwether said Ihejirika was an ally to her as a Black woman in a newsroom.

"I thank her for being a true ally. She never said the word 'ally' to me. Others have called themselves an ally. Ihejirika demonstrated to me that she was an ally," Meriwether said, "She was my sister in this work that we wanted to do to illuminate the richness of Black culture."

Mitchell said that Ihejirika was the person in the newsroom that people felt comfortable complaining to about experiences of racism.

"She was able to bring that out in people," Mitchell said.

During this time, Ihejirika became the

president of the National Association of Black Journalists Chicago chapter, as well as the Chicago Journalists Association.

"It was more work than I've ever done in my life," Ihejirika said.

Stephanie Choporis has been at the Chicago Journalists Association for 10 years and has worked her way up to her current position of president.

She worked as Ihejirika's vice president for two years until being bumped up to co-president with her during the pandemic.

The first time Choporis met Ihejirika, she was working as a reporting intern at an education magazine called Catalyst Chicago covering a student walk-out at Roosevelt highschool. She had just finished grad school at Medill and recognized Ihejirika from her work at the Sun-Times.

Ihejirika "came up to me and asked me a question about the walkout," Choporis said. "I was surprised that she was approaching me to ask me a question, because I probably looked at the time like I just mixed in with all of the fellow high school students."

Ihejirika went out and got some more information on the walkout, and to Choporis' surprise, when Ihejirika got her answers, she went back to Choporis and shared them with her.

"Sometimes reporters can be kind of cagey with their information, not wanting others to scoop them. But I didn't really get that vibe from her," she said.

Eventually, Ihejirika joined CJA as a board member, then was asked to be president. Choporis worked up the ladder, being asked to be associate board chairmen and secretary, then vice president then eventually co-president alongside Ihejirika.

"Being Maudlyne's vice president involved a lot of late night phone calls," Choporis said "minimum of one hour on the phone, late nights weekends."

Choporis remembered one morning, after a late night on the phone with Ihejirika planning a virtual awards ceremony in 2020, Choporis picked up Ihejirika's call and said, "Hi, Honey, how was your day?" Ihejirika laughed in her iconic, booming way and said, "I know, that's like the only thing missing from our relationship is the 'Hi honey, how was your day?'"

CJA work was remote except for a monthly meeting; thus, a lot of their work was done at odd hours, anywhere the two found themselves. Their work was diverse, sometimes planning the future of the organization and other times crafting invites and making decor for events. It was all volunteer work.

"I laugh because you think 'Who would do that? Who would sit there on the phone

with you, and craft letters like that?'

Maudlyne," she said.

Ihejirika is the definition of an extrovert – expressive and incredibly welcoming.

"Maudlyne is very exuberant," Choporis said.

She remembers during a luncheon, the first event Ihejirika hosted as president, Ihejirika was meeting many of the board members in person for the first time, with all of the meetings prior being over Zoom.

Choporis said that Ihejirika improved CGA, taking it from a "dormant phase to raising the profile."

She and Ihejirika have very different leadership styles, Choporis describing herself as "very laid back" and Ihejirika delegating more.

"She wasn't a loosey-goosey kind of leader," she said.

Though lots of effort and hours, Choporis loved the work she and Ihejirika did together.

"As much as you maybe didn't want to take the time to do it when you were going through it, when you finished with it, it was like, you were going through withdrawals. It's like 'What, I don't have a call with Maudlyne today or this week?'" Choporis said.

The two got close over the years, Ihejirika calling Choporis "Lil Sis" as she rose to Ihejirika's leadership role.

Ihejirika did all of this, on top of being president at the National Association of Black Journalists, on top of writing a weekly column.

Retirement - redefined

After six years, she retired in November 2022, ending her 30-year career at the Sun-Times.

The decision wasn't easy. Ihejirika asked herself, "Do I really want to give up the thing that has become my baby, this thing that I really feel has made a difference?"

She said she wanted to explore other passions. These other passions are not typical retirement activities like cooking or arts and crafts, but larger endeavors like working for the Field Foundation, public speaking on issues she cares about, writing long-form stories for national publications, Diversity Equity and Inclusion advocacy and mentoring young journalists.

Meriwether said Ihejirika is "redefining retirement."

Ihejirika said people keep asking what happened to her retirement. "But I'm happy. And I'm at peace. And I'm not rushing. I'm gonna move in a different direction and explore. I want to see how I can contribute to journalism."



Illustration by Steve Edwards

Long-stalled defamation cases against Gateway Pundit could move ahead

By Paul Wagman

Two major defamation cases against Jim Hoft, the St. Louisan who publishes The Gateway Pundit, an influential far-right website, appear poised to gain momentum in the weeks ahead after months of delays.

The cases, in Denver and St. Louis, are taking place against a backdrop of huge victories recently by the plaintiffs in two other defamation cases. First, the families of children slaughtered at the Sandy Hook Elementary School in 2012 won more than \$1.4 billion against Alex Jones, the far-right podcaster who called the massacre a hoax. Then Fox News, which promoted the fiction that Dominion Voting Systems had rigged the 2020 election against Donald J. Trump, settled out of court with Dominion for \$787.5 million.

The Denver case against Hoft, which is further along than the one in St. Louis, involves not only him but also several other prominent defendants, including Trump lawyers Rudolph Giuliani and Sidney Powell, and the 2020 Trump Campaign itself. The plaintiff is Eric Coomer, the former chief of security for Dominion Voting Systems. He claims the

defendants all accused him of personally rigging the 2020 election for Joe Biden, resulting in death threats that forced him into hiding and to leave his job.

Coomer filed suit in December 2020. The last major ruling in the case took place in May of 2022, when a Colorado District Court Judge issued a stinging rejection of a motion to have the matter dismissed. In her rejection, Judge Marie Aver Moses excoriated all the defendants, Hoft included. About him and The Gateway Pundit (TGP) she wrote:

...there is evidence that Hoft-TGP repeatedly, without evidence, falsely accused Coomer of overturning the presidential election. ...Further, there is evidence Hoft-TGP's allegations incited threats of real violence against Coomer, including posting an

article advertising a million-dollar bounty on Coomer. ...There is prima facie evidence that Hoft-TGP acted recklessly and with the intent to cause Coomer severe emotional distress. Coomer has put forward *prima facie* evidence establishing both falsity and Hoft-TGP's actual malice. ...Coomer has established a reasonable likelihood that he will prevail on his claims for intentional infliction of emotional distress against Hoft-TGP."

Continued on next page

The judge's words, it should be noted, were obviously crafted to match the legal standard for defamation set out in the landmark *New York Times v. Sullivan* case of 1964. The U.S. Supreme Court said in that case that defendants had to show "actual malice" – meaning they knew what they were saying was false or recklessly disregarded that possibility – to be found guilty.

But all the defendants went to the Colorado Court of Appeals, and there the appeals process has languished while the defendants – most notably Giuliani -- have repeatedly obtained extensions for their filings. Hoft's attorneys asked for only one extension, and that for a mere two weeks. Their appeal has been based, in part on the argument that that "all of TGP's and Hoft's statements are, on their face, protected by the First Amendment, not the least because all of their statements have been protected opinion."

Earlier this month, however, the court requested that final appeals be submitted by June 23. That means that the appeals court should now have what it needs to render a decision and either move the case forward or not. Whether that decision comes in a matter of a few weeks or many months, however, will be up to the court.

Meanwhile, in St. Louis, Circuit Judge Michael Stelzer on May 10 appointed a special master to help resolve protracted disputes over the plaintiffs' discovery requests. The special master is Peter Dunne, a lawyer and mediator with the St. Louis firm of Pitzer & Snodgrass. He is expected to expedite progress in a case in which the plaintiffs have repeatedly accused Hoft's side of delay tactics.

The plaintiffs in St. Louis are two Georgia women, Ruby Freeman and her daughter Wandrea ("Shaye") Moss, who worked the polls on election night in 2020 in Atlanta. Beginning in November of 2020, The Gateway Pundit accused them of having processed the same votes for Joe Biden multiple times while election observers weren't looking. Georgia election officials immediately and publicly refuted the accusation – the two women had in fact done nothing wrong – but The Gateway Pundit continued to accuse them for months in a total of 58 different articles, the suit alleges. Death threats and other harassment followed. In addition to Jim Hoft, the defendants in the case are his identical twin brother, Joe Hoft, who wrote some of the stories, and TGP Communications LLC, the company that does business as The Gateway Pundit, and which Jim Hoft owns in whole.

Freeman and Moss filed their case in

St. Louis Circuit Court in December 2021. But its progress since then has been halting and marked by some extraordinary tactics on the part of the defense, legal observers say.

First the defendants "improperly removed" the case from the Circuit Court to U. S. District Court, according to one of the plaintiffs' motions. That resulted in a six-month delay until U.S. District Judge Henry Autrey remanded it to the circuit court in June of 2022.

Then the defendants, again according to the plaintiffs, repeatedly failed to live up to various commitments they made to produce information requested in pre-trial discovery. The defendants countered that many of the requests were "unduly burdensome and wildly inappropriate."

Last December 20, St. Louis Circuit Judge Jason Sengheiser sided mostly with the plaintiffs and ordered the defendants to comply with most of the requests by early January. But the defendants, while providing some of the requested documents, didn't produce others, the defendants contend. "Notably," they wrote in an April 24 motion, "the production omits documents relating to TGP's revenues."

Revenue-related information stands at the heart of the case, because the plaintiffs have suggested that it could "shed light on Defendants' profit motive in publishing defamatory articles and could bear on actual malice." They added: "... it defies credulity that TGP does not have documents or information demonstrating how much money it earned during the relevant period or how much of this was generated by the Articles."

The plaintiffs' April 24 filing also accuses The Gateway Pundit of failing to produce information pertaining to its relationship with Decide Technologies, previously known as LockerDome. The GJR has reported previously that St. Louis-based Decide had until sometime in the first quarter of 2022 been serving ads to The Gateway Pundit website.

But also on April 24, Hoft's lawyers, led by St. Louis attorney John C. Burns, submitted a motion seeking dismissal of the entire case on the ground that the articles in question were protected by an "anti-SLAPP" law in Georgia. SLAPP stands for "strategic lawsuits against public participation." A number of states have enacted anti-SLAPP laws for the purpose of protecting against suits that seek to intimidate or silence critics by burdening them with expensive litigation.

Regardless, it's also notable that Burns argued in his motion to dismiss the St. Louis case that The Gateway Pundit was only reporting what others were saying. Their "statements were based

on representations ... by third parties, including President Donald J. Trump's legal team," he wrote.

The motion adds: "There is no evidence of knowing falsity, as Defendants did, and still do, believe that Plaintiffs participated in election fraud in the manner described in their articles and as explained by third parties."

Meanwhile, as the GJR reported last Jan. 26, The Gateway Pundit's lawyers also counter-sued the two poll workers as well as two of the nonprofit legal groups that are part of the women's legal team and three individuals serving as lawyers for these nonprofits. Michael A. Kahn, a prominent St. Louis attorney with expertise in First Amendment issues who is not involved in the case, commented at the time that the counterclaim was "an unusual and unusually aggressive move" that might also serve to delay the case.

All of this back-and-forth culminated in a new motion by the Georgians' lawyers on May 5, in which they proposed that the trial in the case be delayed from the previously scheduled Feb. 19, 2024 to June 24, 2024. The two sides needed more time to prepare, they said, "... because of Defendants' repeated delays and improper filings."

Just a few days later, Judge Stelzer, in whose court the case now temporarily resides, appointed Peter Dunne as special master to expedite the process of resolving the discovery disputes, among other duties. Dunne is a principal in the downtown St. Louis firm of Pitzer Snodgrass with 25 years of experience in mediating cases in the Circuit Courts of St. Louis and St. Louis County as well as in the U.S. District Court here, according to the firm's website.

Dunne's appointment does not necessarily arise from impatience on the part of Judge Stelzer. The District Court in St. Louis routinely appoints special masters when it finds itself swamped with discovery disputes on its docket. The special master is expected to do what the court cannot – resolve – actually, make recommendations to the court for resolving -- the disputes in a timely manner.



Photo by Paul Sableman via Flickr

St. Louis judge bars Post-Dispatch publication in murder case

By William H. Freivogel

A St. Louis judge has turned down the Post-Dispatch's request that she dissolve an order barring the paper from publishing mental health information about accused murderer Thomas Kinworthy. St. Louis Circuit Judge Elizabeth Hogan extended her order blocking publication and scheduled a hearing on July 27.

Kinworthy, 46, is accused of killing officer Tamarris Bohannon on Aug. 29, 2020, at a house on Hartford Avenue.

Joseph E. Martineau, representing the Post-Dispatch, had called Hogan's order blocking publication a "classic prior restraint."

Prior restraints are highly disfavored under the First Amendment and only permitted in the most extreme cases where disclosure of national security secrets

poses an imminent threat to national security.

Half a century ago, the U.S. Supreme Court ruled in the Pentagon Papers case that President Richard M. Nixon could not block publication of 40-plus volumes of classified secrets about the Vietnam War.

In the current case, Post-Dispatch reporter Katie Kull obtained information about Kinworthy's mental health evaluation in a public court filing. The mental health evaluation had been mistakenly added to the public record.

Martineau wrote that, "When information has been obtained legally from a public proceeding or document, the United States Supreme Court and appellate courts around the country have consistently rejected any restraint on publication."

He noted that the Supreme Court had ruled in 1989 that a reporter for the Florida Star could not be sued for publishing the name of a rape victim even though state law made it illegal to publish the name. Justice Thurgood Marshall wrote then that absent a "state interest of the highest order," the newspaper could not be punished for the publication of lawfully obtained truthful information.

Judge Hogan agreed in her July 7 memorandum that a prior restraint requires a state interest of the "highest order." The right to a fair trial is an interest of the highest order she said. The prior restraint is justified by that interest and the interest in protecting the confidentiality of the mental evaluation.



Missouri senator's manly virtues book delights jesters and satirists

By Don Corrigan

When Josh Hawley debated Sen. Claire McCaskill in the 2018 U.S. Senate contest, he unleashed the usual invective against the incumbent Democrat. He told a Missouri Press Association audience that she was a "radical leftist," a hopeless "elitist" and a "Hollywood liberal."

Such a pity that he hadn't yet coined his most recent pejorative, "Epicurean liberal." Surely it would have fit McCaskill. The term is the latest devilish arrow in Hawley's political quiver. He uses it to excess in his exposé on the decline of the American male titled, "Manhood: The Masculine Virtues America Needs," released this May.

As Hawley's book explains, the "Epicurean liberal" insult actually originates with an ancient Greek philosopher who died in 270 B.C. Epicurus is the inspiration behind modern liberalism, which is now responsible for all the aimless, unemployed young males watching porn and playing video games in their parents' basements.

Who knew? In any case, Hawley makes sure that we know now.

According to Hawley, Epicurus believed the gods are indifferent to man's fate – and god may not exist at all. Therefore, Epicurus declared that mankind should go crazy, put the god obsession aside, concentrate only "on pursuing pleasure and happiness."

How unfortunate that the "pursuit of happiness" is actually enshrined in our U.S. Declaration of Independence. Even worse, we all know where the "pursuit of pleasure" leads – to your parents' basement where the X-Box controllers are still intact and the laptop computer is bookmarked for Pornhub.

Go to the Index in Hawley's "Manhood" and you find the term Epicureanism gets dozens of entries in his book. Only notables like God, Bible, Adam, and Eden get more attention. For Christ's sake, Jesus only gets four mentions in the book index.

Given the carnage that Epicurus has caused in America, maybe it makes sense that Jesus takes a backseat in the

index to "Manhood." After all, Epicurean liberalism is destroying the very character of American men and, as Hawley emphasizes, it's doubtful a free nation can "survive without soundness of character" in its men.

One hesitates to harp too much on Hawley's new bogeyman of "Epicurean liberalism," but it takes up so many of his text's 214 pages, it's obligatory to reveal a few examples of this perfidy:

- Epicurean liberals relish destroying biblical truth and sentencing man to meaninglessness. Only a return to the Garden of Eden story can restore meaning, because Genesis reveals that: "Your work matters. Your life matters. Your character matters. You can help the world become what it was meant to be. And that is no small thing."
- Epicurean liberals flee from trial and pain. They like life to be easy and free of challenges. They just want to be "nice persons" who won't stand in the way of anyone else pursuing self-gratification. They ignore and never condemn the vices of others.
- Epicurean liberals trash men and their biblical duty to have "dominion over every living thing that moves on earth." They are like the apple-peddling evil serpent in the garden who "offered Adam something for nothing – self-promotion without duty, self-advancement without service or obedience."
- Epicurean liberals disparage marriage and fatherhood as condemnation to a life of hardship and sacrifice. They prefer the "cheap sex" available on the internet. Hawley cites a sociologist who says: "Men can see more flesh in five minutes than their great-grandfathers could in a lifetime." This is not an exaggeration, Hawley laments.

Elephants in the room

Just as Jesus said there are many rooms in his father's house, it can equally be said that there are many elephants in Sen. Hawley's book of men's knowledge. However, it's no surprise that Hawley chooses to ignore all the elephants. He must, if his book is to have a shred of credibility.

Hawley spends a considerable amount of time praising the sanctity of marriage, loyalty to one's wife, and to one's vows of holy matrimony. The need for good men to avoid the temptation of "cheap sex" is a primary concern of Hawley's.

And yet, Hawley has used his political career to champion Donald J. Trump, not exactly a paragon of marital fidelity or character. In his debate with Claire McCaskill, he pledged to wholeheartedly support the self-confessed sexual predator. Hawley has somehow overlooked Trump's sexual dalliances, such as with porn star Stormy Daniels.

In Hawley's defense, he has endorsed a man who avoids "cheap sex." Trump's "sexcapades" with women have cost him dearly. The hush money checks and cash paid out to try to keep his affairs under wraps from the American public have been anything but cheap.

Despite Hawley's considerable fealty to Trump, the bloviating standard bearer for the Republican Party gets less notice in "Manhood" than Jesus. (Is Donald aware of this?) In fact, Trump is never mentioned in the book.

Instead, Hawley goes after a little-known, pop culture maven named Andrew Tate. Hawley damns the obscure "celebrity" for his boasts about bedding women. "Every man who has been in a locker room recognizes the type. The fake bravado, the endless boasting ..."

Why does Hawley skewer a pitiful pawn like Tate when he could have lanced the king of locker-room bravado? By now, everyone in America has heard Trump's pussy-grabbing brags on the "Access Hollywood" tape.

Never mind. Another weighty elephant missing from Hawley's book on manhood involves his salute to the manly men of the Oath Keepers and Proud Boys. On Jan. 6, 2021, they were braying right-wing nonsense before storming Congress to interfere with the U.S. presidential election certification. Hawley stopped to give them all an earnest look and a fist pump of support.

Certainly Hawley could have referenced this symbolic support for manliness in his book, perhaps in Chapter

◀◀ U.S. Senator Josh Hawley speaking with attendees at the 2022 Student Action Summit at the Tampa Convention Center in Tampa, Florida.

Photo by Gage Skidmore via Flickr

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Illustration by Steve Edwards

Three, titled "A Man's Battle." Instead, Hawley uses that chapter to drone on about his leaving home in Lexington, Missouri, to bravely play prep football at Rockhurst Catholic High School in Kansas City.

More than a few reviewers of Hawley's book on manliness have taken time to note the irony of his cowardly actions after the infamous fist pump to the insurrectionists. It's another elephant in the room that Hawley refuses to acknowledge or to explain in "Manhood."

Hawley's critics call it the most famous act of his 43 years of life: running to escape the crowd of militants for Trump, whom he had saluted earlier in the day with a clenched fist. Some of his detractors note the humor in the many melodies that accompany his "wee scamper" as captured on the internet. They range from the dramatic "Chariots of Fire" to the desperate "Stayin' Alive" by the Bee Gees.

"How can Hawley tell us that a man must be 'willing to give his life for others, willing to act boldly, to face death,' yet not say anything about his well-known Sprint of Self-Preservation?" asks Jon Schwarz writing for "The Intercept."

"How can he at the same time condemn 'liberals' because they 'flee from trial and pain?'" Schwarz queries.

Insult to men's studies

In providing readers with examples of manly men, Hawley pretty much relies on biblical figures from the Old Testament, rather than more recent figures who may have feet of clay. Perhaps Hawley feels it's safer to talk about Abraham, David and Joshua. These males of old are less vulnerable to exposés on social media.

Still, are these biblical figures the best examples of manly men? Abraham had a wandering eye and was still fathering children at 86. As an Epicurean sex fiend, Abraham shows an unleashed virility that might put Hollywood liberals Martin Scorsese or Al Pacino to shame.

Regarding the other biblical manly men: David was guilty of murder and adultery and spent his entire life regretting it. Joshua did not build a wall, but he claimed to have brought one down at Jericho. Scholars argue this was false bravado – maybe locker-room talk. They say an earthquake likely caused the wall's failure.

In any case, men's studies scholars have been researching masculinity and male behavior in America for decades – long before Hawley took up his study. Why doesn't Hawley reference other masculinities experts whose shoulders he could have stood upon? Some of those experts include Michael Kimmel, Susan Faludi, Herbert Goldberg, Gail Sheehy, Lionel Tiger, Susan Bordo, Warren Farrell,

James Doyle, Francis Baumli, Ellis Cose, Harry Brod and Michael Messner.

Hawley's book might have benefited enormously from the insights of these previous masculinities trailblazers. Hawley might be surprised to learn that some female scholars have been especially adept at explaining the male malaise, the loss of male identity in America, and the declining status of men – as women now ascend academic and corporate ladders.

Susan Faludi has provided empathetic character studies of distressed industrial workers, combat veterans, football fans, evangelical husbands, suburban and inner-city teenage boys. Her book, "Stiffed" uncovers the powerful social and economic forces that have hurt American manhood.

Susan Bordo sheds light on the historic and traumatic paradigm shift from a utilitarian manliness – grounded in hard work, civic responsibility and communal service – to today's ornamental masculinity. This superficial metrosexual masculinity is often shaped by entertainment, marketing, and shallow "performance" values.

Gail Sheehy studied men and their "crises" when hitting midlife. She examined work anxieties, concerns over sexual potency, marital and family stress, issues of declining power in

the workplace. In "Understanding Men's Passages," Sheehy dealt with "menopause," surviving job change, coping with post-nesting loss of male identity, defeating depression.

In his 1997 work, "Politics of Masculinities: Men In Movements," Michael Messner identified a variety of perspectives and men's groups with different approaches to both defining and affirming masculinity. Some men's groups created safe spaces for male identities unalterably at odds with what is offered by Hawley and today's GOP male traditionalists.

Messner examines such men's groups, many of which got their starts last century, as the Promise Keepers, the Million Man March, Robert Bly's Mythopoetic Men, various fathers' rights groups and male liberationists. Instead of looking at valuable lessons offered by these male identity movements, Hawley gives us parables from the park, the woods and the playground experiences with his son, Elijah.

One of the men's scholars who've taken issue with Hawley's refusal to locate his study in a vast continuum of manhood research is Rob Okun. Okun is publisher of Voice Male magazine which he has edited for 30 years. Okun says Hawley is tone deaf to shifts in culture that have been going on for a half century or more.

"Like so many others working to protect white male supremacy (see Carlson, Tucker; McCarthy, Kevin), he's driving a gas-guzzling Cadillac on a road increasingly filled with electric vehicles," declares Okun. "Just as women are vigorously resisting returning to a pre-Roe v. Wade America, men aren't going back either."

Okun says there is a kernel of truth in Hawley's assertion that some young men are floundering in school and in the workplace. However, Okun contends the real crisis concerns how many young men have become obsessed with the gun culture and been suckered into a social media echo chamber of vicious ethnic and religious prejudice and hate.

"To see how out of touch Hawley is, there's nothing in his book about perpetrators of mass shooting massacres, primarily young men," observes Okun. This omission is startling, but not surprising, given right-wing Hawley's subservice to the American gun lobby.

Reviewers' Ripostes

Most reviewers have not been kind to Hawley's book and his version of "Manhood," but in fairness to the senior senator from Missouri, it must be pointed

out that most of the reviewers are likely to be the Epicurean liberals whom Hawley hates.

Many reviewers take aim at the final chapters of his book, where he outlines how men are physically and mentally designed by a higher power to be warriors, builders, priests and kings.

In his warrior chapter, Hawley advises men to be confrontational, strong, and ready to protect "the garden of civilization." Why, then, has Hawley become "among the most prominent voices undermining U.S. support for Ukraine against its brutal Russian invaders," Kevin McDermott writes.

McDermott of the flagship newspaper of Hawley's state, the St. Louis Post-Dispatch, also argues that as the sole Senate vote cast against Finland and Sweden joining NATO, Hawley seems all alone trying not to antagonize or confront the Russian KGB war criminal Vladimir Putin.

Slate's Rebecca Onion also seems incredulous about Hawley's warrior credentials: "Why did a man who is probably our leading national pipsqueak decide that promoting manliness was his ticket to political power?"

Onion also falls out of her reading chair when perusing Hawley's king chapter, where he describes craven men who "desperately want authority for all the wrong reasons ... They preen, they abuse, they dominate. They see others as means to their own ends." Onion is utterly flabbergasted that the name of would-be king Donald Trump is nowhere in sight.

Monica Hesse of The Washington Post recalls Hawley confronting and badgering Ketanji Brown at her Supreme Court confirmation hearings. He demanded that she define the word "woman." He scolded her when she was not forthcoming with an answer to his insulting interrogation. Hawley later clarified things.

"Someone who can give birth to a child, a mother, is a woman," he told HuffPost. "Someone who has a uterus is a woman. It doesn't seem that complicated to me."

Reviewer Hesse is flummoxed that Hawley never gets to these basics in his own book: "Unlike his anatomy word-cloud definition of women ('uterus,' 'vagina'), there are no biological requirements offered up in 'Manhood.' Hawley never mentions that men must have testes, chest hair or Adam's apples."

In Lloyd Green's "Manhood" review in The Guardian, he feels compelled to forward his commentary with a cautionary about the author: "Josh

“Unlike his anatomy word-cloud definition of women ('uterus,' 'vagina'), there are no biological requirements offered up in 'Manhood.' Hawley never mentions that men must have testes, chest hair or Adam's apples.”

**— Monica Hesse,
The Washington Post**

Hawley is a neo-Confederate at war with modernity. A Republican senator from Missouri, he opposed renaming military bases honoring rebel generals and was the sole vote against a bill to crack down on anti-Asian hate crime."

Green finds it tiresome to learn over and over again in Hawley's book that Epicurean liberals find life to be "meaningless" and "insignificant." Green notes that life is deemed pretty meaningless and inconsequential in Hawley's Red State America.

"In Hawley's Missouri, Covid mortality exceeded the national average," observes Green, regarding the state's handling of the pandemic. "The Missouri gun death rate is more than four times higher than that of New York."

Considering all the jesters and satirists who find Hawley's book to be full of blatant hypocrisy, pusillanimous patriarchy, manhood-obsessed nonsense and silly preaching from a pipsqueak, it might be easy to conclude that Missouri's Hawley is ineffective and a national laughingstock.

However, Pulitzer-prize winning journalist Jonathan Capehart finds Hawley dangerous precisely because the left finds him innocuous, while the right embraces his godly message: "He is selling a vision of masculinity to White America that has much more to do with prejudice than masculinity."



Photo by Anthony Poole via Flickr

Fox conduct shows need to revive traditional goals

By Mark Sableman

Perfectly objective journalism seems like the perfectly moral life—unattainable by ordinary humans. But recent experience has reaffirmed the importance of the classic journalistic virtues of open-minded fact-finding, and fair, accurate, and complete reporting.

Today we have the most technically sophisticated data-rich information system ever. But it hasn't satisfied our need for what Walter Lippmann called "a picture of the world upon which men can act." Rather, the economics of the attention economy have given us non-professional, trivial, and unreliable social media; opinion-overloaded cable news; confirmation-bias-focused content; and torrents of deceitful misinformation. We live in an immensely unsatisfying information stream, one that aggravates emotions and fails to feed the important path from information to knowledge to wisdom.

Maybe journalistic objectivity, as difficult and unattainable as it has always seemed, is one of the key answers for today's troubled information system. My thoughts have gone in that direction as I've contemplated the recent Fox-Dominion settlement, contrasted with the example of a giant of American journalism who I was privileged to work with.

The goal of journalistic objectivity grew to maturity in the early 20th century. Shunning turn-of-the-century sensational "yellow journalism," reformers like Lippmann wanted journalists to provide reliable civic information in an increasingly complex urban-industrial world.

Journalistic professionalism required two steps. First, journalists needed to be independent from financial influences. Second, reporters needed to become diligent, honest, fair, and faithful information gatherers. Mainstream post World War II journalism embodied these two principles. The revenue source (advertising) was walled off from newsrooms, so financial considerations would not influence news columns. And newsrooms began employing educated professionals trained in fairness and objectivity.

But both those principles have eroded, as the Fox-Dominion case highlights.

The Fox cable network settled a libel case brought by Dominion Voting Systems, the voting machine company unfairly accused of manipulating election results, for the astonishing sum of \$787.5 million. In my career as a libel attorney, I've followed all of the major cases and record-setting verdicts; I remember the shock of the \$9.2 million judgment against the *Alton Telegraph* in

1980, and \$3 million against WBBM-TV in 1985. Even in today's inflated times, the Fox-Dominion settlement stands out as orders above anything past.

Why? Because the facts of its knowing malfeasance were overwhelming. And that in turn was because Fox defied traditional journalistic norms.

In theory, objectives like perfect objectivity are unattainable. But these norms nonetheless lead journalists, step by step, to good even if not perfect results.

Think again about the impossibility of perfect morality. It doesn't stop good people from trying to act morally. Faced with the impossible goal of perfect morality, we break things down into smaller tasks: Act honestly. Tell the truth. Respect others. Admit mistakes and ask forgiveness. Avoid hurting others. Follow your conscience. If we try to follow these simple directives, even though we still make mistakes, we will live a morally honorable life.

Journalistic objectivity is similar. Seemingly unattainable as an overall goal, it breaks down into doable smaller tasks: Focus on facts. Look at your community with an open mind. Ask questions, and listen to the answers. Interview everyone with knowledge, on both (or many) "sides" of an issue. Fairly present all the relevant facts, as

much as possible. Give the reader, viewer, or listener the context needed to understand those facts. Don't inject personal opinions. Don't let revenue considerations affect your news reporting.

A reporter who tries to follow these good-journalism rules will likely do a decent job. He or she probably won't face terrible libel claims, especially in the case of public figures, because in those cases our First Amendment protects good-faith journalism, including mistakes made unknowingly and unintentionally.

Fox set itself up for the Dominion case and settlement because it broke both rules. Its executives openly catered to its revenue source (which today is audience ratings, the figure that in turn determines both advertising and carriage and subscriber revenue). And, shunning its own professional news staff, it pandered to its audience of Trump supporters even though it knew the election deniers were spewing falsehoods.

Discovery in the case showed that Tucker Carlson wrote privately, "Sidney Powell is lying," even while he hyped her theories. Another anchor noted privately, "There is NO evidence of fraud," while, on the air, Fox Cable made election fraud its 24/7 theme. And Fox's CEO told her staff not to tell the truth because it upset the audience which wanted to believe Trump's claims. "This has to stop now," she wrote about Fox reporters' fact-checking of Trump's claims. "This is bad business and there is clearly a lack of understanding of what is happening in these shows. The audience is furious, and we are just feeding them material."

Of course, some of the things Fox reported were technically correct, such as basic reporting on Trump's election challenges. But as all reporters know, context is everything, and a half-truth or isolated fact, reported out of context, often misleads. As Benjamin Franklin wrote in *Poor Richard's Almanac*, "Half the truth is often a great lie." The discovery materials suggest that Fox executives and commentators interpreted Franklin's aphorism not as a moral warning, but rather as a suggestion for a useful and effective method of deception.

Only a few weeks after the Fox-Dominion settlement, I learned of the sad and untimely death of Mike Pride, a brilliant journalist who I had been lucky to work with and learn from many years ago, at the *Clearwater Sun*. Mike went on to become editor of the *Concord Monitor*, a Pulitzer Prize juror and later administrator, and an insightful historian. As I thought of Mike, I could not help but contrast his professionalism and journalistic principles with the Fox actions.

Mike embodied classic ethical journalism: reporting without consideration of fear or favor, of ratings or advertising, or of fame or celebrity. He delighted in



Illustration by Steve Edwards

open-minded fact-gathering, and in in-depth context-laden reporting. He tried to understand his readers and their communities, and inform and educate them. He directed reporters to go into communities, and listen to people, including the unheard. I vividly remember reporting at his direction on a neglected Black community near Largo, Florida; that story still resonates with me, as I hope it did with the news subjects and area residents. In Concord, New Hampshire, Mike listened to World War II veterans, brought them together, encouraged them to share memories, and published a moving book of their recollections. He had a gimlet eye for revealing perspectives; I remember him sending a reporter to Disney World's "Main Street USA" on the night of President Nixon's resignation. Despite his own creative streak, and his love for literature and poetry, Mike cared about basic governmental news; he made me feel that my city hall and legislative stories mattered, encouraging me to go the extra mile to get each one just right.

I think Mike was as skeptical as anyone about the attainability of perfect objectivity. But because of his professionalism, his newspapers, columns, and books were fresh, informative, reliable, and useful. He and his reporters took those basic short steps that make all the difference. Mike's career demonstrates how much classic journalistic virtues matter.

And if there is any doubt on that issue, Yale University history professor Timothy Snyder recently brought home the importance of old-fashioned true objectivity – not facile, simplistic, and misleading "both sides" reporting – in the life and death matter of the war in Ukraine.

Using the example of the explosion of the Nova Kakhovka dam in occupied Ukraine, Snyder noted on Twitter how "bothsides"

reporting would mislead readers and viewers on that issue. Reporting both countries' accusations against the other seems facially fair, but it would ignore the facts that Russia controlled the dam before the explosion, that the explosion helped Russia and harmed Ukraine, and that internal Russian communications were celebrating the explosion and claiming credit for it. Many headlines and news shorts—about all most people ever get of news these days—did indeed take that simplistic and counterfactual "bothsides" approach. Consumers of those news reports got a misleading view on one of the big issues in today's world.

We too long disdained the goal of journalistic objectivity, because we knew it wasn't fully attainable. But now that the Fox-Dominion discovery has showed us the mendacity and depravity of the other approach, it is time to re-elevate that goal, because of the difference it makes when journalists strive in the right direction.

We still may never attain perfect objectivity, but when journalists work toward it, they will pound the pavements in fact-gathering rather than pontificate in studios. They will fairly consider all the facts. Reporters who try for objectivity will put the truth above any kind of revenue-generation, and thereby get back to telling more reliable stories. Journalists who try to help their readers and viewers understand events will take extra steps to build context into their stories, thereby going beyond catchy headlines and simplistic soundbites.

With these tiny steps, journalism can come closer to giving readers, viewers, and listeners, what really matters – not confirmation bias, not a dopamine jolt to prejudices and preconceptions, but a truly better understanding of our communities and lives.

US lags other nations in regulating AI

By Jane Wiertel

The surge in use and chatter around artificial intelligence (“AI”) after ChatGPT’s release six months ago has increased awareness and concern of the technology’s rapid progress. Now, the United States government faces the question of how to regulate this potentially uncontrollable technology—something it has fallen behind on before.

AI innovators and experts Sam Altman (CEO of Open AI), Gary Marcus (Professor Emeritus at New York University), and Christina Montgomery (Vice President and Chief Privacy and Trust Officer of IBM), testified to many ideas on how the United States could proceed with regulation in a Senate Judiciary Subcommittee on Privacy, Technology, and the Law hearing last month. However, Illinois Sen. Dick Durbin, D., wondered if Congress was equipped for the task.

“When you look at the record of Congress in dealing with innovation technology and rapid change—we’re not designed for that. In fact, the Senate was not created for that purpose, but just the opposite...We’re going to have to scramble to keep up with the pace of innovation in terms of our government public response to it, but this is a great start,” said Senator Durbin in his opening remarks at the May 16th hearing.

While the fear of losing its grip on AI looms over the Senate subcommittee, AI regulation has already distinguished itself from previous technological innovations, suggesting a promising future. Although AI innovators acknowledged the possible dire consequences and potential threat, the portrayed eagerness to collaborate with the government places some at ease. Whereas previous technological innovators and private sector companies have shut out the government from their innovations, AI leaders seek government intervention immediately.

“What I’m hearing is a ‘stop—before I innovate again’ message. I’m just wondering how we are going to achieve this,” said Durbin.

While Senator Durbin extracted that message from the experts’ testimonies, Altman’s history regarding AI development is not clearly indicative of that mindset. For example, Altman declined to sign the Future of Life Institute’s open letter requesting a six-month pause on AI lab developments of technology stronger than Chat GPT-4. Instead, Altman explained that continued progress and release of the technology will better prepare society for AI’s ever-growing presence.

Altman’s desire for continuous advancement of AI is not necessarily at odds with his concern of the technology’s risk or his awareness of the need for regulation. However, Altman’s perspective may shape the strategies he suggests for AI regulation moving forward.

Current action for AI regulation

When the U.S. Senate began the conversation in the subcommittee hearing last month, other governmental bodies both nation-and-world-wide had already begun thinking about AI legislation. According to Stanford University’s 2023 AI Index, 127 countries passed 37 bills into law that refer to AI in 2022. However, with the technology’s ever-growing global presence, countries are starting to move beyond mere reference to AI by proposing legislation to regulate it.

Since its initial proposal for AI regulation in 2021, the European Union has become a global leader through its development of what it calls the “AI Act.” The European Union’s proposed law would be the first of its kind and proposes a “risk-based approach” to regulation.

According to the European Commission’s summary presentation on the Act, the proposed law breaks AI into two categories based on risk: permitted and prohibited uses of the technology. The Act bans prohibited uses—also called “unacceptable risks”—and provides guidelines governing how to use permitted forms of AI. The European Union separates the permitted uses into three additional subcategories: “high-risk,” “AI with specific transparency obligations,” and “minimal or no risk.”

On May 11, 2023, the Internal Market Committee and the Civil Liberties Committee of the European Union adopted a draft negotiating mandate of the Act. After review of the draft, the committees crafted amendments focusing on making AI “human-centric” and “ethical” within Europe.

The committees’ amendments expanded the coverage of the Act by adding AI systems to the unacceptable—and therefore prohibited—risk category. Among the additions were: real-time biometric identification systems, predictive policing systems, and emotion recognition systems.

Additionally, the committees added AI technologies potentially posing threats against European citizens’ “health, safety, fundamental rights, and environment” to its “high-risk” category. Under the proposed

law, AI technologies within these categories must be subject to human oversight, include logging features for traceability, and use high-quality training.

Finally, the committees added more intensive transparency requirements for AI models. Publishing copyrighted data used for training, disclosing AI-generated content, and designing models without capabilities to create illegal content are among those additional requirements.

Most recently, on June 14, 2023, the European Parliament adopted its own negotiating position of the European Commission’s AI Act proposal. In comparison to the Commission’s proposal, the European Parliament’s position appears narrower and more restrictive. Moving forward, the European Parliament, Commission, and Council must reconcile the differences in their proposals to turn the Act into law. Conversations between the branches are expected to continue for the remainder of this year.

Although the European Union is the closest to finalizing binding legislation regarding AI regulation, it is just one of many countries taking steps to manage AI. Brazil, for example, drafted and presented a report on AI regulation in December of 2022 that now serves as the foundation for the Brazilian Senate’s further action. Also in 2022, Canada’s government drafted the Artificial Intelligence and Data Act as part of the Digital Charter Implementation Act; the bill still awaits approval from the Canadian Senate.

In October of 2022, the White House Office of Science and Technology (OSTP) released the Blueprint for an AI Bill of Rights—a white paper published to “support the development of policies and practices that protect civil rights and promote democratic values” as the presence of automated systems increases. The AI Bill of Rights includes five guiding principles and practices crafted for Americans’s right to privacy and in light of their everyday experiences with AI technology.

The five principles include: Safe and Effective Systems, Algorithmic Discrimination Protections, Data Privacy, Notice and Explanation, and Human Alternatives, Consideration, and Fallback. Each of the five principles prioritizes proactive and ongoing action by AI innovators to ensure the safety of Americans. Each principle expects automated systems to take actions such as consultations, collections of representative data, implementations of privacy-

preserving security, and accessible, clear communications. While these principles offer a framework for how individuals, corporations, and governments should proceed in the face of AI's impact, they do not offer binding legislation.

The actions taken by governments around the world suggest that many countries envision AI regulation through lawmaking within their respective countries. But, if the technologies are used worldwide, should the regulation of them be addressed on a global scale instead?

Suggestions for future regulatory action

Based on the current governmental action worldwide AI many experts say is evident that AI regulation is needed on a global and national scale. But, the Senate Judiciary Subcommittee on Privacy, Technology and the Law still does not know what is the most effective way to approach the challenge.

Chief Privacy and Trust Officer of IBM Christina Montgomery suggested Congress adopt a "precision regulation" approach to AI in her testimony to the Senate subcommittee. According to Montgomery, precision regulation "strikes an appropriate balance" between protection and preservation of Americans and their environments. However, regardless of the AI regulation format, Montgomery hopes that transparency and clarity are at the forefront of Congress's regulation.

The United States could seek the expertise of the Federal Trade Commission or Federal Communications Commission, however, AI is and will be an essential piece of the nation's future, said Professor Marcus to the Senate Judiciary Committee. Thus, Marcus believes it is in the nation's best interest to create a new government organization to specifically address the risks and information of AI. One organization, Marcus suggested, could be a cabinet-level organization employing technological expertise and coordination for such efforts.

Despite the importance of these national efforts, the expansive nature of AI suggests a need for international regulation through an international agency, both Marcus and Altman said. Yet, the international dynamics and relationships pose difficulties, even though the issue is so pressing, Marcus said. However, the United States could lead and control AI on an international level if it possessed control over the companies and products dealing with the production of the technology, said Altman.

How AI can be regulated

Amidst all of the proposed laws, initiatives and open letters, there are six ways posing the most viability for AI



Photo by Focal Foto via Flickr

regulation, according to the MIT Technology Review. Each of the proposed solutions analyzed by MIT approaches AI regulation on an international scale—similar to Marcus and Altman's regulatory vision presented in their testimonies. Of the six approaches, the European Union's AI Act, the Organization for Economic Development's (OECD) principles and the International Organization for Standardization's risk-standards appear most influential. Yet, each regulatory approach is not without its faults.

According to the MIT Technology Review, although the European Union's AI Act is the most effective option, many provisions are "highly controversial" due to their restrictive nature. Thus, it is likely tech companies will lobby against the Act and increase the proposed law's time in the legislative system.

The research and analysis of global AI experts help to shape the OECD's principles and look like a "sort of constitution for western AI policy," according to the MIT Technology Review. However, these principles are non-binding ideals that prioritize economic growth over regulatory solutions. As a result, difficulty may arise in interpreting such ideals into enforceable law that address all risks.

The International Organization for Standardization's risk-standards are more practical and regulation-focused than the OECD's principles. Additionally, the MIT Technology Review stated that these standards help simplify the advanced technological elements of AI that many regulators struggle with. Yet, the International Organization for Standardization's assessments appear overboard, leaving specific areas of AI regulation left for interpretation.

As stated in the MIT Technology Review, the European Union's AI Act may ultimately become the "world's de-facto AI regulation" due to the international business and trade relationships. Even so, the U.S. government remains challenged by its choice of if and how it will regulate AI.

Although the Department of Justice and Federal Trade Commission regulate most digital platforms in the United States, Senators Michael Bennet and Senator Peter Welch agree with Altman and Marcus that AI requires a new federal agency. Thus, the two senators drafted the "Digital Platform Commission Act," proposing a new federal commission to assist in AI regulation.

"Technology is moving quicker than Congress could ever hope to keep up with. We need an expert federal agency that can stand up for the American people and ensure AI tools and digital platforms operate in the public interest," said Bennet.

Once created, the commission may approach regulation in a myriad of ways. One option is to regulate via licensing, according to Brookings. For example, the Federal Communications Commission licenses commercial and noncommercial uses of radio, satellite communications, and mobile device services. Accordingly, Bennet and Welch's proposed "Digital Platform Commission" may adopt such licensing strategies as it regulates AI.

Sen. Welch puts it this way: "Big Tech has enormous influence on every aspect of our society, from the way we work and the media we consume to our mental health and wellbeing. For far too long, these companies have largely escaped regulatory scrutiny, but that can't continue. It's time to establish an independent agency to provide comprehensive oversight of social media companies."

