



Gateway Journalism REVIEW

Founded 1970 as St. Louis Journalism Review

Journalism on the brink
An in-depth look at how Alden Global Capital
is reshaping news in the Midwest

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Alden's predatory plutocracy

By William H. Freivogel



Joseph Pulitzer

Photo from Wikipedia

Joseph Pulitzer, a rich man whose name is synonymous with great journalism, wrote in his famous platform about his newspapers that they would always fight predatory plutocracy, predatory poverty and demagogues of all parties.

There is plenty of predatory plutocracy

in this age of political demagogues. There is also a predatory poverty of the human spirit when people who feel downtrodden and ignored worship at the feet of a demagogue more transparent than any junior high playground bully.

Yet many people of great wealth are

forces for public good — Pulitzer, Sulzberger, Bill and Melinda Gates, for example. Dare I add George Soros — the bogeyman for anti-Semites — and the lock-them-up crowd.

This GJR focuses on the predatory plutocracy of a wealthy hedge fund, Alden Global Capital, that has bought up great papers like the Chicago Tribune and cut back on reporters, often while selling off assets for profits. Alden even manages to do bad things to poor people living in trailer parks, as Julie Reynolds points out. The rich absentee landlords raise the rent and refuse to fix the plumbing, she found.

Documentarian Rick Goldsmith's film about Alden is screening Nov. 11 at the GJR's 12th annual First Amendment celebration at Webster College and as part of the 32nd Annual Whitaker St. Louis International Film Festival. Goldsmith is well known for *The Most Dangerous Man in America* about Daniel Ellsberg who leaked the Pentagon Papers to *The New York Times*, *Washington Post* and, yes, the *Pulitzers' Post-Dispatch*.

Ellsberg's leak of 40-plus volumes of national security secrets showed that American presidents from Eisenhower to Kennedy to Johnson to Nixon lied to the American people about Vietnam, even as 58,000 young Americans and more than a million Vietnamese died there. Those secrets wouldn't have been published without the courage of Arthur Ochs Sulzberger and Katharine Graham, whose lawyers told them they could quite likely be put in prison for espionage.

Goldsmith shows in his current film that Alden and other hedge funds have sent American journalism to the precipice. Margot Susca points out that news organizations have always made a lot of money and still do, but that Alden and other hedge funds threaten the health of democracy. As she puts it, "crucial to the debate about newspapers in crisis, there is the inequality inherent between the information needs of citizens in a democracy compared to what is provided to them in the digital and print pages of newspapers beholden to private investment funds."

Brant Houston of the University of Illinois describes an Alden effect in places like Chicago and San Diego where Alden's exploitation has led to an equal and opposite reaction exhibited in the growth of



Kay Drey

Photo Courtesy of Great Rivers Environmental Center

nonprofits dedicated to the public good. In fact, Houston points out that even as tens of thousands of reporters have left newspaper newsrooms over the past 15 years, nonprofit news organizations have grown faster than any other kind of news organization.

Jack Grone, editor of McPherson Publishing, looked at the impact of Alden's failed takeover of Lee Enterprises and the Post-Dispatch, finding that Lee's defensive cutbacks to block Alden have sometimes been worse than what Alden might have done had it succeeded.

If you thumb past the stories on Alden you'll find Mark Sableman's devastating critique of a new Missouri law that redacts names of victims and witnesses from what previously were open court documents. The names are removed in the interest of privacy, but threaten the openness so important to the courts, an openness protected by the First Amendment. Sableman, a top media lawyer in St. Louis and stalwart contributor to GJR, couldn't find out how the redactions requirement got into Missouri law. Public legislative records don't list sponsors, hearings or votes on the provision.

The bottom line: A closed legislative process creating closed judicial records is

turning Missouri into the State of Unnamed Persons.

The importance of openness in government is reinforced in Don Corrigan's story about the Missouri Independent/Muck Rack/AP disclosures of long hidden government documents showing that the federal government long knew about the dangers of Mallinckrodt's atomic wastes in Coldwater Creek — just as environmentalist Kay Drey had claimed for half a century. Drey is one of the biggest benefactors of GJR.

Jane Wiertel, an intern from the Pulitzer Center on Crisis Reporting, finds that Missouri is at the center of a school library censorship wave that has swept the nation as enemies of so-called "wokeism" remove books on race and sexual identity—blind to their own political correctness. Gov. Ron DeSantis, who is banning pro-Palestinian groups from Florida campuses, says with a straight face, "This is not cancel culture."

Missouri's leadership role in library censorship comes partly as a gift from the latest Ashcroft rising to political power in Missouri.

One other development of note was the U.S. Supreme Court's refusal in October to allow Missouri to enforce its Second

Amendment Preservation Act making it illegal for police to enforce federal gun laws. The state tried to look right past the Supremacy Clause of the Constitution.

In addition, the high court put a hold on enforcement of a court order by Trump judges to prohibit the government from warning social media companies about false posts by vaccine deniers and election deniers that threaten personal health and our democracy's.

NPR's Nina Totenberg foreshadowed these developments in remarks in St. Louis in October that described how Chief Justice John G. Roberts might from time to time join the three liberal justices and Justices Brett Kavanaugh and Amy Coney Barrett to trim the sails of the court's arch-conservative Thomas-Alito wing when Roberts found Trump judges and Federalist Society acolytes were veering too far right.

The thread that runs through all of these stories in this issue is the importance of full, complete news stories that open up the workings of courts, city councils and the halls of Congress to the people who are supposed to be in charge of a democracy. Pulitzer put it this way in his platform — "never be satisfied with merely printing news."



Anatomy of 'Stripped for Parts: American Journalism on the Brink'

By Rick Goldsmith

In 2018, hedge funds had been scarfing up newspapers right and left for more than a decade. But outside of a handful of journalists covering the newspaper industry, no one knew anything about this new brand of media moguls: who they were, why they were buying into a declining industry, and what their plans were for the newspapers they were collecting by the dozens.

Until the April explosion that became known as the "Denver Rebellion."

That spring I had been in discussion with the great journalist Bill Moyers about doing a film project together. He knew my work and of course I knew his. We discussed a possibility or two, but nothing quite crystallized, and I thought that was the end of it. But a few weeks later Moyers sent me an email: "I'm at the barber shop right now but when I read this I thought: Here's a film only Goldsmith would take on. I'll call you when I get home." The email had a link to an article by Nieman Lab's Ken Doctor about the hedge fund Alden Global Capital that was "making so much money

wrecking local journalism it might not want to stop anytime soon."

Three things from the article jumped out at me. First was the notion that the profits were to be made by "wrecking" journalism, rather than practicing it. (Why?) Second was the revelation that money could be made from an industry seemingly in collapse. (How?) Third—and this is what hooked me—was the fact that newspapermen and women in Colorado were apparently in open revolt against their own publisher. (Now that's news!)

I've been a news junkie all my life. My first feature documentary, begun in 1989, was on George Seldes, a gadfly former foreign correspondent and then outspoken critic of America's mainstream press. I interviewed him when he was 98, and he regaled me with stories on how General Pershing, Mussolini and his own newspaper publisher, Colonel Robert McCormick of The Chicago Tribune, tried to suppress, change or censor his stories. A later film I co-directed, on war-planner-turned-

whistleblower Daniel Ellsberg, documented the decision-making inside The New York Times, in the face of threatened government legal action, of whether to publish a top-secret government document, the Pentagon Papers. It was one of America's press's finest hours. So mine has been a love-hate relationship with the news media: adoring but critical.

I relish interviewing journalists. They tend to be sharp evaluators of the events of the day. They put events into context. Smart, succinct, good storytellers. And what made this "Denver Rebellion" thing unique, they were not only covering the news, they were making news—quite a turnabout for members of the mainstream press. Seldes famously wrote: "The most sacred cow of the press is the press itself." The ones I talked to had no compunction about speaking out or risking their jobs.

I interviewed more than a dozen working reporters and editors, most of whom worked for newspapers that had been, or would be, gobbled up by Alden

Global Capital. The Denver Rebellion was fresh in their minds, so the responses to my questioning were heartfelt, candid and passionate. Their memories were fresh, the specifics sharply-detailed.

Greg Moore, former editor of The Denver Post during the time of the Alden takeover, offered vivid and sometimes emotional accounts of his dream job turning into a nightmare. After he finished one such account of an event I'd researched, I said to him, "I never heard that story before," and he looked at me for a second before saying, "I never told that to anyone before."

Julie Reynolds was the subject of a half-dozen interviews, one of them in front of her "crazy wall" of photos, Post-its and arrows, like you see on a TV police drama. Julie did the heavy work of investigating Alden Global Capital, about which she wrote more than 100 articles, uncovering facts, unraveling shady hedge fund business practices, and providing her fellow journalists at Alden papers—first through the NewsGuild's website, later in publications such as Newsweek, The Nation and The Intercept—the raw materials for their rebellions.

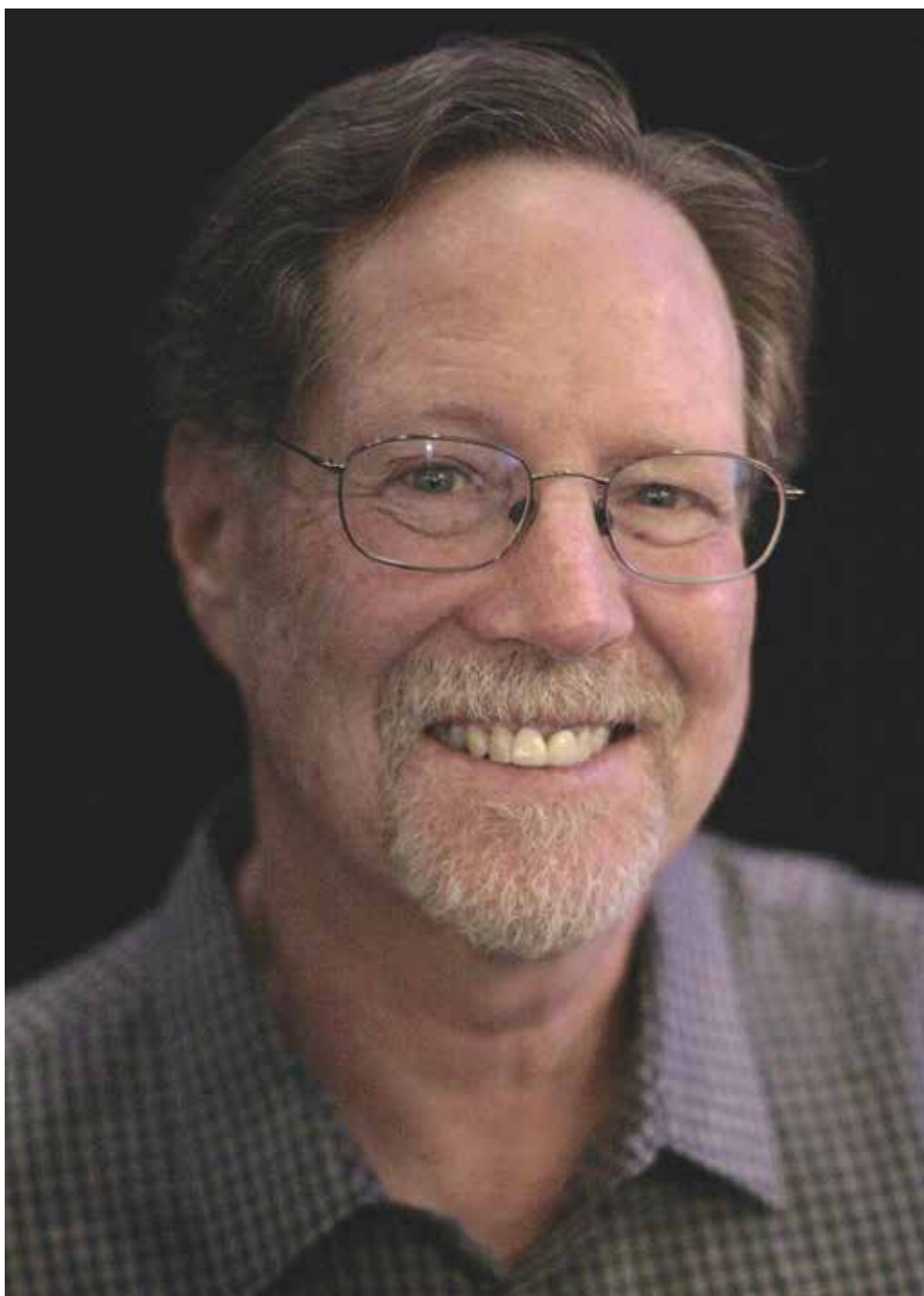
Chuck Plunkett, Denver Post editorial writer, spoke poignantly about his agonizing decision-making process before writing the riveting editorial that rocked the journalism world in April, 2018.

When Alden's plundering reached Tribune Publishing, Gary Marx and David Jackson of the Chicago Tribune welcomed my request to record their stories, even as they were being threatened with firing for sending to The New York Times an op-ed outlining their fight with Alden. Gary returned to me again a year later, by Zoom (during Covid), impassioned as ever, shortly after discovering that a Swiss billionaire had read his Times story, been moved by it, and had decided he would try to out-bid Alden. "That's your dream, that someone reads what you wrote, and acts on it."

Dave Krieger's dramatic standoff with his bosses at the Boulder Daily Camera was still fresh in his mind and his heart, after he'd taken a stand that was true to his journalistic principles. Having suffered the consequences of his actions, Dave reflected, "Did I go too far? I've never been so sure in my life that this was the right thing to do."

Penny Abernathy was my guide through this journey. A giant in the journalism world for her extensive studies on "the new media barons," "news deserts" and "ghost newspapers," she challenged me on whether I had "the facts," or was just re-stating common wisdom. She wanted to make sure I got it right.

Margot Susca, in the midst of composing her book "Hedged: How Private Investment Funds Helped Destroy American



Rick Goldsmith

Courtesy of Rick Goldsmith

Newspapers and Undermine Democracy" (due to be published in early 2024) gave of her time and wisdom to help me get the context correct.

I approached Alden's two principals and founders, Randall Smith and Heath Freeman. But they gave me the same cold shoulder that they typically gave reporters who approached them. I got as far as a return call from Freeman's PR representative, but otherwise stone-walled me.

My goal in making this film was less to expose Alden Global Capital to the world—the above-mentioned journalists here, collectively, and others, did that far more completely than I could have hoped to

do—and more to give the film's audiences a feel for these men and women, who risked their reputations and/or their livelihoods, to save, re-invent and rebuild journalism. Each of them believed in their own profession, as one that serves as the lifeblood of democracy. The interviews were enriching. I felt honored they trusted me enough to let me into their lives, to answer my questions, and to bare their souls.

I consider "Stripped for Parts" their collective story, and as important as the thousands of stories they have written over their careers, so that the rest of us can understand more completely the complex social and political events that swirl around us. I hope my film does them right.



Illustration by Steve Edwards

The Alden effect—nonprofit news on the rise

By Brant Houston

In its voracious drive to apparently consume as many U.S. newspapers as possible, the so-called vulture capitalist Alden Global Capital recently bought the San Diego Union Tribune and a group of associated newsrooms in Southern California.

Reports on the purchase focused on the inevitable results of Alden Global acquiring newsrooms: immediate decimation of the staff, loss of office space, and the predictable ensuing loss of news coverage and service to the community.

But what is often not noted is how Alden Global is a call to arms for the creation or expansion of alternative and often nonprofit newsrooms. A call to arms that should have been sounded years ago.

Call it the Alden effect.

Alden's brazen and brutal harvesting of a disrupted and distressed news industry has made clear the long death spiral of newspapers and legacy media. And it has made clear how a new business model for journalism (usually, a nonprofit model or a public benefit corporation) is needed and how independent digital newsrooms need to form deeper alliances.

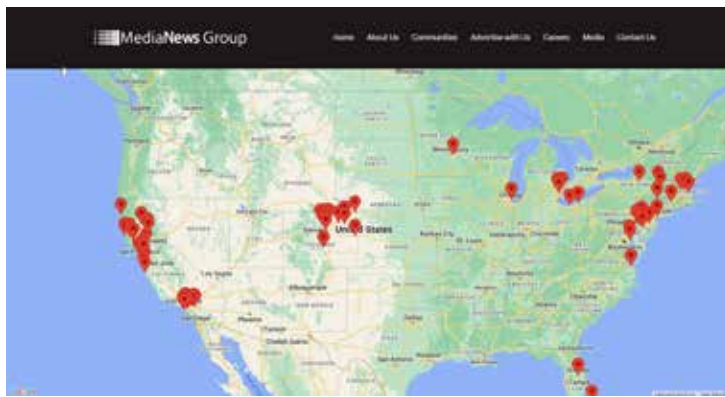
In San Diego, two such newsrooms, the Voice of San Diego, which has largely focused on overall community reporting, and inewssource, which concentrates on investigative reporting, have had a somewhat distant relationship over the past decade. But after the Alden announcement they began discussions on collaborating to counter the loss of news coverage by the Union Tribune.

The founder and head of inewssource, Lorie Hearn, said in an interview recently that the American Journalism Project, which supports local news initiatives across the nation, will not only back the efforts of the two newsrooms, but will also fund a "landscape assessment" in the San Diego region that will analyze the demographics and the existing news ecosystem, and a community listening tour.

Hearn said, "The idea is to find a solution to the big problem—the slow bleed that has been happening here for years and is now accelerated with the Alden purchase."

In an Atlantic Monthly article about Alden Global in 2021, McKay Coppin wrote, "What threatens local newspapers now is not just digital disruption or abstract market forces. They're being targeted by investors who have figured out how to get rich by strip-mining local-news outfits. The model is simple: Gut the staff, sell the real estate, jack up subscription prices, and wring out as much cash as possible out of the enterprise until eventually enough readers cancel their subscriptions that the paper folds, or is reduced to a desiccated husk of its former self."

While the actions of Alden, which had become the second largest newspaper chain in the U.S. with the Tribune purchase, might have appeared to be a new phenomenon—the news industry has long been the target of financial predators. In writing the second edition of "The Vanishing Newspaper" in 2009, Philip Meyer described the business strategy as "harvesting:"

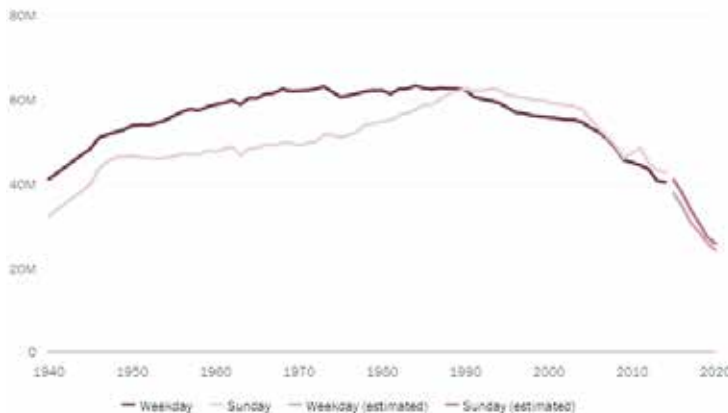


"A stagnant industry's market position is harvested by raising prices and lowering quality, trusting that customers will continue to be attracted by the brand name rather than the substance for which the brand once stood." He went on to note "this is a nonrenewable, take the money and run strategy."

Alden made one of its biggest moves by acquiring the debt-ridden MediaNews Group in 2010. The MediaNews Group was another example of newspaper companies taking on extreme amounts of debt as they purchased newspapers as circulation and revenue fell, despite cost-cutting through consolidation. (Alden's chain of newspapers operates under the MediaNews Group.)

Total estimated circulation of U.S. daily newspapers

Total circulation of U.S. daily newspapers

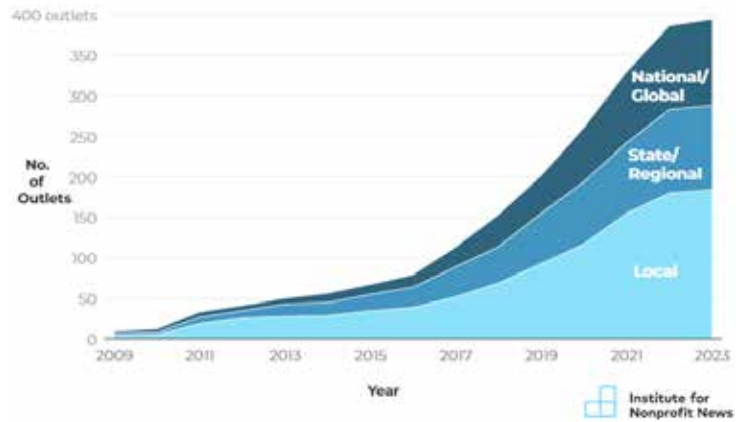


The head of MediaNews Group, Dean Singleton, who once predicted that there soon would be only three newspaper chains — and his MediaNews would be one of them — eventually, was also crushed by the debt his company had taken on and filed for bankruptcy in 2010. It was Alden that then took a large share of the stock after the company came out of bankruptcy and by 2011 Singleton had been effectively removed from the leadership team.

In a prescient article in Nieman Labs in 2011 by Martin Langeveld, headlined, "The shakeup at MediaNews: Why it could be the leadup to a massive newspaper consolidation," Langeveld, who had been a publisher for MediaNews, predicted various mergers involving Alden that eventually took place. He noted that Alden had been building up its newspaper holdings through the Alden Global Distressed Opportunities Fund, "which it launched in 2008 and which is now worth nearly \$3 billion."

Langeveld concluded by writing, "It's really the last hope for the newspaper business, but a pessimistic view is possible, of course.... Alden's ultimate interest is in earning a strong return on its investments, not in the future of journalism, so its strategy is at heart a financial one. And, yes, consolidation will come at the cost of jobs."

GROWTH IN NUMBER OF NONPROFIT NEWS OUTLETS BY GEOGRAPHIC SCOPE (2009 - 2023)



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When Alden bought the declining Chicago Tribune in 2021, the vibrant neighborhood-focused nonprofit Block Club Chicago had already been in existence for three years. But as the Tribune shed more editors and reporters after the purchase, Block Club received even more recognition and support. Similarly, foundations and donors poured money into other Chicago nonprofit newsrooms to increase local coverage. The acquisition by the nonprofit WBEZ of the struggling commercial Sun Times to form a more robust and dynamic local newsroom completed the sea change in Chicago journalism in response to Alden.

In Baltimore, the creation of the The Baltimore Banner, a nonprofit newsroom, was the direct result of Alden Global's purchase of the Baltimore Sun (which was part of the Tribune Publishing deal).

Steward W. Bainum Jr., a wealthy owner of hotels, had tried to buy the Sun, but Alden Global outbid him in May 2021. Bainum was sure Alden would follow its usual practice of cutting staff at the Sun and thus local news (which it did), so in 2022 Bainum created the Banner. At the time, he told the New York Times, "I kept thinking about local news during Covid, sitting here in Maryland, thinking about the dearth of local news."

The Banner hired some of the experienced reporters laid off by the Sun, and Bainum said he hoped to eventually have a newsroom of 100.

The trend of Alden purchases and the resulting surge of start-ups, collaborations and increased investments started with little fanfare when Alden acquired the MediaNews Group. Under Singleton, the MediaNews Group created a large chain of newspapers that included the Denver Post, the St. Paul Pioneer Press, and the Mercury News based in San Jose, California.

Denver had already seen the closing of the Rocky Mountain News in February 2009. With Alden coming in, the usual cuts hit the Post. A newsroom once boasting hundreds of editors and reporters was reduced to a few dozen over the next decade. In a direct rebuff to Alden, a group of journalists in 2018 left the Post and started The Colorado Sun, which has turned into a public benefit corporation, which is a for-profit company incorporated with a public mission. It states on its website, "Every dollar we receive goes directly toward supporting the journalism we produce. Period."

But that was only one part of the effort to preserve and grow local news in Colorado. The Colorado News Collaborative News Lab currently involves more than 180 news organizations, profit and nonprofit, and in every medium.

Laura Frank, the executive director of the lab and a major player in the evolution of nonprofit newsrooms in the U.S., said in a recent

Continued on next page

interview that the lab was even collaborating with “folks with Alden” who are trying to keep local news alive from the inside of the company.

“The tragedy of Alden coming in has fed the fire of ingenuity in news,” Frank said.

In Minnesota, both major newspapers had been failing financially when Alden came on the scene in 2010 and took control of The Pioneer Press in St. Paul and implemented its usual playbook of cuts. But a wealthy investor, Glen Taylor, stepped up to buy the Minneapolis Star-Tribune, and it has thrived under his ownership.



In California, the Alden purchases before the San Diego buy has spawned a wide variety of newsrooms throughout the state. Alden had acquired the San Jose Mercury and other Bay Area newsrooms through the MediaNews acquisition, and by 2015 CalMatters was founded, it said, to create a newsroom “to fill the gap left by a shrinking press corps,” much of which could be attributed to Alden. It says it now has more than 40 experienced journalists and a team of product and revenue professionals. Its leader is now Neal Chase, who left his executive job at Alden’s Bay Area papers to join CalMatters in 2018.

Meanwhile, the San Jose Spotlight started up in 2019 to replenish the political and business reporting in the city. It stated,

“Our mission is to change the face of local journalism by building a community-supported newsroom that ignites civic engagement, educates citizens and strengthens our democracy.” It now is partnering with the Oakland-based Post News Group, which consists of eight Black and Spanish-language newspapers in Northern California, to launch another newsroom in Santa Clara County.

Indeed, the Alden Effect appears not only to result in more independent, community driven newsrooms, but also newsrooms that are more diverse and enterprising than those of the legacy media.

“There’s a new dawn in local news. It’s rising in many of the communities where remote corporate owners or investors hollowed out a local newsroom, closed a local newspaper or don’t attempt to serve everyone,” said Sue Cross, the chief executive officer of the Institute for Nonprofit News.

Cross said that increasingly people are fighting back and saving local news or reinventing it in a way that fits their communities.

“People are deciding their local news should be just that: local. They see news is a way to build and connect their community -- economically, socially, civically,” she said. “And this is leading to new partnerships. Journalists and community groups, civic leaders and philanthropists are working together to create new kinds of newsrooms—locally led, community-centered, more inclusive, and dedicated to building trust by being open about who pays for the local reporting and how they do it. The nonprofit newsrooms are nonpartisan, and they are forming in all kinds of communities—red, blue and everything in between.”

She said those newsrooms are supported largely by their own communities, but they also “can tap into nationwide networks of investigative and specialized reporting centers, news tech hubs, legal and business resources that can now enable local newsrooms to do more than they could on their own.”

“Together, this kind of local support and national networks of nonprofit news resources are changing the future of local news,” Cross said.

“ Indeed, the Alden Effect appears not only to result in more independent, community driven newsrooms, but also newsrooms that are more diverse and enterprising than those of the legacy media.”



Lee sold the Post-Dispatch building to Jim McKelvey's StarLake Holdings for \$3.5 million in 2018.

Lee Enterprises after Alden

By Jack Grone

"The model is simple," declared The Atlantic in its cover story for the November 2021 issue. "Gut the staff, sell the real estate, jack up subscription prices, and wring out as much cash as possible."

The author of the piece, Atlantic staff writer McKay Coppins, was writing about Alden Global Capital LLC, the widely-feared buyout firm that has emerged in recent years as one of the biggest owners of newspapers in the U.S., with nameplates including the Chicago Tribune, the Denver Post, the New York Daily News and the Sun in Baltimore.

But Coppins could just as easily have been writing about Lee Enterprises Inc., according to interviews with current and former Lee employees at the St. Louis

Post-Dispatch and the Buffalo News, two of Lee's biggest newspapers.

Since successfully seeing off a hostile takeover bid from Alden in early 2022, Lee has intensified its program of painful cuts across its news operations, leaving many of its journalists wondering whether they have a long-term future at the company as it shifts its focus from print to digital, these employees say.

"It's funny how much damage Alden can do even when it doesn't buy your chain," said Post sports columnist Jeff Gordon, who serves as president of the United Media Guild union that represents almost 90 of the Post's employees, as well as employees at the Southern Illinoisan in Carbondale, Ill.

"We'd still rather have Lee, because we can work with Lee, but man, Alden did not do us any favors by getting involved, that's for sure," Gordon said.

Tracy Rouch, director of public relations for the Post-Dispatch, said in response to a query from Gateway Journalism Review that nobody from the Post or Lee Enterprises was available to comment for this story.

In June Lee reduced most of its 77 newspapers, mainly in smaller markets like Carbondale, to just three print editions each week. It also switched delivery of these papers from newspaper carriers to the U.S. Postal Service.

Continued on next page



Illustration by Steve Edwards

That prompted the Unions of Lee Enterprises, a coalition of labor groups representing the company's unionized newspapers across the country, to issue a statement in late June calling the reductions "another example of short-sighted cuts and a lack of investment in local journalism — the main product that supports the company and its investors."

The unions group, with members in cities including St. Louis, Buffalo, N.Y., Omaha, Neb., Richmond, Va. and Billings, Mont., said their members were "aware of more than 70 positions, union and nonunion, vacated and/or abolished since the beginning of the year at the dozen union papers it represents."

The unions also questioned Lee's digital strategy.

"On the digital news delivery side, Lee has touted its growth in digital-only subscribers, but how many of those are readers who gave up on receiving a print edition as the company hikes prices and makes cuts to the product? That switch isn't a net gain," the unions said.

Sandy Tan, a staff reporter at The Buffalo News and a coordinator of the Lee Unions coalition, said a key issue for journalists is the fact that Lee's corporate managers have failed to lay out a compelling strategy that helps employees

understand their roles in Lee's digital future, despite repeated requests.

"We really want to be part of the solution; to the extent that we can do our part to help make this digital transformation successful, we will do that," Tan said. "But in order to be partners in the solution, we gotta know what the plan is. And right now, we're all in the dark, and that's extraordinarily frustrating."

Lee acquired The Buffalo News in 2020 along with 30 daily newspapers and more than 49 weekly publications owned by BH Media Group as part of deal with investor Warren Buffett's Berkshire Hathaway holding company. The deal nearly doubled Lee's audience size and made Berkshire Hathaway Lee's sole lender, on terms widely seen as favorable to Lee.

Tan noted that Lee recently offered digital training sessions for its journalists via Zoom that she says were helpful. But small steps like this don't address fundamental concerns about whether Lee will be able to make its transition to digital successful and profitable, she argues.

"When we look at how our website functions; when we look at the way stories are played and promoted; when we look at the lack of local digital control over which stories should be most featured, or here at The Buffalo News people being unable to

easily access our website because they're repeatedly prompted for their username and password...it's a very user-unfriendly experience," Tan said.

Lee's corporate disclosures routinely emphasize its pursuit of online readers and advertisers as it carefully manages the decline of its legacy print operations.

In a recent presentation to investors, Lee said it had 606,000 digital-only subscribers as of June, with a goal of 900,000 digital-only subs by 2026. It also boasted that its digital subscription and advertising growth has been far faster over the past three years than at larger peer companies such as Gannett Co. Inc., which counts USA Today among its titles.

But that headline optimism buries some inconvenient facts: Lee's operations still rely heavily on print publications. And they're shrinking rapidly.

This indicates that even if its digital strategy turns out to be profitable, Lee is likely to be a much smaller company a decade from now in terms of revenue, employee headcount and journalistic output.

"Our feeling is: Why rush to kill off a print product that still accounts for a tremendous amount of Lee Enterprises revenue when you don't yet have a strong digital product to offer?" Tan said. "That

has been a source of great frustration for us."

In its most recent earnings report in August, Lee disclosed that print still accounted for 62 percent of its operating revenue during the first nine months of its fiscal year.

Total print revenue in the period was about \$327 million, down \$85 million vs. a year earlier. Digital revenue was up by about \$25 million — a big increase, but not nearly enough to make up the gap.

For the nine-month period Lee posted a net loss of \$3.28 million, or 56 cents per basic share.

In the company's newsrooms, one change the unions and some individual employees find particularly irksome is Lee's push to require its editors to adopt website templates that aim to standardize design and content across the entire chain.

Tod Robberson, who retired from his position as editorial page editor of the Post-Dispatch in June, said that when he arrived at the Post more than seven years ago, Lee was still letting the Post operate with a large degree of autonomy.

"We went through some tough times, granted, but Lee Enterprises allowed us to be the paper that we had been: largely independent, we got to do our own thing, minimal intervention from the corporation other than the introduction of some cost-saving measures that involved consolidating page layout and design," Robberson said.

But when Alden made its hostile move, Lee "had to throw a ton of money" into fending off the approach, Robberson said.

"I look at everything Lee has done with the Post-Dispatch in the past two years since that takeover attempt," he said. "What Lee ended up doing was everything that Alden would have done, and more. They gutted it even more than Alden would have done. And that, to me, is a huge disappointment."

Lee's approach of consolidating page layout and design at centralized "hubs" often located hundreds of miles from its newsrooms worked well at first, but constant turnover of the employees in those hubs eventually led to big mistakes, Robberson says.

He recalls one time in particular several years ago when the design team substituted a large box — blank except for the words "test only" — in place of an editorial, to see how it would look on the Post's opinion page. Unfortunately, that big box is what subscribers to the Post's print edition saw when they opened the paper the following morning. Robberson, fuming, had to write an apologetic editorial for the next day's paper.

"We were constantly on edge, having to check our pages for little things they were

introducing to mess them up," he said, referring to things like captions, headlines and artwork. "It wasn't deliberate, it was just from lack of experience. For a long time, I couldn't trust them to do their job, so I was having to work well into the night...to check my final pages and make sure they hadn't messed something up."

Toward the end of his time at the Post, Robberson was splitting his time between St. Louis and Hartford, Conn., where his wife worked. Eventually the workload and the hassle of cross-country commutes became too much of a strain.

"I enjoyed what I was doing, but at a certain point I just couldn't justify it anymore," he said.

"The reason we're trying so hard is because this is a profession we all love and value," Robberson said. "It used to be fun. You're doing this constant kind of mental calculation: The fun factor is dropping while the frustration factor is going up. And there you have it."

The Post promoted editorial writer Kevin McDermott to succeed Robberson, but the paper did not hire anyone to fill McDermott's old job. That means the Post's opinion section is now staffed by just one full-time employee. (On most days the Post runs a single editorial of its own and fills out the bottom of the page with an editorial sourced from another newspaper.)

Another person who left the Post recently is features writer Valerie Schremp Hahn. She departed after 26 years for a better-paying writing and editing job with the St. Louis-based Catholic Health Association.

Hahn described morale in the Post's newsroom as "OK."

"I think everybody's just sort of like, trying to do their jobs, and do a good job," she said. But she said that Lee's repeated cuts at the Post since taking over in 2005 have reached the point at which trying to squeeze out further costs is like trying to get blood from a turnip.

The newsroom, Hahn said, has "always sort of bounced back and done the right thing, but it's just like...We're humans. We're humans that probably deserve to be paid better, and maybe not have as much pressure on us to do this work. Our names are on this stuff, for better or for worse."

In the six months to March 2022, the Post-Dispatch's average weekday print circulation was 48,250, down 11 percent from a year earlier, according to a ranking of the top 25 U.S. newspapers (by circulation) published in June by British trade publication Press Gazette. The figures in Press Gazette's report were supplied by the nonprofit Alliance for Audited Media.

The Post-Dispatch was the only Lee paper on the top-25 list. Its print circulation decline was less severe than declines at the

Alden newspapers that made the list.

The Alden titles were the Chicago Tribune (82,190, down 23 percent), the New York Daily News (45,730, down 18 percent) and the Denver Post (41,550, down 27 percent). Figures for the Alden papers covered the six months through March 2023.

In recent months Lee's stock has been sluggish, with relatively low average daily volume of around 12,000 shares. Since mid-August it has traded at between \$10 and \$12, giving the company a market capitalization of roughly \$65 million. The stock's recent ranges are far below the \$24 offer that Alden made in late 2020.

Michael Kupinski, director of research at Noble Capital Markets Inc. and a longtime follower of Lee's stock, acknowledges that Lee faces the same long-term headwinds as other publishing companies. But he says Lee's investments in digital show the company's management team, led by President and CEO Kevin Mowbray, is on the right track.

Lee "has consistently had the highest margins in the industry, and the highest return on equity," Kupinski said. "Lee is excelling in terms of its digital subscription growth; it's leading the industry as it has for at least the last couple of years."

Kupinski says he expects the steep declines in Lee's operating revenue from print will eventually moderate, while revenue from digital accelerates. This puts the company on track to reach "an inflection point towards total company revenue growth," he said.

One bright spot on the company's balance sheet is the financing terms for its debt, which totaled \$460 million in June, down from \$576 million when Lee closed the deal with Berkshire Hathaway in March 2020. The debt carries a fixed interest rate of 9 percent, which insulates Lee from the effects of the Federal Reserve's recent rate increases.

"If there's one positive about Lee, they got a good deal on their debt, and they've been smart about paying it down," said Gordon of the United Media Guild. "But the bad news is, is there a vision, one that's sure to pay off?"

Vulture hedge fund can't stop Chicago's media ecosystem from thriving

By Kathleen Hayes

When Alden Global Capital bought Tribune Publishing in May 2021 and slashed Chicago Tribune newsroom staff to bare bones, few media experts and Chicago journalists were surprised.

"Years of poor management" at Tribune Publishing paved the way for Alden, said Brant Houston, professor and Knight chair in investigative and enterprise reporting at the University of Illinois Urbana-Champaign.

Two and a half years after Alden's takeover, Houston and several Chicago media heavy hitters concurred that Alden's ownership has rendered the once-storied, Pulitzer-Prize-winning Chicago Tribune less vital to Chicagoans and the Chicago media ecosystem.

Meanwhile, they said, the rest of that media ecosystem is thriving.

Tribune Publishing: on shaky ground

At the time of the \$633 million sale, Tribune Publishing owned the Chicago Tribune, The Baltimore Sun, New York Daily News and a slew of major East Coast metropolitan papers.

Prior to the sale, news executives and journalists had come to know Alden as a "vulture" hedge fund that swoops in on financially unstable media companies, decimates newsroom staff through buyouts or cuts, and sells company assets, all with an eye on profits and, media experts say, no intention of building stronger newspapers.

"They don't buy them up because they're planning for the future," said Houston, a board member for nonprofit news service Block Club Chicago. He added that Alden is not the first or only hedge fund to invest in media, but "they just make [their intentions] very clear...and they accelerate."

Greg Pratt, Chicago Tribune investigative reporter and president of the News Guild union at the time of the takeover, called Alden the "dirt worst in terms of only caring about making a profit and not even paying lip service" to journalism.

The result for Chicago news coverage: The Chicago Tribune lost 22 percent of its newsroom staff and star columnists Mary Schmich, John Kass, Heidi Stevens and Eric Zorn through buyouts and cuts. Remaining staff are spread thin, which can undermine their ability to produce well-grounded reporting that holds public officials and corporations accountable.

Weak leadership paves way for Alden

Alden's media empire, which it controls through its MediaNews Group subsidiary, includes about 200 newspapers worldwide. The company's purchase of Tribune Publishing arguably placed it on equal footing with Gannett, the largest United States newspaper chain.

Leading up to Alden's takeover, Tribune Publishing and its predecessor, Tribune Co., experienced several leadership changes that weakened its position in the Chicago media market. Real estate tycoon Sam Zell's ill-fated 2007 takeover of Tribune Co. forced the media conglomerate into bankruptcy. After Chicago investor Michael Ferro bought the company in 2016, he gutted staff through layoffs and buyouts while paying executives more. Ferro stepped down as chairman in 2018 amid sexual harassment accusations regarding his conduct outside Tribune Publishing.

As leadership fumbled, Alden strengthened its foothold in Tribune Publishing: Prior to the Tribune purchase, the hedge fund was Tribune's biggest shareholder, with a 32% stake. Its founder, Randall Smith, and two of its directors sat on the Tribune board.

By the time Alden submitted its bid to purchase Tribune, the company "was at the mercy of a series of defective owners and management that didn't understand Chicago's audience," said Tracy Baim, co-founder and majority owner of Windy City Times and past publisher of Chicago Reader.

Fernando Diaz, a former editor of Tribune Media Group's Hoy, the now defunct Spanish language paper, agreed.

"By the time you get to Alden...[Tribune] has survived a lot. It lost the Cubs, it sold the Tower, and what you end up with is the paper," said Diaz, also a former editor and publisher of Chicago Reporter and now a Newspack account executive.

Diaz said the series of leadership changes at Tribune haven't been good for the long-term sustainability of the company or the Chicago Tribune. But he's not ready to demonize Alden.

"At the end of the day, at least they were...willing to keep the lights on. They were the next ones in line and currently keeping it running. They could have done worse -- they could have lost more journalists," he emphasized.

Pratt had harsher words for Alden, citing

its recent cut of its 401(k) match for editors and non-union staff.

"The Chicago Tribune has had bad ownership since 2008, and now we have the worst ownership," he said. But, he added, the paper has retained a cohort of strong newsroom staff. "So it's a terrible place to work from a corporate perspective but a great place to do the work."

Alden Global Capital's website contains a landing page with the name of the company but no contact information. Phone numbers located through Google searches were nonworking.

Calls to media relations at Tribune Publishing were not returned.

No threat to Chicago's long-thriving local media ecosystem

Chicago's media landscape has a national reputation as "a petri dish for the reinvention of news media."

That reputation is rooted in the city's long tradition of community-focused and nonprofit newsrooms.

Baim, who founded the Chicago Independent Media Alliance when she was Chicago Reader publisher, pointed to La Raza, founded in 1970 and arguably Chicago's most recognized Spanish-language newspaper; the 118-year-old Black-founded-and-operated Chicago Defender; and LGBTQ newspaper Windy City Times, founded in 1985, as examples.

Baim and former Chicago Tribune metro editor Mark Jacob also cited recent digital startups like TRiBE and the journalist training ground City Bureau, as well as Injustice Watch, as newer players in Chicago's vibrant media landscape.

"Because of the weakening models of traditional media, there has been lots of experimentation," Baim emphasized. "There are a lot of great pieces out there being cobbled together to make a future for media here."

Two such projects that have caught the attention of both local media supporters and national media experts are Block Club Chicago, a subscription-based neighborhood news service launched by former DNA Info Chicago staff after then-owner Joe Ricketts shut down all DNA Info outlets when staff voted to unionize, and Chicago Public Media's (CPM) 2022 acquisition of the Chicago Sun-Times.

Jacob called Block Club "just a fantastic local news operation [that] people are paying attention to." Initially funded by



Photo by Addison Annis

a Kickstarter campaign, Block Club now boasts nearly 20,000 subscribers and has more than doubled its staff, which covers 35 Chicago neighborhoods.

CPM funded its purchase of the Sun-Times by raising \$61 million from foundations and individuals and aimed at growing strong local news in Chicago. The result: an unprecedented partnership between the paper and local nonprofit news station WBEZ Chicago, and one of the largest nonprofit news organizations in the country.

CPM's acquisition of the Sun-Times, Baim said, "was in many ways not a response to Alden but benefited from the fact that the Tribune was seen as in a compromised position because of Alden."

Thinking outside the traditional media box to consider models like the CPM/Sun-Times acquisition could have

inspired a much different future for Tribune Publishing, said Diaz.

"If nonprofit news barons are looking around...for what to save...it's instructive to look at BEZ's assumption of the Sun-Times as a model," he suggested.

Diaz added the success of nonprofit, subscriber-based local news outlets like Block Club Chicago has perhaps quelled the rise of traditional papers like the Chicago Tribune.

"The days of being the big, bad Trib are in the past," he asserted. "Does it produce good journalism? Sure, every day. Does it produce singular journalism we might not get anywhere else? The reality is very rarely...it's not the dominant force it once was because the ecosystem is richer now."

Jacob agreed. Today's prolific Chicago media ecosystem "has definitely been in spite of Alden. I haven't seen anything

they've done to make journalism better in Chicago."

He said that Chicago's rich bench of journalism talent is a formidable rival even for a vulture hedge fund.

"Chicago is too great a city with too many talented journalists to have its ability to cover news horribly diminished by Alden's takeover."

Diaz added that Chicago local media outlets have proliferated because they offer "real people" options for investing in news organizations that align with their values.

"One key feature of sustainable media is to be able to convince and compel individual readers and donors as supporters of that journalism" he said. "If you gave me a choice of one funder for \$50,000 or 50,000 funders for \$1, I'd want the latter."



Illustration by Steve Edwards

The Davids fighting Goliath in West Virginia

A feisty team of lawyers and tenants in Appalachian mobile home parks are fighting Alden's owners — and sometimes, they're winning.

By Julie Reynolds

In Mercer County, West Virginia, Valeria Steele is proud of her home in Elk View Estates, a community she says used to be “such a nice place to live.” But since new owners took control nearly two years ago, “they’ve ruined it. There are trailers with broken windows, uncut grass. We never had that. We’ve had a sewer leak for months, and it’s leaking into a natural water source.”

Who, exactly, took over? After extensive online research, Steele and others figured out it was the founders of Alden Global Capital and its affiliated businesses.

Steele knows what it’s like to fall under the domain of Alden’s empire. Her mobile home park, like several hundred more across the nation, was quietly purchased in late 2021 by an Alden affiliate, Homes of America, or HOA.

What happened next was no secret: In Steel’s park — as in other HOA parks — rents abruptly shot up by as much as 60%. Steele’s rent jumped from \$550 to \$850 overnight. Her park and others nearby quickly fell into disrepair — sewer leakages, collapsing floors and other hazards became common. Tenants

complained that the new managers tried to evict them for owing back rent they’d paid in full. For many of the park’s residents already struggling with limited income or disabilities, the sudden rent hikes were an insurmountable burden.

Similar scenarios have played out in HOA parks across the south and midwest.

But a few of the West Virginia tenants — Steele among them — began investigating their secretive new owners. When they discovered the Alden connection, many were stunned, and daunted by Alden cofounder Randall Smith’s seemingly unstoppable record of extracting cash from the businesses he buys — particularly local newspaper chains — while saddling them with debt, laying off wide swaths of the workforce and in some cases, shutting companies down, all while buying more than 16 mansions in Florida and the Hamptons.

With their own, more modest homes at stake, the Elk View Estates tenants chose to fight back.

In his book “Why David Sometimes Wins,”

Harvard professor and longtime organizer Marshall Ganz describes the “foundation” for winning seemingly impossible struggles: depth of commitment.

“David’s commitment to challenge Goliath did not depend on figuring out a good strategy,” Ganz wrote. “On the contrary, good strategy grew out of his commitment to fight.”

In West Virginia, Steele and other mobile home park tenants have rallied under their own commitment, joining with a feisty group of rural lawyers to take on Goliath.

They’re suing Alden cofounder Randal Smith’s company, Smith Management, over HOA’s alleged mismanagement of six West Virginia mobile home parks.

“At the time we filed these lawsuits, the tenants didn’t even know where or to whom their rent money was going,” said Plaintiffs’ Attorney Adam Wolfe, whose firm, Mountain State Justice, offered to help the tenants pro bono.

“We stepped in to help our friends and neighbors who were being subjected to unhealthy and unsafe living conditions while

facing predatory rent hikes."

The West Virginia nonprofit firm, Wolfe added, "has a storied history of taking on bad actors like Homes of America."

Deep ties to Alden

In responses to reporters and court inquiries, Homes of America officials have tried to distance themselves from Alden. But the ties are clear and abundant. Although the parks' deeds are held by a labyrinth of Delaware-based LLCs, nearly all legal documents related to HOA parks list Smith Management's New Jersey address. In early communications with tenants, some HOA staff used Smith Management email addresses.

The names of Alden cofounder Heath Freeman and numerous Alden officials appear on many of the company's legal filings. Steele has a copy of a rent check that shows it was deposited into the account of Alden subsidiary Partridge Security LLC.

But the most troubling links tying the mobile home park venture to Alden invoke the name of Tribune Publishing, the newspaper chain that Alden took over in 2021 for a debt-laden purchase price of \$633 million.

A corporation called Tribune Holdco LLC was created when Alden bought Tribune Publishing to facilitate the purchase.

But Tribune Holdco was later used to buy a mobile home park in West Virginia for HOA, called Gardner Estates. The purchase document was signed by Josh Kleban, Alden's chief financial officer. Homes of America LLC, public records show, is financed through an entity called "Tribune II MHP Finance One LLC." (MHP typically refers to mobile home park.)

It's still not clear whether Alden used Tribune money to buy its parks, but the connections to these Tribune-named LLCs is attribute: after all, Alden has done similar things in the past. The company has admitted in court filings that it extracted hundreds of millions of dollars from the Digital First Media chain to invest in business ventures completely unrelated to local news, and in one case, into two of its own investment funds.

To date, Homes of America has spent more than \$260 million buying mobile home parks according to a preliminary search of public records. The actual total is likely far greater.

Attempts to reach Alden, Smith Management and HOA chief operating officer Bryon Fields Jr. for comment were unsuccessful.

Taking on Goliath

While it's unknown if the HOA tenants will ultimately win their war, their determination has carried this group to some significant early victories.

The tenants recently succeeded in getting their rent hikes halted. In a related case, the

Mercer County Court also ordered the parks to complete repairs so they comply with permitting requirements.

"They've done repairs only in response to court orders," said plaintiffs' attorney Adam Wolfe whose firm Mountain State Justice, offered to help the tenants pro bono.

Still, the efforts in West Virginia could provide inspiration to those who worry about the fate of local news under private equity firms like Alden.

Despite living in a relatively remote region, the West Virginia tenants reached far beyond their own sphere. They read about journalists' long struggle with Alden, and studied the firm's history of shutting down retail chains like Payless ShoeSource and Fred's Pharmacies.

Steele learned about legislative initiatives from people fighting HOA in states like Idaho, where lawmakers have passed laws imposing increased fines in response to HOA's lagging on obtaining proper permits.

Armed with cell phone cameras, tenants and community organizers have documented HOA parks' maintenance issues and apparent code violations. They've made copies of receipts, notices and documents showing that tenants had in many cases paid their rent in full, yet were still given "eviction" notices that were not formatted in compliance with the law.

Because of these efforts, some evictions have been halted, and the Mercer County Court has ordered a stay on rent increases — at least until the parks come into compliance with permit requirements.

Stalling in court

This is not to say the fight has been won. Homes of America tenants still contend with attempted evictions, water issues — in one Virginia park, HOA neglected to pay the \$15,000 water bill, causing a shutoff — and most notoriously leaking sewage, one of the most common complaints in HOA parks.

In one example, Florida's Department of Environmental Protection opened an investigation into HOA's Lake Runnymede Mobile Home Park after a July 2022 inspection found the septic system's discharge into drain fields was "very turbid and cloudy," and exceeded legal levels of solids and fecal coliform bacteria.

It took the park's managers eight months to bring the system up to code.

Across the country, tenants in HOA parks have complained about similar health hazards, rent hikes and evictions. Some tenants, including in neighboring Virginia, have lost legal battles. Some in West Virginia are weary of an already lengthy court fight they're not sure they'll win.

Mountain State Justice lawyers are concerned about rising vacancy rates at HOA's parks in West Virginia. "A lot of people are getting out," said Jackie Lane, a paralegal and black lung specialist at the firm who's

working on the firm's two HOA lawsuits. "It made me think of a ghost town. It's sad."

Steele says the once-full Elk View Estates is about 50% vacant. At nearby Gardner Estates, she said, a friend had to move her home out of the park. "Her doctor told her she had to move because of her asthma. You've got systemic issues like water and sewer and it affects everyone that lives there."

"That's where I get angry."

Besides the courts, Steele and her colleagues hope to take their fight to local lawmakers and commissioners. "We're looking to change laws," she said. For example, they want local officials to pass new regulations so landlords "can't raise rent if they're not doing the maintenance." They also want rules prohibiting landlords from remaining anonymous, as HOA initially did at a number of its parks.

In a potential class action case in which Steele is one of six named plaintiffs, Mountain State Justice attorneys are now asking for an injunction to stop HOA from terminating lease agreements (which would likely lead to raising rents) as well as "operating manufactured home communities without permits." Gardner Estates — the park purchased by Tribune Holdco — is named as a co-defendant in the suit.

Court records show HOA and Smith Management have for months failed to hand over court-ordered discovery materials and have missed scheduled depositions.

In response, Mountain State Justice recently filed a motion asking the court to enforce its own orders and issue sanctions against HOA and Smith Management for their "egregious failure" to follow court orders.

A hearing is scheduled for Nov. 20.

Steele is grateful for the team at Mountain State Justice, and she's hopeful the injunction will be granted, which could extend tenants' temporary reprieve from rent hikes. "That would not only give relief, but would give us positivity going forward."

"These are people mostly on fixed incomes already being hit in the pocketbook with higher grocery prices, higher gas prices, you name it — these are the folks that are always getting squeezed," said Colten Fleu, a senior attorney at Mountain State Justice who's spent years working with tenants in manufactured housing communities.

"It is important to stand up with them and fight with them," Fleu said.

"It also matters to hold to account these large, faceless companies that are buying up these communities; to make them abide by the laws of this state, to make sure if they are going to get into the business of being a landlord, they know that real lives are being affected by their decisions."

And if their class-action suit makes it to its scheduled trial date in June, Steele is confident about the outcome.

"We will win that one."



Protest in New York outside Alden's HQ in 2018.

Alden and other venture capitalists threaten journalism's role in democracy

By Margot Susca

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Warren Buffett's Berkshire Hathaway had a dalliance with the chain newspaper market, acquiring in 2012 dozens of newspapers from Media General, based in Richmond, Virginia, for \$142 million and operating them as BH Media Group. The deal registers as a blip in Berkshire Hathaway's 112-page annual report, which explained that the conglomerate that year "achieved a total gain for its shareholders of \$24.1 billion."

With the \$142 million media deal, BH Media Group took control of newspapers throughout Nebraska, North Carolina, and Virginia in addition to a number of other small and mid-sized titles, including the *Tulsa World* in Oklahoma and the *Morning News* in Florence, South Carolina.

News wasn't new to the Omaha-based company. Berkshire Hathaway had for decades owned the *Buffalo Evening News* and controlled shares of the *Washington Post's* former parent company before buying the bulk of Media General's print properties

In 2018 Lee Enterprises began managing BH Media Group's newspapers in addition to its own. Less than two years later, Berkshire Hathaway no longer appeared interested in the media sector despite Buffett being described as a longtime newspaper booster, and the investor known for long-term strategies called the industry "toast."

The *Wall Street Journal* headlined Buffett's exit: "Warren Buffett Is Giving Up on Newspapers." Buffett's mega-company sold the newspapers to Lee for \$140 million, and the Iowa-based chain grew larger, with print and digital products serving seventy-seven markets in twenty-six states.

In January 2020 Buffett wanting out of the newspaper business felt like a severe blow, the final gasp in a long line of death rattles because the grandfatherly Nebraska billionaire couldn't or wouldn't help fix it. But like so many stories about newspapers, chains, and their problems, there's always more beneath the surface. Buffett may have given up on owning, but newspapers are still making Berkshire Hathaway money.

The conglomerate provided financing for the Lee deal through its BH Finance subsidiary and refinanced its earlier debt. Lee Enterprises is scheduled to repay Buffett's company \$576 million at a 9%

interest rate over twenty-five years.

The deal, built on Lee's newspapers and its debt, stands to make Berkshire Hathaway nearly \$1.3 billion in interest over the term of the loan.

Buffett is the world's sixth richest person, according to the *Forbes* 2021 *World's Billionaires* List.

Meanwhile, a different financial segment of wealthy private investment fund investors and owners are profiting off newspapers as they simultaneously run them into the ground.

The story of today's newspaper industry, as it has been throughout American history, in many ways is a story about money. American newspapers in the late twentieth century made stratospheric revenue, earning at the peak 20 to 30 percent profit margins, but that changed in the first decade of the new millennium as advertising revenues plummeted.

But newspaper companies even then pulled 8 to 15% profit margins, matching or beating the average earned by S&P 500 companies.

Still, today's narrative of newspapers in crisis belies this economic reality.

Have a casual conversation with anyone about the newspaper marketplace, and it's likely to focus on the money lost. It'll veer toward advertising revenue lost to free

internet sites, money lost when subscribers cut and run and corporate newspaper stock prices plummeting. Someone will mention Buffett's exit from the business as a sign of its demise rather than a feature of distressed debt markets and the digital future.

In the last two decades, as private investment funds have taken a larger role in America's top newspaper chains, I would argue that it has become a story not just about money but about a lot of money. Billions of dollars have changed hands as newspaper chains have been swapped and sold.

I don't think the most important story of contemporary newspapers is a story of money lost, although ours is an industry in crisis. Its most important story is about money being made, often disguised behind the facade and tired trope of a failing industry.

Consider that in May 2021, when hedge fund Alden Global Capital took full control of Tribune Publishing, the newspaper company was "profitable and [had] more than \$250 million in cash."

While the operation of hedge funds has received notable attention in recent years—they've been called parasites, vampires, and vultures—private equity firms arrived to the newspaper marketplace first, pressuring newsroom managers for greater returns, stifling innovation, and pushing for mergers and acquisitions that inflamed the debt.

For two decades, wealthy firms have chipped and chipped some more at newspaper companies by cutting coverage and staff to maximize their bottom line. And counter to those aims, good journalism costs money.

The biggest winners since the private investment era began in 2003, capitalizing off what's left of the newspaper market and bleeding it dry, have been hedge funds like Alden and private equity firms like Fortress Investment Group, which took tens of millions of dollars in management fees from the GateHouse and Gannett chains.

These firms have profited off an industry in flux, an industry that for years failed to adjust and to pivot to the digital realities shaping today's media marketplace.

This article examines the money circulating in and around the contemporary newspaper industry by looking at financial firms that own or influence chains, including Digital First Media, Gannett, Lee Enterprises, McClatchy, and Tribune Publishing, though it explains other chains affected by private investment funds, too, including those that no longer exist or were consolidated to form these chains.

In reality, if you view these newspaper chains by their private investment fund owners and investors, a small group appears frequently over these last twenty

years, sometimes in unison to finance block-buster deals or sometimes against each other to fight out ownership in court. While in October 2022 three of the top newspaper chains are owned by two different hedge funds, both Gannett and Lee are influenced by institutional investors, too. Gannett has ties to private investment firms Apollo Global Management, BlackRock Inc., and Fortress. Alden in November 2021 put Lee on notice that it wanted to take over the company, and the fight went to court.

As of October 2022, Lee Enterprises won the latest round, but Nasdaq records based on 13-F filings show that institutional investors, among them BlackRock, still control nearly one-third of Lee shares.

Not all American newspapers are owned or influenced by private investment funds, but the aforementioned chains are, and their influence in the name of profit forms the basis for this article's major arguments and my construction of the private investment era to tell this story.

The private investment era has five defining features: overharvesting, mergers and acquisitions, debt, layoffs, and neglected audiences. These are unique yet interrelated characteristics that stem from private investment funds' influence and ownership, which have weakened newspapers' normative role in democracy.

I see the last twenty years as a way to chart the causes and consequences of this ownership and investment. Certainly, other issues—among them trust, analytics, and social media—exist. I would argue that those are by-products of the same power structures I have studied.

In situating the document and in-depth interview research that led me to conceptualize and chart the private investment era, I believe its five defining features act as a helpful heuristic and entry point to the overarching issues impacting newspapers over the last twenty years that have been influenced by private equity firms and hedge funds.

It is my hope—in characterizing the influence of private investment funds in the marketplace as a newspaper era—that we have a more succinct model to understand the last two decades of newspaper history.

These last 20 years have been similar to past newspaper eras, which have their own unique characteristics born of the economics, social conditions, and politics of their own times.

This work examines and contextualizes the role of private funds in the newspaper marketplace before, during, and after the crucial period of advertising loss to free online sites and 2008's Great Recession.

Commercialism has been part of the US newspaper marketplace as long as we have had newspapers and, I would argue, has

long been its defining feature. By the 1990s, public newspaper companies offered investors steady returns up to 20% with larger takes in some markets.

Brian O'Connor, whose award-winning newspaper career spanned forty years and included a stint as a Knight-Bagehot Fellow in economics and business at Columbia University, worked at Tribune's South Florida Sun-Sentinel. "The only way you could have made more money was to have the printing presses crank out \$10 bills," O'Connor remembered.

The commercialism of the private investment era should be understood as what it is: a natural extension and progression of the centuries of profitable American print journalism that came before it. Any story about extreme wealth must expand to examine inequality, including inequality between investors and newspaper staff writers who face near-constant pressure of layoffs and inequality between who gets a platform for their issues and who does not.

Crucial to the debate about newspapers in crisis, there is the inequality inherent between the information needs of citizens in a democracy compared to what is provided to them in the digital and print pages of newspapers beholden to private investment funds.

Into the 21st century, efforts to maximize revenue came amid a digital transition, with companies influenced or run by nonnewspaper managers who were seeking to save or to raise those stratospheric earnings that O'Connor remembered. When private equity billionaire Sam Zell used a complex system of leveraged financing to buy Tribune in 2007, internal company records from his leadership team showed their take on the business. In one memo dated August 9, 2007, an executive from his private equity company wrote to Zell about Tribune: "We want the company to move toward maximizing profitability."

That same document encouraged Zell to appoint someone to the board of directors: "His appointment signals that journalism is an important element of the business—not the only or even the most important element."

Later, watching companies like Tribune destroyed by debt but still influential and profitable, hedge funds were the sharks that smelled blood in the water and struck, transforming the debt to equity and then dismantling the newspapers piece by piece.

Hedge funds like Alden have earned reputations for redefining even the most cutthroat business practices, and now they're among the country's largest newspaper chain owners.

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Connecting the dots: 'Stripped for Parts: American Journalism on the Brink'

By Rita Marika Csapó-Sweet

This is an article about history and context.

In advance of the St. Louis International Film Festival (SLIFF) 2023, the *Gateway Journalism Review (GJR)* is publishing an edition inspired by the work of twice Academy Award nominated documentary film director Rick Goldsmith. His most recent film "Stripped for Parts: American Journalism on the Brink" will be screened at the St. Louis International Film Festival on November 11th, at Webster University.

Stripped for Parts: American Journalism on the Brink is Goldsmith's third feature length documentary about the fourth estate. In his previous films, Tell the Truth and Run:

George Seldes and the American Press, and The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers, Goldsmith extrapolates the condition of the American press by examining the work of two giants of dissent in the United States.

Daniel Ellsberg's role in disclosing the Pentagon Papers is legendary. While not many people know about George Seldes. Seldes was an uncompromising investigative reporter and publisher who managed to piss off: Benito Mussolini, Vladimir Lenin, Joseph McCarthy and his editors at the *Chicago Tribune* among many others. He was an early critic of the media in his newspaper. George Seldes, was the father of journalism

reviews, who founded "In Fact" in 1940.

This is where the dots begin to connect. The purpose of the SJR, according to its editor and publisher Charles Klotzer, was to sit on the shoulders of the media, to be a watchdog and keep them honest.

Much like Seldes before him, Klotzer believed that the press has a sacred responsibility to tell the truth and expose conflicts of interest. Journalism is the only business that is guaranteed in the Bill of Rights. It's the only business that has a mandate to tell the truth. There's no other business like that.

Goldsmith's previous films on Seldes and Ellsberg focused on individuals whose

courage and integrity contributed to the growth and positive development of

American journalism. In Seldes's case he lived to be more than 100 years old, never made a tremendous amount of money, but became the founding father of journalism reviews.

And he inspired both Rick Goldsmith and Charles Klotzer. I am connecting the dots between the father of the journalism review and the founder of the last remaining local journalism review in America, Charles Klotzer.

Police riot in Chicago

The St. Louis Journalism Review began as a result of the riots at the Democratic National Convention in 1968. Demonstrators had gone to Chicago to demonstrate against the war and the hypocrisy of the Democratic Party. On the second day of the convention, there was a riot. All hell broke loose. The newspapers reported that the demonstrators were the rioters. But the reporters who were there knew that it wasn't the demonstrators who had rioted. It was the police. The police lost control and started beating people up and throwing them in jail, including reporters.

As a result, the reporters went to their own editors and said, you got this wrong. Unfortunately, the editors wouldn't budge. So, in Chicago a group of reporters got together and said, we're going to put out an alternative publication to let people know what really happened. And they started the Chicago Journalism Review.

In 1969, right after the convention, Klotzer got a hold of an issue of the Chicago Journalism Review, and found it fascinating. So, with his wife Rose, they decided to publish a similar journal in St. Louis. A group of reporters got together at Charles' house and said, we don't like what's going on in mainstream journalism and we need to critique it.

The first edition of the SJR appeared in September 1970. It was the first of a couple of dozen journalism reviews that sprouted

up around the United States for the next three or four years, an alternative look at journalism by journalists.

In the late 1960s and early 1970, journalism reviews flourished. The national review, the Columbia Journalism Review is still publishing. However, the American Journalism Review which started publishing in 1977, went through many iterations but ceased publication completely in 2015.

Local journalism reviews didn't fare much better. Around 1970, local reviews mushroomed all over the country. In addition to the St. Louis Journalism Review there was the Hawaii Journalism Review, the Twin Cities Journalism Review, TUM (The Unsatisfied Man) in Denver, the Chicago Journalism Review, MORE in New York, and many others.

Most journalism reviews folded in 1980s

But by the 1980s most of the local reviews folded. When the steam ran out of the anti-war and civil rights movements from the 1960s, many reviews couldn't find causes that generated the funds to sustain their continued publication. In the end, financial pressures doomed virtually all of the local journalism reviews. Except one, the St. Louis Journalism Review/Gateway Journalism Review.

The reason the SJR survived when none of the others did, is that Rose and Charles Klotzer dedicated their lives to keeping it alive. From the very beginning of his career in journalism, Charles insisted on erecting an impenetrable wall between the news and the financing of the journal. He was able to do this by buying and operating a typesetting and publishing company. Profits from Focus Graphics paid the operating costs for the SJR. The integrity of that business model did more than just keep the SJR afloat. It created a level of trust for the information in the paper and tremendous affection for the Klotzers.

It is well known in the journalism community that if it's published in the SJR/GJR, it's true. In the introduction to this article I wrote that my objective was to provide an

historical and contextual explanation for screening Stripped for Parts: American

Journalism at the Brink and bringing Rick Goldsmith to SLIFF in 2023.

But Stripped for Parts: American Journalism on the Brink, takes Goldsmith in a different direction. If his earlier films on American journalism were about inspirational figures, Stripped for Parts is a dire cautionary tale. Goldsmith engages in serious analysis on the death of local presses throughout the country and with it the weakening and destruction of our democratic institutions.

There are many heroes in Stripped for Parts as well, but it is hard to imagine a return to times before the paradigm shift to vulture social media and its threat to a free press.

The kind of independent free press that George Seldes and Charles Klotzer dedicated their lives to, has been replaced by social media in the hands of Mark Zuckerberg, Elon Musk, Alden Global Capital, and many others.

Stripped for Parts: American Journalism on the Brink is a very important film about a very important issue. Never has local news become more crucial in fortifying democracy. Social media has blurred the line between news and fake news and we are all the poorer for it. As historian Timothy Snyder points out, an independent media is the bedrock of democracy and the slide from democracy to authoritarianism can be swift and it can be fatal. Stripped for Parts: American

Journalism on the Brink is a wake up call, and should be seen by every citizen in America who cares about and believes in democracy.

Just prior to screening Stripped for Parts the GJR will present the first Rose F. and Charles L. Klotzer First Amendment Award for Free Speech in Service of

Democracy to Rick Goldsmith. For over a decade, the GJR, now published out of the Southern Illinois University Carbondale School of Journalism and Advertising, has honored select journalists at their First Amendment celebration. They have included: Bob Woodward, Carl Bernstein, Judy Woodruff, Amy Goodman, among others.

GJR First Amendment Celebration

November 11, 2023 at Webster University at 4:45 p.m.

Presenting "Stripped For Parts: American Journalism on the Brink"
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



Missouri becomes 'state of unknown persons' by redacting court records

By Mark Sableman

The journalist's guide to the federal courts reminds reporters that "the media perform an important and constitutionally protected role by informing and educating the public." It is a time-honored role, a duty to be the public's watchdog on institutions, including courts.

But if you're a Missouri journalist and you subscribe to that education/watchdog theory of covering the courts, your work recently became much harder, because a new Missouri law strips from the public record the names of all witnesses and victims.

For centuries, the courts have been the most open and transparent branch of government. Trials and hearings are conducted in public. Court files, in our Anglo-American tradition, have long been public records open to inspection by citizens, journalists, and researchers. Court files have been productive sources for information about public people, like politicians and business people, and their activities.

But that was when court filings, court orders, and judicial opinions named names. As of late August, that's not the rule in Missouri. Look at Missouri appellate decisions in September and October and you will see only the names of plaintiffs and defendants, but otherwise (with only a few exceptions in my research), they refer to people using status words (e.g., "Victim"), relationships (e.g., "Victim's sister"; "Girlfriend"; "Uncle"), initials (e.g., "D.V. and E.C."), profession (e.g., "Nurse"), and office (e.g., "[State Attorney]" and "[Trial Counsel]").

This is so even for the names of public officials, like prosecutors, and other people who expect to be in the public eye, like trial lawyers. Some recent court opinions mention scores of witnesses—but none of them, except the parties, is named.

The same is true of the names of victims. They are secret, and do not appear in court decisions. This applies even to murder victims, who are deceased and under the common law have no right of privacy, since that right is confined to the living.

The state of unnamed persons

In court opinions, Missouri has become the "State of Unnamed Persons." And because a court opinion tells the story of what happened, you can't tell the whole story without mentioning witnesses. (To be sure, some witness and victim names have been redacted in the past, in certain sensitive circumstances, chiefly involving domestic and juvenile matters. But the new system throws off this past nuanced practice for a blanket rule.)

Missouri journalists—and others, like lawyers, researchers, and public interest groups—are having to work with court opinions with redacted stories, incomplete stories, and hard-to-understand stories. They are hard to criticize, critique, or watchdog, because you can't tie names in the court-written stories to outside records and other references. You can't tell if "Expert Witness" in one case had been found to lack credibility in a previous case. You can't tell if Officer D.V. in *State v. Smith* was found guilty of misconduct in another case. If you know and care about a particular case, you can't tell if the witnesses you know about were called to testify or considered by the court.

And the redacted court opinions are only the tip of the iceberg. The same law that appellate courts began following in September would put a veil of secrecy over all witness and victim names in all court pleadings. Under this law, all Missouri lawyers, in both civil and criminal cases, must redact from their pleadings all names of witnesses and victims. They must also redact all witness names from exhibits attached to their pleadings.

Think of the recent reporting on the Dominion Voting Systems libel case against Fox News. Both sides filed motions for summary judgment, and attached to those motions various documents, affidavits, and excerpts from discovery depositions. News organizations reported based on these filings, thus giving their readers, viewers and listeners a complete and detailed view of the facts and circumstances underlying the dispute. But that case was litigated in federal court in Delaware; in Missouri, since late August, all names would have been required to be redacted from all of those filings. It would have been difficult or impossible to give the public the full story from such redacted filings.

Unprecedented

How did this unprecedented redaction regime come about?

It traces to a recent legislative act, not a court rule. Until now, Supreme Court Operating Rule 2 set forth all the information that could not appear in public court records. Most of those rules, some created by statute and some by rule, related to sensitive criminal, domestic, or juvenile situations.

But in the 2023 legislative session, the General Assembly passed several omnibus bills that included provisions that barred use of witness and victim names in judicial pleadings and orders. These provisions slipped through the lobbyists, news organizations, and public interest groups that try to combat governmental secrecy. One of these bills, Senate Bill 103, became law.

As best as some of us can determine, the provision at issue, a two-page section of the 54-page SB 103, was slipped into the omnibus bill at a committee meeting, several weeks before the end of session, and never directly discussed or debated at committee or on the floor of either chamber. The public record is sparse on who initiated it or why.

What we are left with, then, is the bill itself. It adds language to section 509.520 of Missouri Revised Statutes, requiring the redaction of all witness and victim names from all pleading and orders. It contains an effective date of Aug. 28, 2023, although it also directs the Missouri Supreme Court to create implementing rules (thus suggesting that it wouldn't become effective without implementing rules).

This redaction regime seems draconian and severe to me, a media and First Amendment lawyer who has always understood the openness and transparency of the courts as one of the bedrocks of our system.

In my thinking, the law seems legally deficient in several different ways. Some of the reasons are procedural, relating to how it was enacted, contrary to the state constitution's command that court rules can be changed only "by a law limited to the purpose." It also seems wildly overbroad, since so many victims and witnesses have no privacy rights, and in any privacy rights need to be balanced



Illustration by Steve Edwards

with the values of judicial transparency.

My greatest concerns focus on the effects of the rule. The public will learn less about what the courts do, the media will find it harder to report meaningfully on court cases, and the courts themselves may lose some of the respect and legitimacy that has developed from their historic openness. It could also cause state secrecy to snowball. The statute doesn't bar public officials, like police and prosecutors, from disclosing and discussing witnesses and victims, but as a practical matter, as they see these matters shrouded in the court file, they will probably become less likely to discuss them.

Media reporting on the courts will also likely be inhibited. Remember the education and watchdog purposes mentioned in the quotation above? By the way, that wasn't taken from any radical source—it comes verbatim from the federal courts' "A Journalist's Guide to the Federal Courts."

Reporters typically rely on court records in educating the public and watching over government. And the common law has long given them a

privilege, official report privilege, which protects media news reports that fairly summarize official proceedings. But if reporters can only access a limited, redacted court file, they will find it more difficult to report fairly and completely. Their readers, listeners, and viewers will learn less about their government, and their organizations will likely face greater risks in reporting such core governmental news.

Finally, I believe that the statute violates basic constitutional law. In a series of cases culminating with *Press-Enterprise v. Superior Court*, 478 U.S. 1 (1986), the U.S. Supreme Court has recognized a common law and constitutional right of access to judicial proceedings, based on historical openness and the importance of openness to the democratic process. Under the *Press-Enterprise* test, judicial proceedings cannot be closed to the public without specific evidence-based findings that closure is necessary to preserve higher values and is narrowly tailored to serve that interest. The new Missouri redaction regime closes off from the public important traditionally long-public

information, and thus should be subject to this standard.

It is not clear what will happen as the months unfold. Many Missouri attorneys, especially those who litigate civil cases, are still not aware of SB 103 and its commands. Those who are most aware, including prosecutors and public defenders, are already changing their practices, sometimes in ways that further extend the veil of secrecy.

Ideally the state Supreme Court or the General Assembly will at some point rectify this situation, recalling the insight of the famous one-time St. Louis lawyer Louis Brandeis, that sunlight is the best disinfectant, and official secrecy is detrimental to democracy. But unless that happens, the education and watchdog functions of journalists in Missouri will be severely hampered.



Nina Totenberg, NPR's Legal Affairs Correspondent, gives remarks on Friday, Oct. 13, 2023, at St. Louis Public Radio's headquarters in St. Louis, Mo.

Photo by Brian Munoz

Nina Totenberg says the Supreme Court is most conservative, least respected in decades

By William H. Freivogel

Nina Totenberg told St. Louis audiences last week that the U.S. Supreme Court is the most conservative in 90 years and has lost legitimacy with many Americans.

Totenberg has covered the court for the past half century, including more than four decades at NPR. She was speaking Oct. 13 to supporters of St. Louis Public Radio and later at the Justice Speaks lunch sponsored by Legal Services of Eastern Missouri.

Gallup polls have shown that approval of the Supreme Court has dipped from 60 to 40% in the wake of its decision to overturn *Roe v. Wade* and after a series of ethics questions raised about undisclosed gifts.

Totenberg said that the most serious criticism flows from ProPublica's

investigation of Justice Clarence Thomas finding scores of expensive gifts from wealthy benefactors. Most of the other gifts received by justices are "chump change," Totenberg said.

She dismissed questions about Justice Sonia Sotomayor's profit from book sales and recruiting commissions for Chief Justice John Roberts' wife. Jane Roberts earned \$10 million in commissions over eight years. Totenberg said ethics complaints based on her work were nonstarters. She added that Justice Brett Kavanaugh lives in a modest house outside Washington, D.C. and doesn't have a lavish lifestyle.

By contrast, ProPublica reported earlier

this year that Texas real estate billionaire, Harlan Crow, paid for vacations, private jet flights, gifts, the purchase of Thomas' mother's house in Georgia and tuition payments. After digging deeper, ProPublica found 38 destination vacations, 26 private jet flights, eight helicopter rides, a dozen VIP passes to professional and college sporting events and two stays at luxury resorts in Florida and Jamaica.

The only other questionable gift, Totenberg said, was Samuel Alito's expensive undisclosed fishing trip to Alaska in 2008 paid for by Republican billionaire donor Paul Singer, whose hedge fund has had business before the court.

Alito issued a hot defense, even before



Illustration by Steve Edwards

ProPublica went to press. Totenberg suggested Alito would be better off if someone in his inner circle would tell him to pipe down because his defensive remarks bring more attention to the issue.

Totenberg said Democrats in Congress were nowhere near having enough votes to force an ethics regime on the court and even if it did it might violate the Constitution's separation of powers. Totenberg said Sen. Richard Durbin, D-Il., the Judiciary Committee chair just hopes that the chief justice can come up with a voluntary ethics policy that Thomas and Alito will go along with.

Roberts has said he is continuing to look at ways the court can address ethics concerns, a job that may have become easier by a statement this week by conservative Justice Amy Coney Barrett that a court ethics code would be a "good idea."

Abortion surprise

Totenberg said Kavanaugh seemed sincere when he said that all the court had done in overturning *Roe v. Wade* was to send the issue back to the states and withdraw the Supreme Court from the controversy.

But the justices were clearly wrong in thinking abortion would vanish from its docket. She ticked off all of the abortion issues that now face the Supreme Court because of the 2022 Dobbs decision overruling *Roe* — Can a woman cross state lines to get an abortion? Can a person help a woman cross state lines to get an abortion? Can courts void FDA approval of mifepristone tablets for ending pregnancy during the first 10 weeks of pregnancy?

Partly because of the many cases that Dobbs has generated, Totenberg doubts that the Supreme Court will overturn its same-sex marriage decision, on which hundreds of thousands of families throughout the nation put great reliance. 15% of the 1.1 mil same sex couples are raising children, according to census figures.

Partisan divide

Totenberg said the partisanship of the justices was much more evident in voting patterns today than when she began in the 1970s. Then, some nominees of Republican presidents voted on the liberal side of cases. She ticked off as examples Chief Justice Earl Warren, William J. Brennan Jr, and John Marshall Harlan — Eisenhower

appointees — Lewis Powell Jr. — Nixon — Justices Anthony M. Kennedy, Sandra Day O'Connor — Reagan — and Justice David Souter — George H. W. Bush.

Today's six justice conservative majority consists entirely of Republican nominees.

Today, Chief Justice Roberts sometimes votes with the justices nominated by Democrats. He would have permitted abortions before 15 weeks rather than entirely overturn *Roe*. Last term he brought Kavanaugh along to form a majority throwing out Alabama's congressional redistricting for violating the Voting Rights Act.

Totenberg said Alabama's initial refusal to draw a second district where a Black candidate could win reminded her of the days when the segregated South tried to hold out against racial desegregation. The Alabama decision could apply to as many as three other states in the South, providing Democrats with a chance to pick up three seats as part of an effort to take back the majority in the House.

The reason Roberts' decision was surprising in the Alabama case is that he was the author of a decision a decade ago throwing out the preclearance provisions of the Voting Rights Act that prevented voting changes in the South from going into



Nina Totenberg, NPR's Legal Affairs Correspondent, gives remarks on Friday, Oct. 13, 2023, at St. Louis Public Radio's headquarters in St. Louis, Mo.

Photo by Brian Munoz

effect if they were discriminatory. At the time, Roberts said the nation had changed, having even elected a Black president. Totenberg recalled that her friend, the late Justice Ruth Bader Ginsburg, had written at the time that getting rid of preclearance was like a person in a rain storm throwing away an umbrella because they weren't getting wet.

Scrutiny of 5th Circuit

Totenberg said that the 5th Circuit in the deep southern states of Alabama, Mississippi, Louisiana and Texas has become the most conservative in the country and that the decision overturning the Alabama racial redistricting might presage other decisions from that appeals court that could be thrown out by a majority consisting of the Democrats plus Roberts and one or more of the more moderate conservatives, such as Kavanaugh or Barrett.

Among the cases she cited were:

The decision challenging the FDA's approval of mifepristone dispensed through the mail;

A decision throwing out the Biden administration's crackdown on "ghost

guns" that can be assembled by the user without being registered or traceable. (On Oct. 16 the Supreme Court blocked a lower court ruling that ordered the Biden administration not to enforce its crack down on the guns.)

A decision finding that the government violates the First Amendment when it urges social media to take down false posts about such topics as covid vaccinations.

Case Law School Professor Jonathan H. Adler wrote this month about the high number of 5th Circuit decisions that the Supreme Court was overturning. He noted between the 2019 and 2022 terms, decisions from the 5th Circuit have been reversed more than twice as frequently as they have been affirmed (seven to 15 on cases with clear outcomes).

The older the better

At the St. Louis Public Radio breakfast, Totenberg was asked if she favored mandatory retirement ages for the justices.


She said she was no more in favor of mandatory retirement for justices than she was for reporters, such as herself, writing about the justices.

She said she was a better reporter

today than she had been years ago and gave an example from recent events. When California Sen. Dianne Feinstein died recently Totenberg remembered a time on the Senate floor when Sen. Larry Craig, a conservative from Idaho, had said the senator's sponsorship of an assault weapons ban might be because she wasn't familiar with firearms. Feinstein replied sharply that she was very familiar with firearms having been the first person to come to the aid of former San Francisco Mayor George Moscone when he and councilman Harvey Milk were assassinated by a fellow councilman. Feinstein recalled that she had put her finger in the gunshot wound in a failed attempt to stop the bleeding.

NPR broadcast the exchange that Totenberg remembered and it was widely replayed on social media in the wake of Feinstein death.

Totenberg said she was a better reporter on that story because, "I was there."

A photograph of a child swinging on a rope over a creek. The child is seen from behind, wearing a light blue tank top and dark shorts, with their arms raised holding the rope. The creek is in the foreground, and the background is filled with lush green trees and foliage. The photo is dated 1980s.

FOIA unearths documents showing government downplayed risks of radioactive waste at Coldwater Creek

By Don Corrigan

There's a scene in "Oppenheimer," a recent movie about the making of the atomic bomb, when a woman hanging up laundry outside is warned to take in the sheets. The laundry outside might get contaminated with the impending explosion of the first atomic bomb.

Karen Nichol of North St. Louis County notes that the mothers and residents downwind of the Nevada atomic test site at least got warned about dangerous radioactivity from the atomic bomb development. Not so in St. Louis.

"St. Louis moms did not get any kind of warning about uranium waste processing for the bomb," said Karen Nichol of Just Moms St. Louis. "They knew nothing about the careless, reckless, disregard to human life from the federal government that went into the making of the bomb here."

"So many moms to this day still aren't getting the warning," added Nichol. "There are people that have gone to great lengths to make sure St. Louis had no warning. There are also still no signs warning kids to stay out of the radioactive Coldwater Creek."

The dirty legacy of the atomic bomb development in St. Louis can be found at several sites: Coldwater Creek, near Lambert International Airport, at the West Lake Landfill in the Bridgeton area, and across the Missouri River at Weldon Spring.

"These sites are the same in that they are all contaminated by radioactive nuclear weapons waste from the Manhattan Project," explained Dawn Chapman of Just Moms St. Louis. "The U.S. Department of Energy is responsible for every single bit of it at every site, and unfortunately, the DOE mishandled the wastes at every site."

"The DOE deliberately kept the magnitude of contamination, as well as exposure to residents, a secret in order to keep the public and elected officials from demanding an immediate clean up," said Chapman. "Different locations became contaminated in different years, but the waste behaved the same at all of them. Subject to the elements, radioactivity moved around and people were exposed."

According to Just Moms, the burial site at Weldon Spring poses the additional risk with a large segment of St. Charles County residents still on well water. Well fields sit close to the site. Each site has a groundwater plume.

Waiting for justice

Chapman and Nichol, who head Just Moms St. Louis, say they know in their bones that the Manhattan Project to make the atomic bomb poisoned people in St. Louis. They are still waiting for recognition of a catastrophic problem and for justice after a decade of activism.

An undated photo from the 1980s, of a child swinging from a rope into Coldwater Creek. The photo is from a scrapbook kept by Sandy Delcours, who lived on Willow Creek in Florissant and donated the scrapbook to the Kay Drey Mallinckrodt Collection. Only one of the photographs from the scrapbook includes any information, which read: "Willow Creek children on Cold Water [sic] Creek. We can't keep the children away from the creek. The only alternative is to get it cleaned up."

◀ State Historical Society of Missouri, Kay Drey Mallinckrodt Collection, 1943-2006.

They believe as many as 80,000 people in the St. Louis area have been sickened by exposure to radioactive materials from the atomic bomb program. They founded Just Moms St. Louis in the spring of 2014 to make citizens aware of the toxic waste left in St. Louis from the Manhattan Project.

Another mission is to urge a clean-up of the deadly material dating from World War II. Chapman and Nichol said their effort to educate about the contamination, and to get it cleaned up, would not be possible without the previous work of St. Louisan Kay Drey who has crusaded for half a century to expose the health dangers of the radioactive waste.

"We've learned so much from reading the 15,000 documents we obtained from a huge FOIA request made by Kay Drey," said Nichol. "These documents tell the entire story of how the radioactive waste became so widespread and the amount of cover up done.

"We have been able to increase awareness of the problem in the medical field," said Nichol. "Doctors are paying attention now. We've spent a lot of time in universities working with students. They graduate and take so much of what they've learned and apply it in their fields in some way.

Chapman and Nichol contributed information for the HBO documentary, "Atomic Homefront," which educated people across America. They said the documentary pulls the entire story together — from uranium processing at Mallinckrodt Chemical, to north county contamination, to radioactivity at West Lake Landfill.

This past summer a joint investigation by the Missouri Independent, MuckRock and the Associated Press found that the federal government had systematically downplayed the risk of the radioactive wastes.

The news organizations "combed through thousands of pages of previously-unreleased government records that show radioactive waste was known to pose a threat to people living near Coldwater Creek as early as 1949. But federal officials repeatedly wrote potential risks off as 'slight,' 'minimal' or 'low-level'."

Oppenheimer effect

St. Louis residents joined the rest of the nation this summer in flocking to see the movie, "Oppenheimer," a film about the making of the atomic bomb. Radioactive fallout from the terrible weapon descended over an area 250 miles by 200 miles in New Mexico.

The movie brought renewed attention to residents in the American Southwest downwind from the blast — many are members of the Tularosa Basin Downwinders Consortium, a group that feels they were poisoned by the explosion.

In the case of the radioactivity that contaminated New Mexico, Lily Adams, senior outreach coordinator for the Union of Concerned Scientists, said it's a big part

of the story of the price many Americans paid for the making of the bomb. She told the Associated Press that the atomic bomb movie story needs a follow-up.

"The human cost of Oppenheimer's Trinity Test, and all nuclear weapons activities, is a crucial part of the conversation around the U.S. nuclear legacy," said Adams. "We have to reckon with this human cost to fully understand Oppenheimer's legacy and the harm caused by nuclear weapons."

In processing uranium and developing nuclear weapons, Adams said the U.S. government effectively "poisoned its own people, many of whom are still waiting for recognition and justice."

Chapman and Nichol said they are rooting for members of New Mexico's Tularosa Basin Downwinders Consortium in their renewed efforts to get environmental justice. She said residents of St. Louis are also seeking environmental justice.

"It feels like St. Louis has been a national sacrifice zone," said Nichol. "Secrets aren't meant to be broken here. The testing sites are in history books, there are so many movies that include those sites, they are always talked about.

"But St. Louis processed the very first teaspoon of uranium that went into those bombs," said Nichol. "There wouldn't be testing sites, if it weren't for St. Louis. People were harmed downwind from testing sites, and it's something that's talked about.

"Citizens of St. Louis also are sick and dying," stressed Nichol. "So much of our population has no idea why," said Nichol. "People here just think it's normal to get thyroid cancers, or to have so many autoimmune diseases."

Glimmer of hope?

Recent events make Just Moms St. Louis feel they might actually be getting closer to justice — and a cleanup, with a mitigation of contaminants at West Lake and Coldwater Creek. Chapman and Nichol feel hopeful, because:

First, newly-found federal documents show U.S. officials knew that dangerous material was being spread in the north St. Louis area. This information increases culpability and responsibility for mitigating the atomic mess.

Second, the U.S. Senate voted this July by 61-37 in favor of expanding a federal radiation exposure survivor program to include eastern Missouri residents. In September, U.S. Sen. Josh Hawley, R-Missouri, and U.S. Rep. Ben Lujan, D-New Mexico, rallied with Just Moms St. Louis and radiation victims at the U.S. Capitol to advance legislation on their behalf.

Third, within the U.S. House, Congresswomen Ann Wagner, R-Ballwin, and Cori Bush, R-St. Louis, have become involved with environmental justice issues over radioactive contamination.

"It's always encouraging when both political sides work together," said Nichol.

"This must be a bipartisan issue and about protecting people. There should be no reason for anyone not to be on the same page.

"We are very sure we have rolled the rock to the top of the mountain now," said Nichol. "With President Biden and Energy Secretary Granholm, we feel it's going to take more nudging, but we are confident we will get there."

Chapman and Nichol concede that even with all decision-makers on board, it will take years to clean up the sites, to decide where the radioactive contaminants should be taken, to devise a program to address continuing liability and health concerns.

Removing the waste

"The waste needs to go," said Nichol. "We can argue all day that there is no safe place to store this waste, but when it comes to St. Louis and the locations where this waste is sitting, the fact remains, there is a much safer place, away from people."

One thing is for certain, according to Chapman, radioactive exposures even at low levels are more dangerous than previously thought. The evidence is available in the medical data in north county.

"Releasing even a little radioactivity into the environment can cause generational harm and the thought of it happening to any community, state or nation in the world breaks our hearts," said Chapman.

"The threat isn't just for those living now, but to their children and their grandchildren who might not even be born yet," said Chapman. "Finding and cleaning up these wastes is very difficult once they have been allowed to disperse."

Chapman said she hopes to see a day when a memorial is built in north St. Louis County marking a successful clean-up as well as the sacrifice of area residents because of the atomic age.

"There should be a memorial, but I would prefer it be designed and run by the local community, not by the U.S. Department of Energy," said Chapman. "The DOE can pay for the building and the upkeep, but let those of us who have been harmed tell the real story."

"There is an 'Interpretive Center' out at the Weldon Spring waste site now paid for and run by the Department of Energy. It is nothing more than a taxpayer-funded gaslighting museum and does not tell the true story of what has actually happened," she said.

"We will have to wait and see what sort of clean-up we are able to get in north county, but whatever is put together, it should be a reminder to everyone that lives were lost due to lies, cover-up, and deceitful narratives deliberately spun by the Department of Energy," said Chapman. "It should have the same feel as Jefferson Barracks or one of the war memorials in Washington, D.C."

Illinois protects library books; Missouri removes them

By Jane Wiertel

This summer, Illinois became the first state to ban the removal of books from school and public libraries. But in Missouri, school officials are taking titles off of the shelves now more than ever.

The actions from the neighboring states illustrate the increasing power of organized activists and politicians to implement broad legislation. In some cases, it takes only a lone, loud voice.

In North Carolina, just one parent petitioning a new Republican-controlled school board was able to get a book removed. In Oregon, a school district pulled 36 books after two parents complained.

Some states, including Illinois, have introduced or passed legislation to protect books.

Illinois Gov. J.B. Pritzker, a Democrat, signed a bill in June prohibiting libraries statewide from removing books based on partisan or doctrinal beliefs. Pritzker's action was largely in response to the increased book-banning efforts nationwide, which has made it easier for political groups to remove books from the shelves.

"While certain hypocritical governors are banning books written by LGBTQ authors, but then claiming censorship when the media fact-checks them, we are showing the nation what it really looks like to stand up for liberty," Pritzker said at the bill-signing event.

Meanwhile, Missouri is headed in the opposite direction.

Missouri Secretary of State Jay Ashcroft, a Republican running for governor, enacted an administrative rule requiring public library employees to receive parental permission before giving children access to books and materials. The rule also requires libraries to publish their book selection process and the steps parents can take to challenge those choices. Additionally, if a library violates any provision of the rule, the state will rescind its funding. For some Missouri public libraries, that could result in the loss of 20 percent of its budget.

"It's terrifying," Otter Bowman, president of the Missouri Library Association told NPR. "I could go home thinking, 'Oh my goodness, I just cost my library \$160,000,' because that's the amount of state aid we would lose if we violated the rule."

Ashcroft "insists" that his new rule linking library funding and book selection is unlike the book banning policies sweeping the nation.

According to PEN America, a literary advocacy organization tracking book bans nationwide, 32 states have challenged and/or banned over 4,000 books since June 2021. Yet, despite the drastic increase in book bans across the country, surveys suggest that the majority of American citizens oppose these censorship efforts.

A survey conducted in March 2022 by the American Library Association revealed that over 70 percent of surveyed voters—both Democrats and Republicans—disapprove of the book banning efforts. The survey also found that 79 percent of voters believe public librarians select books with varying and representative viewpoints. Additionally, nearly 75 percent of public school parents "express a high degree of confidence in school librarians" when they select books for their children to read.

Despite these findings, book bans continue to sweep through libraries nationwide, removing over 100 books each month.

History of book banning in the United States

Literary legislation — like Pritzker's bill or rules similar to Ashcroft's administrative regulations — may suggest that book censorship is a new challenge to the United States. However, book bans began with restrictions of anti-slavery materials in the nineteenth century.

In 1873, Congress passed a law known as the Comstock Act, which prohibited possessing, selling or sending by mail "obscene" or "immoral" books, pamphlets or other materials. Since then, the most notable book bans occurred during the Cold War and in the early 1980s.

In 1982, book censorship faced a turning point with the Supreme Court decision of *Board of Education, Island Trees Union Free School District No. 26 v. Pico* by Pico. During the trial, students brought suit in federal court after the school district's board began removing books it deemed "anti-American, anti-Christian, anti-Semitic, and just plain filthy." Ultimately, the Supreme Court ruled in favor of the students in a 5-4 decision, holding that although school boards aim to promote social values, those goals do not supersede First Amendment rights. Accordingly, librarians may not restrict access to books because they disapprove of their content.

While the Supreme Court ruled against

the book ban, its precedent has not ended book censorship in the United States. The ALA has documented "over 11,300 book challenges since 1982," according to PEN America. Beginning in the 2021-2022 school year, the country saw an "unprecedented" amount of book bans and faced a censorship movement unlike any it has faced before.

PEN America's recurring "Index of School Book Bans" indicated that book censorship affected 1,648 "unique book titles" created by 1,261 different authors between July 2021 to June 2022. The majority of the 1,648 books banned during that time frame were fictional stories intended for young adult audiences.

PEN America's index also recognizes a trend related to the subject matter of banned books in the United States. They calculated, 41 percent of the banned titles possess LGBTQ+ themes and characters. Additionally, 40 percent of the stories banned have protagonists of color. The most banned titles from July 2021 to June 2022 include: *Gender Queen: A Memoir* by Maia Kobabe, *All Boys Aren't Blue* by George M. Johnson, and *Out of Darkness* by Ashley Hope Perez.

The first half of the 2022-2023 academic year followed a similar trend to the year prior, as indicated by PEN America's updated index. From July 2022 to December 2022, 1,477 instances of book bans occurred in schools and public libraries across the United States. These book bans not only continued the targeting stories with LGBTQ+ themes and characters of color, but also censored themes of violence, health, grief, and sexual experiences. The range of topics banned most recently "illuminates" the movement's impact on a myriad of ideas, communities, and stories, according to PEN America.

The index identified Texas and Florida as the top book banning states of 2022 — followed by Missouri.

Missouri

Of the 32 states implementing book bans, Missouri is one of the top five where "instances of book bans are most prevalent," according to PEN America, the other four being Texas, Florida, Utah and South Carolina.

Between August 2022 and November 2022, Missouri banned 297 books in 11 different school districts. As reported by



Photo by Jackie Spinner

the Columbia Missourian, Wentzville School District implemented the most book bans in the state. The ten other school districts were Webster Grove, Independence, Mehlville, Kirkwood, Ritenour, Lindbergh Schools, North Kansas City Schools, Willard Public Schools and Raytown Quality Schools.

The surge in book censorship in libraries throughout Missouri followed the enactment of SB 775, a law criminalizing the act of providing “explicit sexual material” to students. Violation of the law is a class A misdemeanor, “punishable by a

penalty of up to one year in jail and a \$2000 fine.”

The law states that “explicit sexual material” includes “pictorial, three-dimensional, or visual depiction” emphasizing sexual activities such as masturbation, sexual intercourse, genital stimulation, and sexual abuse. While visual depictions of such activities are prohibited by the law, written descriptions are still permitted.

Additionally, SB 775 makes an exception for books with “artistic” or “anthropological” significance and that are utilized for

educational purposes. However, in the Wentzville School District, the law has still led to bans of works and adaptations of Leonardo da Vinci, Shakespeare and Mark Twain in the Wentzville School District. Even further, Wentzville banned an illustrated retelling of The Gettysburg Address under SB 775.

Missouri State Sen. Rick Brattin, a Republican, is responsible for “spearheading” the initiative to incorporate the “explicit sexual material” ban into the larger bill. In his early proposals, Brattin

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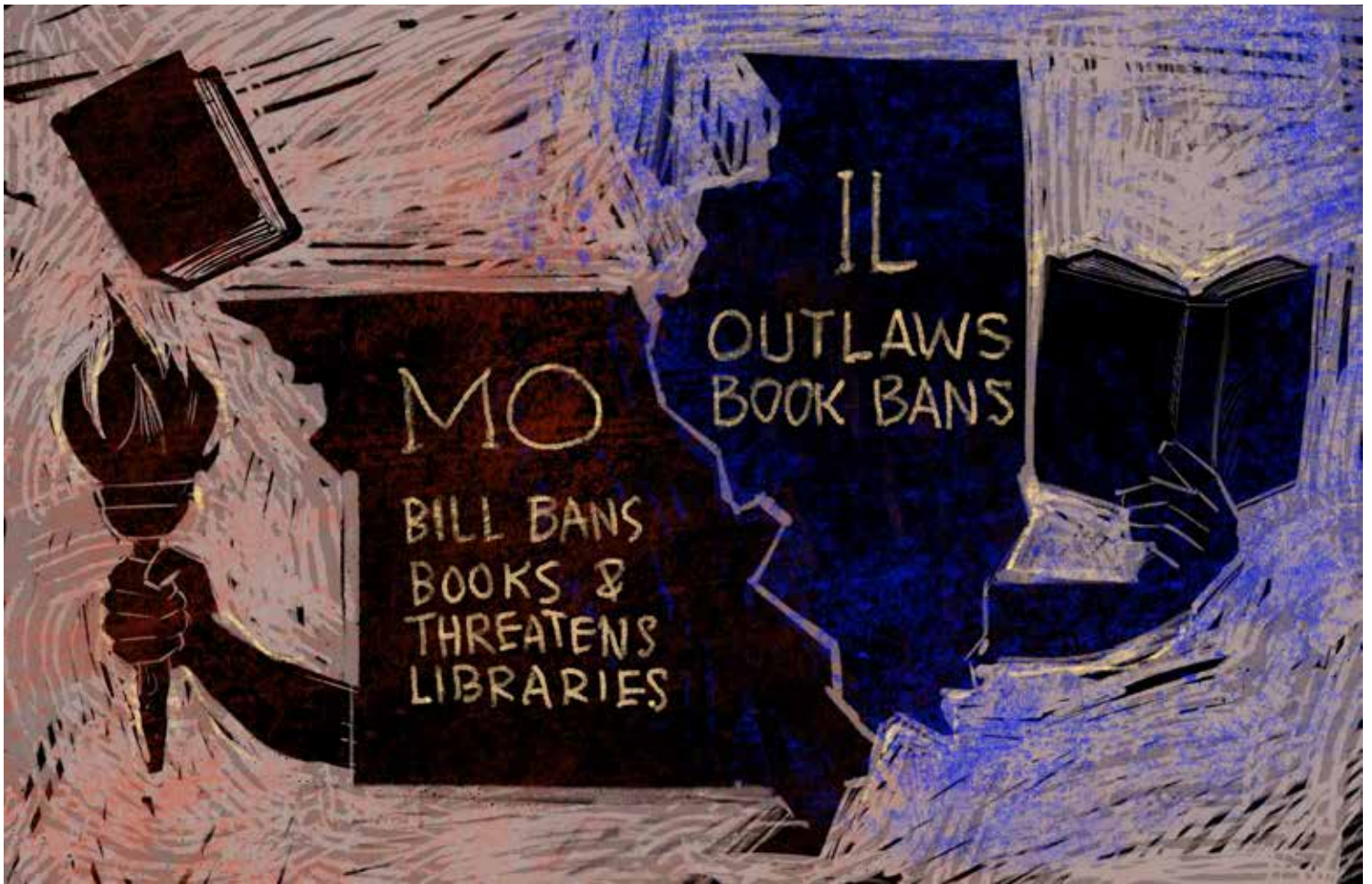


Illustration by Steve Edwards

presented a law that would prohibit the production of materials containing both visual and written descriptions of sexual acts. While Brattin unsuccessfully addressed written descriptions in SB 775, he anticipates targeting them in the next legislative session.

In spite of his efforts, Brattin has not made much progress in creating more restrictive legislation since the American Civil Liberties Union of Missouri filed a lawsuit in the Circuit Court of Jackson County against the state. According to the ACLU, SB 775 is unconstitutional because it requires school librarians and staff to choose between students' First Amendment rights and the possibility of imprisonment and fines.

Additionally, in response to the enactment of SB 775, the Missouri Association of School Librarians issued a statement informing its members of how to proceed in light of the restrictive legislation.

First, the letter reminds Missouri school librarians of the "selection and reconsideration of materials" policies. In an attached infographic, MASL outlines librarians' purpose, criteria, and selection processes to help defend against book challenges when they arise.

Second, the letter provides three possible actions librarians can take

when faced with a book challenge. MASL encourages librarians to request their Intellectual Freedom Committee to draft a letter to a school district's administrators and Board of Education. Librarians can also seek assistance from the ALA's Office for Intellectual Freedom to find "reviews in support of challenged material. MASL notes that librarians may request its executive council to draft a letter in support of the librarian or material banned.

Third, the association's letter outlines additional ways librarians can stay informed about the procedures, policies, and difficulties of book challenges. Furthermore, it encourages librarians to stay connected and educated as book challenges continue to increase.

"We understand the immense impact of facing a challenge and support our librarians to preserve intellectual freedom," the MASL wrote.

Illinois

Similar to Missouri Secretary of State Jay Ashcroft, Illinois Secretary of State Alexi Giannoulias has placed himself at the forefront of legislating book censorship within his respective state. However, unlike Ashcroft, Giannoulias' legislative target has been the book bans themselves. Rather than enacting policies that restrict

students' access to literary materials, Giannoulias has expanded it.

As the secretary of state and state librarian, Giannoulias has recognized the initiative, and what is now Governor Pritzker's importance of protecting the freedom of ideas and thought. As such, his legislative newly-signed bill, "make[s] state grants to libraries contingent on their establishing a 'written policy prohibiting the practice of banning books,'" the AP reported.

Once the law goes into effect on Jan. 1, 2024, the disbursement of the annual \$61 million budget for Illinois libraries will depend on the libraries' adoption of the ALA's Library Bill of Rights.

"We are not saying that every book should be in every single library," Giannoulias told AP News. "What this law does is it says, let's trust our experience and education of our librarians to decide what books should be in circulation."

Giannoulias believes book censorship and freedom of ideas should not be a partisan issue. However, the stark contrast between the book-banning legislation from Missouri, a red state, and Illinois, a blue state, suggests otherwise.



Members of ProgressWomen have been in the forefront of protests against the loss of reproductive rights in Missouri.

Photo Courtesy of ProgressWomen

Missouri Republicans battle to keep abortion off ballot

By Don Corrigan

Since the 1970s, Missouri Republicans have been on the offensive in passing laws to take away abortion rights. Now they are on the defensive trying to block ballot measures that would put the issue of abortion rights to the voters.

Missouri's abortion law, enacted just minutes after the U.S. Supreme Court overturned *Roe v. Wade*, bans abortion from the moment of conception in all cases, even rape and incest, with the sole exception of extreme medical emergencies. Doctors

who defy the ban face a 15-year prison sentence.

The restoration of abortion rights has already occurred in state elections in a number of conservative states, giving Missouri Republicans reason to fear that putting the issue on the state ballot could also be catastrophic for their anti-abortion cause.

"Secretary of State (Jay) Ashcroft and his Republicans are trying to throw up roadblock after roadblock to stop

reproductive rights in Missouri," said Stacie Newman. "It's clearly his goal to stop democracy from happening in Missouri."

Newman is a past Democratic state representative for University City in the state legislature. She now is executive director of Progress Women in Missouri. She accused Ashcroft of ballot delay tactics and "bad faith" in wording reproductive ballot proposals.

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Pro-choice women in Missouri hope to address the loss of reproductive rights at the state ballot box in 2024 after the overturn of Roe v. Wade.

Photo Courtesy of ProgressWomen

A Cole County judge ruled in late September that Ashcroft had written summaries for the state ballot that are “argumentative” and unfairly biased.

Circuit Judge Jon Beetem ruled that Ashcroft worded the ballot summaries in a manner clearly intended to sway voters. Ashcroft’s phrasing in the 100-word ballot statements held that the initiatives would allow “dangerous, unregulated and unrestricted abortions.”

Ashcroft further wrote that abortions would be allowed “from conception to live birth” and could be performed by anyone “without requiring a medical license.” The judge rewrote six ballot summaries noting that the measures would “establish a right to make decisions about reproductive health care, including abortion and contraceptives...”

Ashcroft vowed to appeal the circuit

court decision. The Western District Court of Appeals will take up the case over reproductive rights initiative petitions for next year’s ballot on Oct. 30.

“It seems that this is all they have left to try to block the will of the people,” said Newman. “Extreme Republicans in Missouri are so afraid because they have seen what has happened in every other state where reproductive rights have been placed on the ballot.”

Even before the ruling on Ashcroft’s wording, which Newman said came straight out of anti-abortion campaign propaganda, Attorney General Andrew Bailey insisted that passing the Reproductive Freedom Initiative would cost the state \$6 trillion.

He said the trillions of dollars represent loss of revenue to the state from future taxpayers who will never be born if women in the state exercise their reproductive rights.

Bailey’s calculations have been described as “preposterous,” even by some members of his own Republican Party. State Auditor Scott Fitzpatrick, a Republican, estimated the cost of the choice initiative to be at \$51,000.

Battles over Ashcroft’s ballot wording and Fitzpatrick’s initiative cost estimates are costing pro-choice advocates critical time to collect petition signatures to get the issue on the ballot. The first petition wording was submitted to the state in March and has been stymied for months.

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Protesters march in downtown St. Louis against the loss of reproductive rights. The size of recent protests have rivaled those of the Women’s March of 2021 in downtown St. Louis.

Photo Courtesy of ProgressWomen ▶▶



A woman with bright red hair, wearing a black t-shirt with a graphic, holds a large black sign with white text and a fist icon. She is standing in a crowd of people outdoors, with buildings and trees in the background. The sign reads: "WOMEN'S BODIES ARE NOT YOUR Political Battleground".

WOMEN'S
BODIES
ARE NOT YOUR
Political Battleground

Democracy in other states

State and national media pundits argue that Republicans were unprepared for “the dog catching the car” when a Supreme Court — with three new Trump appointees — threw out the Roe precedent. The backlash to the Dobbs decision has been a political setback for the GOP and has Republicans worrying.

Editorial comment from media around the state (see below) included a warning from the St. Louis Post-Dispatch in September that some activists in the movement have taken a go-for-broke attitude about what a ballot referendum should say, calling for language that would prohibit any state restrictions at any point in pregnancy.”

The St. Louis Review, a Catholic publication, attacked the abortion rights efforts as extreme. It quoted national anti-abortion leaders saying, “Groups like the American Civil Liberties Union (ACLU) and Planned Parenthood are flooding states like Missouri with millions of dollars to confuse and deceive the people, enshrine brutal late-term abortion on demand in constitutions, and destroy the rights of parents to protect their daughters.”

But there is widespread evidence of anxiety among Missouri Republicans. Missouri’s two U.S. Republican Senators have changed course and suggested that voters should have a say on abortion. Republican frontrunner for president in 2024, Donald Trump, recently argued that it might be too radical to have no exceptions in abortion bans.

The first blow to the GOP was a shocker in red state Kansas in August 2022 when voters opposed a constitutional amendment — made possible by the Dobbs decision — that would have said there was no right to an abortion in Kansas.

Voters in key states followed suit after the Kansas decision in the 2022 midterm elections.

- Montana voters rejected an abortion measure that would allow criminal penalties on health care providers.
- Kentucky voters rejected a proposal that would have restricted abortion rights with a “trigger law” banning most abortions at all stages of pregnancy.
- Michigan voters enshrined abortion rights in the state constitution, a move to block a decades-old abortion ban from taking effect.
- California voters put abortion rights in the state constitution to insure that no future legislature or governor can interfere with abortion rights.
- Vermont voters approved an amendment to the state’s constitution to protect individuals’ rights to make their own reproductive decisions.

More recently in Ohio, groups aiming to enshrine abortion rights in their state’s constitution delivered almost double the number of signatures needed to put an amendment on the statewide ballot this fall.

Ohioans United for Reproductive Rights said they dropped off more than 700,000 petition signatures to Republican Ohio Secretary of State Frank LaRose’s office in Columbus earlier this summer. His office must work with local election boards to determine that at least 413,446 signatures are valid, which would get the proposal on the Nov. 7 ballot.

Given the string of successes for pro-choice groups around the country, Missouri advocates for a women’s right to choose feel confident they can win in the Show-Me State. However, they must first get ballot language approval, get enough petition signatures to be on the ballot, and then get approval by voters statewide.

Legislature may interfere

“There’s still time to do the petitions and get reproductive freedom on the ballot later in 2024,” said Newman. “I don’t think anyone in the pro-choice movement is panicking ... yet.

“We’ve got to keep our eye on the Republicans in the legislature when they come back in January,” said Newman. “They may push a requirement for 60 percent approval or a super-majority on initiatives that hurts democracy and the rights of women.

Raising the threshold on majority votes would, however, have to go to a vote of the people. Members of ProgressiveWomen said they’re confident Missourians would not vote “to take away their own democracy.”

Republicans in the last legislative session discussed ways to tighten up the initiative process by either hiking the number of signatures to get an initiative on the ballot, or by requiring a 57% majority vote on initiatives, or both.

When Republicans were unable to get the initiative changes done in the most recent session, some demanded that Gov. Mike Parson call a special session to get the added initiative requirements passed.

Missouri state legislators have been surprisingly transparent about their mission to block reproductive rights measures, and to foil the initiative process with cumbersome new requirements.

On the St. Louis NPR radio affiliate earlier this year, state Sen. Andrew Koenig, R-Ballwin, said: “I fully support gumming up the process because I do not want any measure going to a vote of the people specifically when it comes to abortion... I just don’t want to take the risk.”

Among the many groups that will fight

the legislature on attempts to “gum up” the initiative process — whether on issues like abortion, workers’ rights, minimum wage, gun laws, or environmental protections — is the League of Women Voters (LWV).

Earlier this year, Missouri LWV’s Angie Dunlap told GJR that the League would fight legislative action to limit the state initiative process. She said the League would make “big noise” in the General Assembly over any efforts to gut the process.

“The initiative petition is critically needed in Missouri to give a voice to a majority of Missourians who disagree with actions, or inactions, of our Missouri legislators,” said Dunlap. “Our representatives should be acting in the interest of citizens.

“Initiative petitions directly connect issues to voting, she added. “This direct democracy helps to counter efforts that diminish voters’ ability to be heard by elected officials. If the legislators are ignoring the needs of its citizens, the voters have the ability to use the initiative petition to make change happen.”

In a blistering op-ed in the St. Louis Post-Dispatch this spring, Marilyn McLeod of LWV and Michael A. Wolff, a former judge and chief justice of the Missouri Supreme Court, argued that democracy delayed is democracy denied. Political intransigence is destroying direct democracy and the initiative process, they declared.

“People are beginning to understand that the super-majority in our legislature is arrogant and wants to rule over everything — what we can read, and breathe, and discuss with our doctors,” said Newman. “People are not going to stand for it.

“Talk to the average female on the street, who may not care much about politics, and tell them the government wants to control their bodies and tell them how to live, and they will get angry” said Newman. “Abortion is not a political issue, it’s a gender issue.

“Women know these Republicans are too extreme when they hear the legislature wants little girls to carry to term after being raped,” Newman added.

Here are some of the editorial voices from news organizations about the Missouri abortion referendum:

St. Louis Post-Dispatch — Sept. 1, 2023

The fight to restore abortion rights in Missouri faces some daunting obstacles. These include a Republican-controlled Legislature that is trying to move the goalposts on ballot referendums to make it harder for citizens to overrule their draconian new abortion ban, as well as procedural stunts by top state officials who are brazenly abusing their authority regarding the referendum process.

But a potentially bigger impediment to restoring abortion rights in this state may ultimately come from within the abortion rights movement itself. Some activists in the movement have taken a go-for-broke attitude about what a ballot referendum should say, calling for language that would prohibit any state restrictions at any point in pregnancy.

The Kansas City Beacon — Aug. 25, 2023

The petition that passed in Michigan last year and the Ohio petition up for a vote this fall left room for legislators to ban abortion at the point of fetal viability. The petitions in those states and the proposals for Missouri define fetal viability as the point in pregnancy when clinicians conclude a fetus likely could sustain survival outside of the uterus without the use of “extraordinary medical measures.” But some of the groups want a ban on any abortion limits ... Polling suggests Missourians appear more likely to support something in the middle — abortion access in some cases, but not all.

Kansas City Media Collective — Sept. 27, 2023

Democrats hope the implications of the U.S. Supreme Court decision overturning *Roe v. Wade* and the state’s abortion ban will help them cut into Republican supermajorities in the state legislature.

Polls show that a majority of Missourians support a person’s right to an abortion in some cases. But political experts don’t think those findings mean that Republican candidates who oppose abortion in almost all instances are endangered in their races for U.S. House and Senate.

However, Democrats are targeting 15 legislative districts as potential opportunities to increase their numbers in the state House, where they are currently outnumbered 107 to 48.

Columbia KQFX FOX 22-TV — June 23, 2023

One year ago, Missouri was the first state to ban abortions when *Roe v. Wade* was overturned. *Roe v. Wade*, the precedent that allowed abortion nationwide was overturned in the 5-4 *Dobbs v. Jackson* decision. Then-attorney general, now U.S. senator, Eric Schmitt implemented the state’s trigger laws. That along with a proclamation from the governor triggered a state ban on abortions except for “in cases of medical emergency” that lawmakers passed in 2019. The ban was written to go into effect after a decision overturning the precedent.

One-in-five American women will have an abortion, according to the Ohio Policy Evaluation Network. In Missouri, abortions were decreasing long before the trigger law went into effect. In 2021, the last full year of legal abortion in Missouri, 3,693 residents received abortions. That’s because of years of lawmakers chipping away at abortion rights, creating more hurdles to getting abortions across the state, even while the procedure remained legal.

St. Louis Review — July 3, 2023

In preparation for the upcoming petition and potential 2024 vote, the four Catholic dioceses of Missouri have formed a coalition with other pro-life leaders and Susan B. Anthony Pro-Life America, a national advocacy group. Together, the coalition has begun gathering data and developing unified messaging to face this initiative. The coalition will be working closely with Sue Libel, Susan B. Anthony’s Midwest regional director. She noted that the proposed Missouri ballot initiative is part of a nationwide trend.

Libel wrote in an email that, “Groups like the American Civil Liberties Union (ACLU) and Planned Parenthood are flooding states like Missouri with millions of dollars to confuse and deceive the people, enshrine brutal late-term abortion on demand in constitutions, and destroy the rights of parents to protect their daughters. It is crucial that voters understand what is at stake in the ACLU’s war on women, children and parents, and we are committed to working with Missouri pro-life leaders and exposing their extreme agenda in Missouri and nationwide.”

Mother Jones — Sept. 11, 2023

Since the Supreme Court overturned *Roe v. Wade* in June of 2022, pro-choice voters had been showing up to the polls in force, rejecting anti-abortion ballot initiatives in Kansas, Kentucky, and Montana ... This unbroken string of victories has energized advocates who see ballot initiatives as a key tool in the post-*Roe* world, especially in states controlled by Republicans. Even in Missouri, where the anti-abortion movement was so successful that only one clinic remained by 2022, national progressive organizations smell opportunity.



As three brothers died

By Enole Ditsheko

I was 21 when I found myself standing out in Henderson, Nebraska. Back in 1994, in Midwest America, the internet had not gained traction and no one would have imagined instantaneous messaging using social media channels to stay in regular contact with my people in Botswana. Twelve months prior, I lost my eldest brother to an illness that was only spoken of in hushed voices. Everyone knew it was AIDS, but there were all sorts of euphemisms that were employed because it carried a heavy stigma that it was a disease for sexually immoral people.

I depended on phone calls to get updates about the situation back home, and they were too expensive and, therefore, sporadic during those 12 months of my cultural exchange under the auspices of the Mennonites. I did not realize the extent to which AIDS killed hundreds of people while I was away, especially my generation, though the elderly were also dying from caring for these patients without protecting themselves against being infected. The impact of AIDS hit me upon return when almost at every inquiry about the whereabouts of so and so, I drew stares and frowns, usually followed by the "you didn't know?" refrain.

Still, more of my generation were walking skeletons and many others were bedridden and the stench of the disease in the homesteads was pronounced. We conducted burials twice a day in the morning and late afternoon by the mid-1990s amidst statistics that placed Botswana's national prevalence at 30%. It was a difficult time to experience life as a young adult because every chance one took to establish sexual relationships was a matter of life and death.

I picked up a newspaper reporter's job with The Okavango Observer. AIDS featured prominently because it hit the core of society and demanded change in sexual behaviors to bring down the new infection rates. My newspaper reporting lasted only two years before the Government of Botswana sent me back to the United States in January 1997 to read for my journalism degree. I found my way to my people in Nebraska. In 1999, I disrupted my studies to go home and bury my elder brother. This was the second loss to AIDS.

I graduated with a double B.A. from Creighton in the winter of 2000 and returned home to continue showing the might of the pen to tell stories about the downtrodden members of our society, including reporting

AIDS and its impact on the communities. I was flown to Johannesburg to cover some of the life-changing projects by one of the American giant pharmaceuticals, Bristol Myers Squibb, whose foundation was helping African communities to cope with the effects of the disease.

A ray of dawn

Through an impassioned plea at the United Nations General Assembly, the President of Botswana, Festus G. Mogae, awakened developed nations to the devastation caused by the disease that was threatening the extinction of a generation of Africans. Botswana became the first African nation in 2002 to declare AIDS as a threat to human life, therefore, supplied antiretroviral drugs to treat its citizens at no cost. This was the game changer when the drugs were promoted as suppressants and not a cure to offer a new lease of life. They were known in the language as "Masa" meaning a ray of new dawn bringing hope to all.

After years of reporting AIDS, I became the public relations manager at the agency coordinating the national response to HIV/AIDS. It was here that I immersed myself in what the disease was about. I understood the West-centric campaigns that were launched in sub-Saharan Africa. I appreciated the many strengths and gaps that needed to be filled in the major prevention campaigns.

Because of the dire circumstance, five pre-teen boys wandered aimlessly to end up knocking on our gate on December 31, 2013. They were orphaned and born with HIV. They asked to be cared for with just a once-off meal. We had good jobs as civil servants, and welcomed them to our family. Overnight, we became foster parents, secured them placement in the public school system. They no longer begged at traffic lights intersections. Some 40 more boys and girls arrived. It was a tall order to support all of them from our earnings. Thus in November 2014, an NGO called Little Eden's Justice and Peace Center was born. Funded from donations, it has provided material support and empowered them with HIV prevention information until COVID-19 disrupted its programs and projects.

Billboards, radio jingles and print ads on how to prevent HIV often rang with judgmental and prescriptive slogans including some of the popular ones: "Don't be stupid, use a condom!" or "Are you careless, ignorant and stupid?" or "Avoiding AIDS is as easy as ABC" or "Know your HIV status before pregnancy" which assumed

everyone chose to be infected. I then embarked on a journey to research HIV prevention and how messaging might be improved to help millions of Africans. For example, the same prevention strategies were effective in the United States so much that only a negligible 0.36% of the national population was living with the virus that causes AIDS, whereas 22.6% HIV prevalence was recorded in Botswana in 2018.

Not seeing themselves in ads

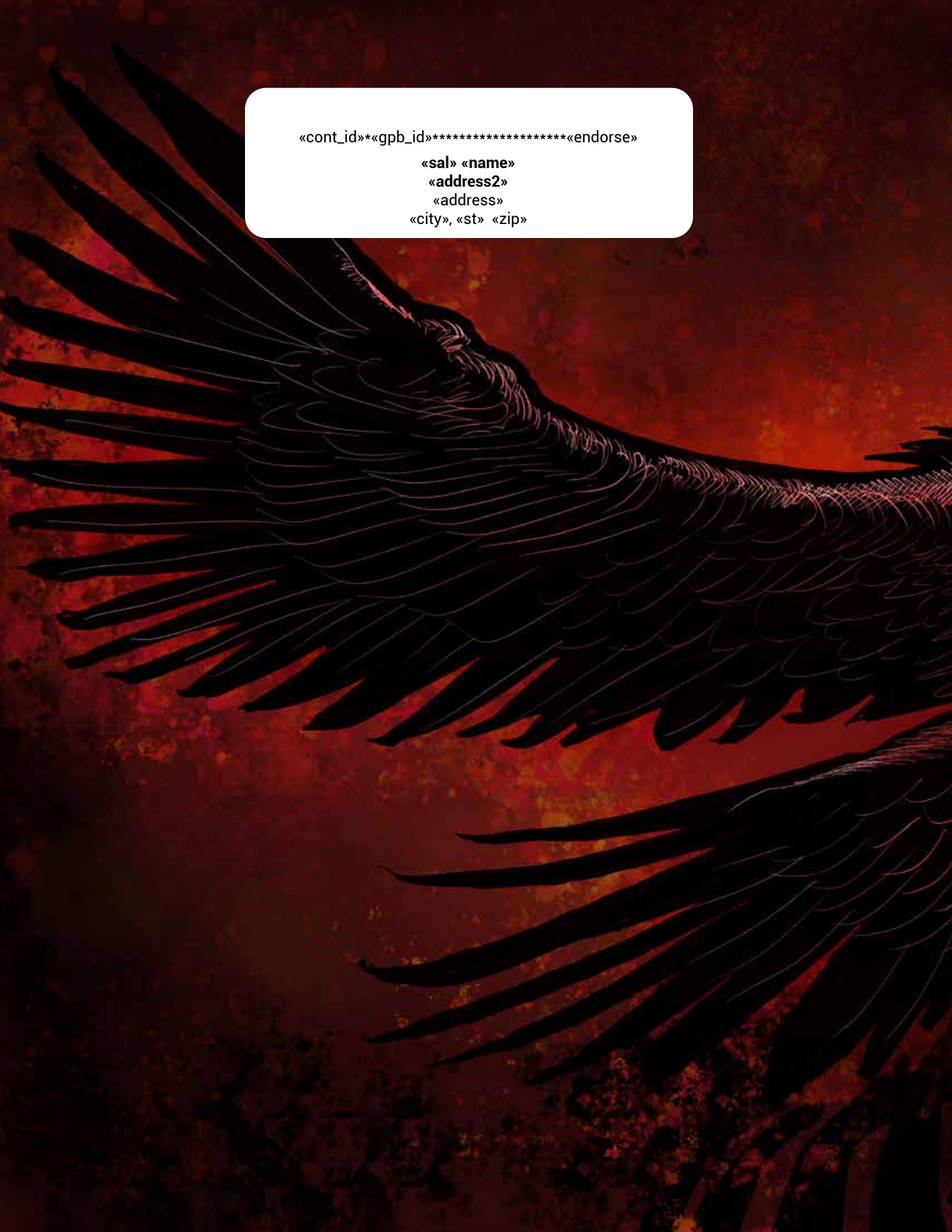
I got admitted to the Ph.D. in mass communications and media arts at Southern Illinois University-Carbondale in 2019. I assessed the major health communication campaigns launched in Botswana from the United States since 2002 and evaluated the media channels used to reach those being targeted. Hardly two months into my program, I flew back to Botswana in November to bury my younger brother who died from AIDS. This third loss from a disease whose ad campaigns position the key populations in the medicines as a line of prevention demanded research. After all, sub-Saharan Africa carries the heaviest burden of the disease with 68% of the global cases (or above 26 million HIV sufferers).

Survey results showed that the Western ad campaigns reached most young people in Botswana, but people did not see themselves in the campaigns. Participants decried the lack of representation in the major HIV prevention campaigns that do not respect their cultural practices or religious customs. They are adamant that unless health promotions "start where the people are", they are in vain because there is no incentive for them to soak in the messages offered by the ads that flash models who don't depict AIDS patients they are familiar with in their communities. Ads depicting same-sex couples to send a warning about a sexually transmitted disease that is AIDS, do not connect in Botswana where most transmission is heterosexual.

Until and unless there is participatory research where the people being assisted are allowed an equal amount of discussion at the table, a benevolence wrapped in a condescending approach that the visitor who is always the donor brings the answers, will likely achieve no impact in the end. The Mennonites who gave me a taste of American life in my youth days attended my graduation in May to witness how I might help a struggling country and the rest of the continent gripped by AIDS in messaging prevention that resonates with their contexts.

◀◀ Enole Ditsheko pictured with "Botswana Tonight" TV show host, Tumie Ramsden, after unbundling Western HIV prevention strategies in a broadcast in his home country.

Photo courtesy of Botswana Television



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