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Investigative journalism: standards, sources, accuracy

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It is a special honor to share a stage today with Colm Keena (Public Affairs Correspondent, *The Irish Times*, who chaired this session). I don't know all the details of your predicament, but from what I read it looks to me that what you are going through now relates quite closely to what I want to discuss.

I'm going to start by talking about a movie that on the surface at least has absolutely nothing to do with journalism. I'm sure you've all seen it. I'm talking about the movie "Saving Private Ryan".

I start there because what I love most about that movie is its theme of generational sacrifice — that each generation must pay with blood and treasure to secure freedoms for the next one. Tom Hanks captured this idea beautifully. Remember him talking to his platoon after they had lost a man storming a machine-gun nest. The men were angry. Some wanted to turn back from their mission. And Hanks said: "Do what you want, but I'm going forward. Because by going forward, by paying whatever price there is to pay by going forward, I'll have earned the right to go home to my wife." And then, of course, at the end, all shot up defending a bridge, Hanks looks up at Matt Damon and, with his dying breath, tells him, "Earn this."

Earn this

I thought about that scene a year ago when I went to visit my friend and colleague, Judy Miller, at the Alexandria Detention Center outside of Washington DC. As you may know, Judy was a reporter for *The New York Times* — she was part of a team that won a Pulitzer Prize for writing about the danger posed by al Qaeda long before 9/11 — and she was sentenced to jail for refusing to reveal a source. She did 85 days, the most ever by a correspondent for an American newspaper.

For those of you who haven't been there, the Alexandria Detention Center is no picnic. It's maximum security. They hold terrorists there. You sleep on a half inch mattress on a cement block. There is no outdoor exercise yard. Judy's connection to the world was a tiny slit of a window from which she could see a single Maple tree and a highway.

Sitting with her — well, not actually sitting with her, I talked to her by phone, looking at her through plexiglass — I was struck by how frail and thin she looked in her jail uniform. She was thin to begin with, but she was losing weight in jail because the

food was terrible. In fact, she was celebrating the day I visited because she had just been given canteen privileges, which meant she could buy small items of food in the prison shop. She had bought Slim Jims that day — basically hard dried beef, the first solid food she'd eaten in days.

She wasn't just thin. She was under enormous strain, too. I could see it in her eyes. My daughter made a card for her, but the guards wouldn't let me give it to Judy, so I held it up to the plexiglass so she could read it. My daughter — she was 11 at the time — told Judy that she was her hero because she was willing to go to jail to keep a promise.

Keep a promise

Judy read those words, and she began to weep. Now Judy is a pretty tough customer — she spent years covering the Middle East, wandering in some ugly neighbourhoods. But there she was, locked up, facing an indeterminate sentence, losing weight, separated from her husband and a sister who was battling breast cancer, and she was weeping, looking at my daughter's card. And as I left the jail, I thought about the price she was paying, and I thought about Tom Hanks and "Saving Private Ryan" and those words: "earn this".

I've thought about those words again in just the last few weeks, as we all absorbed the news of Anna Politkovskaya. She's the Russian journalist who was assassinated, no doubt because she antagonized powerful men with her fearless reporting about official corruption and state sanctioned brutality.

And this brings me to my fundamental point. I think we are at a defining generational moment in journalism: a moment when we must earn again the freedoms that give us the vital space to work.

I think we, as a profession, are at a point where we must step up and pay the butcher's price. We must step up and earn the right to report the news, without fear or favour. We must earn the right to tell the difficult stories that comfort the afflicted and afflict the comfortable. We must earn the right — in the immortal words of "Deep Throat" — to follow the money, especially when it leads to the highest of high. And we must earn the right to question authority, challenge concentrated power and reveal uncomfortable, unpopular, even unwanted truths about the world we live in.

Past generations of journalists have paid this price in spades. In my country, I'm thinking about reporters in the 1950s who suffered brutal beatings by racist mobs to cover the Civil Rights movement. I'm thinking of reporters who gave their lives to describe our long national nightmare, Vietnam. I'm thinking about Myron Farber, another *New York Times* reporter who went to jail to protect a source in the 1970s. Their sacrifice and their example cleared the way for us.

It created that vital space in our culture and in our politics for tough, honest investigating reporting. Now it is our turn.

That vital space is shrinking right now. I don't know about Ireland, but it is shrinking, and shrinking fast, in the United States. Investigative journalism is under pressure on

all fronts — financially, legally, politically. Judy Miller was sent to jail, and now other reporters face the same prospect. A freelance journalist is sitting in a California jail today for refusing to hand over video tape he filmed at an anti-war rally. Two reporters from the *San Francisco Chronicle* are appealing jail sentences for refusing to reveal sources in the doping scandal that has beset our sporting world. Dana Priest, the intrepid *Washington Post* reporter who broke the story about the CIA's secret prisons, is under scrutiny by the Justice Department, which is trying with all its might and resources to uncover and punish her sources. Same with Jim Risen and Eric Lichtblau, the two *New York Times* reporters who broke the story about the Bush administration's large scale use of warrant-less wiretaps. Not long ago, if you can believe it, a radio commentator argued that the editor of my newspaper ought to be sentenced to the gas chamber. Why? — For publishing a story that described government surveillance of millions of financial transactions.

More and more we are being hit with government subpoenas demanding access to our phone records and our notes and our computers. More and more we are being accused of giving aid and comfort to the enemy. Sunshine laws — the laws that give the public and journalists access to important government records — are being eroded and trimmed and neutered, invariably in the name of security. Our vital space is shrinking.

And it isn't just the government. Hewlett Packard, one of our largest computer companies, didn't like the way it was being covered, so it set up a massive surveillance operation on several reporters who cover the company. They stole their phone records. They snooped in their garbage. They had them followed.

Our vital space is shrinking. And we must fight back. But how?

Obviously standing up to threats of jail and fines is a big part of it. At *The New York Times*, we've been holding regular seminars to brainstorm ideas on how to better protect sources. How can we keep prosecutors from following the bread crumbs of phone records and notes and receipts from us to our sources?

But we must do more, much more. And I think it begins with understanding that we are really in the middle of a very large debate about who we are and what we are as a profession. To put it as bluntly as I can: are we a force for good in society? Or are we a force for ill?

We are in huge trouble if the majority comes to conclude that we are a force for ill. And make no mistake, powerful forces are making this argument, and making it effectively. Recent polls in the United States have shown that most high school students now believe that journalists should have to get government permission before publishing stories. The First Amendment probably would not pass if it were put to a popular vote today.

We reporters shake our heads at stuff like this. But it makes sense when you think about how we are so often seen:

- As Rasputins who twist facts to advance ideological agendas
- As shrills who happily parrot government propaganda

- As profiteers who care more about selling newspapers than getting the facts right or giving both sides a fair shake
- As vultures who swarm around the bereaved and trample through backyards to snap photos of topless movie stars.

If we are a force for good, then we must show that, day in and day out, by deed and by word. First and foremost, we must demonstrate our seriousness of purpose with substance, with real stories about crucial subjects, no matter how complicated. We must resist the seductions of celebrity coverage and gossip. We must reject the superficial, the thin stories planted by spinners and marketeers and PR agents. We must do everything we can to dig under the official line, to get past the propaganda, to look below the snappy political slogans.

Publishers must resist the temptation to cut back on reporting as a knee-jerk response to our industry's financial difficulties. Editors must show no tolerance whatsoever for unethical behavior in our own ranks. We must drive out the plagiarists. I cannot even begin to tell you the damage done by a Jayson Blair, or a Janet Cooke, or a Stephen Glass — all fabulists of the first order.

As reporters we must sweat the small stuff. I mean really care about it. Recently, my son was written about in our local newspaper. Not for anything bad. He scored two goals for his soccer team. But here is what we will remember: they spelled his name wrong. To this day, I feel terrible that I called John Yoo by the name Robert Yoo on the front page of *The New York Times*. More broadly, we must think always not just about the substance of our stories, but about the methods we use to obtain them. Does this pass the smell test? Is it ethical and fair? How would I feel if I were the subject of this story? We need to be more humble about how difficult it is to actually wrap our hands around "The Truth." In my experience, it is a slippery little beast. And that means sometimes being a little more modest with our conclusions and our language.

We will be judged by how we meet this moment. We will be judged by those who came before us and by those who follow after us. I must, of course, close with James Joyce. All you Joyce lovers will certainly recall the words of Stephen Dedalus, Joyce's alter ego in *Portrait of the Artist as a Young Man*. He said: "I will try to express myself in some mode of life or art as freely as I can and as wholly as I can, using my defense the only arms I allow myself to use — silence, exile and cunning."

Cunning? —Yes. I couldn't agree more. But silence and exile? —No.

We must stand our ground, right here. And make our presence and value felt.

Ends.