



FASPE

Fellowships at
Auschwitz
for the Study of
Professional Ethics

2018 JOURNAL





2018 JOURNAL

EDITOR

Talia Bloch

DESIGN

Trevor Messersmith

WITH SPECIAL THANKS TO

Fr. Steven Bell, Dr. Jeffrey Botkin, Susan Carle, Michael Eichenwald, Dr. Sara Goldkind, Leigh Hafrey, Marguerite Holloway, Eric Muller, Rabbi James Ponet, and Andie Tucher.

COVER PHOTO

Scenes from the 2018 FASPE Fellowship Programs. DORIAN JĘDRASIEWICZ / FASPE

This journal has been prepared by FASPE, an independent tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code.

©2019 Fellowships at Auschwitz for the Study of Professional Ethics (FASPE)

BOARD OF DIRECTORS

Dr. Nancy R. Angoff

Associate Dean for Student Affairs
and Associate Professor of Medicine
(Internal Medicine),
Yale School of Medicine

Debbie Bisno

Resident Producer,
McCarter Theatre Center

Ronald G. Casty

Managing Partner,
Nikrey Investment Group

Andrew Eder

President, Eder Bros., Inc.

Martin Fischer

Vice President, Deputy General Counsel,
General Counsel EMEA, Celanese

Carol Goldman**David Goldman (Chair)****Bill Grueskin**

Professor of Professional Practice,
Columbia Journalism School

Dr. Isaac Herschkopf

Department of Psychiatry, NYU School of
Medicine; Private Practice

Jana Jett Loeb

Associate, Boies Schiller Flexner LLP

Frederick Marino

Former CEO and Vice Chairman, ProBuild
Holdings, Inc.

David G. Marwell

Director Emeritus, Museum of Jewish
Heritage—A Living Memorial to the
Holocaust

Philip Percival

Partner, Syntegra Capital

Peter J. Sacripanti

Partner, McDermott Will & Emery LLP

Sylvia Safer**Hugo Santillan**

Associate, MetLife Investments

David L. Taub

Partner, McDermott Will & Emery LLP

ACADEMIC COMMITTEE

Dr. Thomas Duffy

Professor of Medicine Emeritus
(Hematology), Yale School of Medicine

Mary Gentile

Creator/Director, Giving Voice to Values;
Professor of Practice, University of
Virginia Darden School of Business

Ellen Gilley

Director of Programs and Strategy,
FASPE

Ari Goldman

Professor of Journalism,
Columbia Journalism School

David Goldman

Chair, FASPE

Dr. John S. Hughes

Professor of Medicine (General Medicine)
and Associate Director of the Program
for Biomedical Ethics, Yale School of
Medicine

Anthony Kronman

Sterling Professor of Law, Yale Law School

Stephen Latham

Director, Yale Interdisciplinary Center for
Bioethics

David Luban

University Professor and Professor of Law
and Philosophy, Georgetown University

David G. Marwell

Director Emeritus, Museum of Jewish
Heritage—A Living Memorial to the
Holocaust

Rev. Dennis McManus

Visiting Associate Professor of Jewish
Civilization, Georgetown University
School of Foreign Service

Dr. Mark Mercurio

Professor of Pediatrics, Chief of
Neonatal-Perinatal Medicine and Director of
the Program for Biomedical Ethics,
Yale School of Medicine

Eric Muller

Dan K. Moore Distinguished Professor
of Law in Jurisprudence and Ethics,
University of North Carolina School of Law

Rabbi James Ponet

Howard M. Holtzmann Jewish Chaplain,
Emeritus, Yale University

Dana Remus

General Counsel of the Obama Foundation
and the Office of Barack and Michelle Obama

Dr. Shonni J. Silverberg

Professor of Medicine, New York-
Presbyterian/
Columbia University Medical Center

Rev. Kevin P. Spicer, CSC

James K. Kenneally Distinguished Professor
of History, Stonehill College

Michael Stöppler**Andie Tucher**

Professor of Journalism,
Columbia Journalism School

Thorsten Wagner

Academic Director, FASPE

Dr. Joanne Waldstreicher

Chief Medical Officer, Johnson & Johnson

STAFF

David Goldman

Chair

Thorsten Wagner

Academic Director

Ellen Gilley

Director of Programs and Strategy

Linnea Michaels

Director of Development

Talia Bloch

Director of Visibility and Public Discourse

ABOUT FASPE

Fellowships at Auschwitz for the Study of Professional Ethics (FASPE) is a program that challenges young professionals to develop as ethical and responsible leaders. In a modern civil society, professionals play a critical role in shaping public discourse and in influencing actions in both the private and public sectors. FASPE impresses upon its Fellows the importance of their roles as professionals.

FASPE Fellows begin their examination of professional ethics by studying professionals in Nazi Germany, recognizing that it was their failure to act ethically and assert ethical leadership that enabled the devastating policies of National Socialism. Against this historical backdrop, Fellows then consider the ethical issues currently facing professionals in their respective fields, including how to identify, analyze, and respond to them.

Professionals designed, executed, and enabled Nazi policies. Lawyers drafted the Nuremberg Laws. Doctors conducted the first gassings of the handicapped. Business executives used slave labor and produced the tools of genocide. Journalists became propagandists. Pastors and priests promoted or condoned racist policies.

Studying these perpetrators powerfully conveys the influence that professionals wield, creates a compelling context for discussing the ethical issues that Fellows will face in their careers, and underscores the urgency for ethical leadership today. Through its use of the power of place and its focus on the professionals as perpetrators, FASPE has created a unique means for studying contemporary professional ethics—and simultaneously has contributed an important and creative approach to Holocaust education.

OUR FELLOWSHIP PROGRAMS

FASPE currently conducts five fellowship programs—in Business, Journalism, Law, Medical, and Seminary—with fellowships offered to graduate students and early-career professionals. Each FASPE Fellowship consists of a fully funded two-week study trip in Europe.

FASPE Fellowships take place in Berlin, Krakow, and Oświęcim, where Fellows visit sites of Nazi history, including the former Nazi concentration camp of Auschwitz. Daily seminars are held at sites where professionals planned and enacted Nazi policies.

Each year, FASPE accepts between 65 and 75 Fellows across the five disciplines from a diverse and competitive pool of international applicants. Each program travels with at least one other program, allowing Fellows to benefit from cross-disciplinary perspectives.

FASPE Fellowships were developed in consultation with leading practitioners, preeminent academic institutions, and noted scholars. FASPE's faculty is drawn from practicing professionals, ethicists and historians.

OUR FELLOWS

The FASPE experience extends well beyond the two-week fellowship. Fellows build strong bonds during the program that deepen through FASPE's annual reunions, regular regional gatherings, professional networks, and other resources. Fellows also participate in FASPE's programming and governance.

Our Fellows greatly value the FASPE community and draw regularly on their FASPE experiences. FASPE Fellows are better prepared to confront ethical issues at work and beyond as a result of having participated in a fellowship program and through their ongoing contact with FASPE.

FASPE Fellows go on to pursue distinguished careers, enriching FASPE with their experiences and expertise and, most importantly, applying principles of ethical leadership to their work and to their engagement with their communities. Through our Fellows and their influence, FASPE seeks to have a lasting positive impact on contemporary civil society.

TABLE OF CONTENTS

| | |
|--------------------|---|
| Introduction | 1 |
| David Goldman | |

Business Papers

| | |
|---------------------------------------|----|
| Introduction | 3 |
| Leigh Hafrey | |
| Empathy as a Business Tool..... | 5 |
| Marc Toledo | |
| Weaning Myself Off Social Media | 7 |
| Jennifer Gilbert | |
| The Search Continues | 9 |
| Ho Yee Cynthia Lam | |
| Stakeholders | 11 |
| Paul Scholten | |
| Allocation of Resources..... | 13 |
| Ken Hampshire | |

Journalism Papers

| | |
|--|----|
| Introduction | 15 |
| Andie Tucher and Marguerite Holloway | |
| The Ethics of Pressing the Record Button | 17 |
| Erin McKinstry | |
| Newsrooms Rethink a Topic They've Long Been Told to Avoid..... | 21 |
| Jordyn Holman | |
| The Journalist and the Immigrant: Reporting on Family Separation..... | 24 |
| Belle Cushing | |

Law Papers

| | |
|--|----|
| Introduction | 29 |
| Susan Carle | |
| Label Your Luggage: Dehumanization and the Law in Nazi Tactics..... | 31 |
| Tess Graham | |
| A Legal Ethics Minefield at Guantanamo | 38 |
| Sarah Grant | |
| Impact Litigators and the Tension of Loyalty..... | 47 |
| Sophie Kramer | |

Medical Papers

| | |
|---|----|
| Introduction | 55 |
| Jeffrey R. Botkin | |
| The Moral Community of Medicine and Its Role in Medical Training | 57 |
| Kelly Schuering | |
| Palliative Care and the Concept of Futility in Severe Anorexia Nervosa | 68 |
| Melissa Lavoie | |
| Artificial Intelligence and Physician Conscience | 75 |
| Amelia Haj | |

Seminary Papers

| | |
|---|----|
| Introduction | 83 |
| James Ponet | |
| Discovering Acts of Meccan Resistance in the <i>Seerah</i> : A Sermon..... | 85 |
| Sondos Kholaki | |
| Aberrant Ethics and the Clerical Sexual Abuse Crisis: A Reading of a Grand Jury Report | 91 |
| Ariell Watson | |
| Remembrance and Reconciliation | 99 |
| Julia Wallace | |

Alumni Papers

| | |
|--|-----|
| Introduction | 107 |
| Ellen Gilley | |
| Do You Trust the Medical Profession? | 109 |
| Dhruv Khullar | |
| How Arbitration Clauses Silence Women Speaking Out About Harassment..... | 113 |
| Laura Rena Murray | |
| A Trainee's View into the Opioid Epidemic and Heart Transplantation | 120 |
| Jason Han | |

Introduction

BY DAVID GOLDMAN

One might think that history does not change. That history is engrained and permanent without acknowledging that we discover new facts, that we have new insights. One might think that what is and is not ethical behavior is black and white. That ethical behavior is objective and apparent. One might think that leadership is obvious. That the leaders know who they are and they lead.

FASPE takes us back to the drawing board. And, each summer, we perform these redrawing exercises with our Fellowship Programs.

In many respects, 2018 was a clarifying year for FASPE. The imperative to understand history, ethics, and leadership became even clearer—and certainly not because life became simpler. The realities of life—public, personal, vocational, political, financial—grow geometrically more difficult each year. Still, 2018 seemed to be a winner of a year. Words on a page cannot give justice to our anxiety around it all, from artificial intelligence to the dangerous and misused elements of nationalism to global attacks on almost every norm that we hold dear. Yikes.

The FASPE mission in response?

- Study the perpetrators. By learning more about why they acted as they did, we learn more about ourselves and our own predilections. FASPE is placing added emphasis on seeking to understand the individual perpetrators in Nazi Germany. We are increasing our historic research on individual behavior as a way to better train the next generation of leaders.
- Identify ethical issues and ask the right questions. It is more important to search for questions than to pretend that there are obvious answers. FASPE challenges our Fellows to ask the questions; and not to be so arrogant as to think that they know the answers. Where do the risks lie in artificial intelligence? What is the source of inaccurate reporting? What is the role of clergy with rapidly diminishing church attendance? How should law and business respond to the unlimited availability of personal data? And more. Asking is more important than pretending to have the answer.

- **Lead.** We often ask ourselves why the Fellows should go to Auschwitz. The response comes from our Fellows: to empower them to act and to lead. We have come to realize just how important ethical leadership is. Yes, we leave Auschwitz with often inconsolable sadness. But, we also leave with an absolute recognition that we can do better. We hope that the FASPE Fellows return to their schools and law firms, churches, beats, hospitals, corner offices, and elsewhere, knowing that they can do better in their professions, with their colleagues (bosses, peers, and juniors), and in their larger communities. Not to prevent another genocide, but in their day to day activities and interactions. They can ask the right questions and seek to act ethically.

FASPE is entering its tenth year in 2019. We are gratified and proud of what we have accomplished. The best evidence of our efforts, though, resides in the work of our Fellows. This Journal includes the written work of some of our 2018 Fellows and of previous Fellows. We hope that these pieces give you a glimpse into our Fellows and their questions around history, ethics, and leadership. We think that you will find the essays interesting.

As always, we are grateful for the support of our many donors. Our fellowship programs are truly unique (a much overused word). We combine the study of the perpetrators with a cross-disciplinary approach to professional ethics and ethical leadership. Thank you for your interest and your assistance.

David Goldman is Chair of FASPE and its founder.

Journalism Papers

Introduction

BY ANDIE TUCHER AND MARGUERITE HOLLOWAY

Journalism can be lonely work. We spend time talking to people, of course; we interview and question and sometimes challenge them. But then comes the hardest part: we sit down in front of that blank computer screen and wrestle the contents of our notebooks or photo cards or phones into a story that—we hope—is thorough, informative, thoughtful, and fair. And these days many of us do it without much, if any, help from an editor.

The FASPE Journalism program enriched all of us in many ways, but high up among the benefits was that we got to talk to one another. Our group—two co-leaders and 13 Fellows, including both current graduate students and early-career working journalists—spent our two weeks in near-constant conversation, sharing thoughts and worries and advice and action plans with people who were grappling with the same questions. Many of our discussions concerned what we were seeing and experiencing and learning on the trip itself. What would we have done in that situation? How would we have responded to censorship or protected sources who were terrified for their lives or persuaded readers to believe the unbelievable? But it was impossible *not* to extend the conversation to the work we're all doing now and the eternal concerns journalists face every day: fairness and how to achieve it, objectivity and whether it's possible, privacy and where the lines are.

We wrote a lot, too, of course. Every day one or two Fellows posted on our website brief reflections that explored the events and experiences—and, yes, the discussions—of the day. And upon our return home, each Fellow reported and wrote a feature story taking a broader view on an issue of journalistic ethics, again building on what we'd wrangled with on the trip.

We've included three of those feature stories here.

Tape recorders are standard tools in the journalist's arsenal, but as Erin McKinstry reports, the guidelines for how to use them and when to tell a subject you're recording the interview aren't standard at all. There are legal guidelines, of course, but that's

only the beginning of the debate. Journalists also need to balance ethical concerns about transparency and trust with the practical imperatives of nailing the story: Will your subjects clam up if they know the tape is rolling? Will they tailor their responses differently?

Jordyn Holman's piece looks at how a news organization should cover the sensitive subject of suicide. Most won't cover suicides by private citizens, but Holman explores how that question took on a particular urgency for one reporter after he himself saw a woman end her life by jumping off a building. He ended up writing a story that addressed the woman's death in the larger context of the growing epidemic of suicides in the U.S. The goal, he said, was to "help tell a larger story of what's happening in a community, city, or society."

Belle Cushing explores a dilemma she herself faced while covering the complicated and consequential immigration beat. A cardinal rule of journalism holds that the reporter must remain neutral and not intervene in the story, but what happens when a mother is searching for a daughter who was separated from her at the U.S.-Mexico border—and the reporter knows where to find the girl? What's more important: following a long-held ethical standard or sharing information with a frantic parent?

Grey zones, all of them, full of hard choices and difficult dilemmas. But as our FASPE journey made clear, we're all in the grey zones together.

Andie Tucher is Professor of Journalism and the Director of the Communications Ph.D. Program at the Columbia University Graduate School of Journalism. In 2018, she co-led the FASPE Journalism Program.

Marguerite Holloway is Associate Professor of Professional Practice and the Director of Science and Environmental Journalism at the Columbia University Graduate School of Journalism. In 2018, she co-led the FASPE Journalism Program.

The Ethics of Pressing the Record Button

BY ERIN MCKINSTRY

One evening during a journalism conference, I was discussing interviewing etiquette with another reporter. I confessed that I'd forgotten to disclose that I was recording a phone conversation on occasion, but that working in radio had broken me of the habit. I was surprised when the journalist said he rarely tells sources he is recording phone calls. Why did they need to know? He only records to back up his notes.

This reporter works in print and almost always interviews sources who regularly deal with the press. I, on the other hand, tend to talk to people who aren't used to media contact, so I was intrigued. The reporter said sometimes he records with his phone in plain view without asking. If he stopped to ask, he said, the source might clam up. But, if they asked him to stop recording, he would. He does it to cover his bases.

Obviously, there are legal questions around recording without explicit permission if the reporter is dealing with a two-party consent state. But what intrigued me more were the ethical questions. In my training, I'd always been taught that asking permission to record was vital, lest the reporter appear deceitful or untrustworthy. The only grounds on which one could forgo permission were those set out by the Society of Professional Journalists for undercover reporting: the story must have a compelling public interest and be impossible to get any other way. And then, it still always required a conversation with your editor.

But what happens when the power dynamic is shifted in the source's favor, as often is the case in political reporting? Or when the person is a public figure? Is verbally asking permission required or is laying your recorder on the table, holding a microphone, or wearing press credentials enough?

Lynn Walsh works as a project manager for TrustingNews.org and currently sits on SPJ's ethics board. In the past, she's worked as a television reporter and has worked on some undercover assignments. "Undercover, there are times we don't tell people. And we have those conversations from an ethical standpoint, serious conversations.

Do we need to do this? Do we need to go in and conceal our identity?” Walsh said. “And how can you minimize the harm to those people that may be in that area?”

Otherwise, she said, you should always err on the side of transparency and tell sources you’re recording and what the purpose of the recording is before you start. But, Walsh said, particularly with public officials and those who work with the media often, you don’t always have to verbally ask permission. It can work just like note-taking. “If you are very visibly pulling your phone out and pressing a red button or pulling out a tape recorder, it’s easy to see visibly that you’re doing it,” she said. “That’s enough.”

In what’s now been criticized as a political move, Jacqui Helbert, a former reporter for the Chattanooga public radio station WUTC, was fired from her job in 2017 because she was accused by a Tennessee lawmaker of not identifying herself as a reporter and not disclosing that she was recording. Helbert followed a group of high school students to the capital as they went to talk to members of the legislature about a transgender bathroom bill. She wore WUTC press credentials and headphones and carried a large microphone. When an inflammatory quote from a lawmaker appeared on the evening news, he complained to the station, and she was fired for an ethics violation.

Helbert’s firing has been widely criticized for a variety of reasons, but was she in the wrong ethically? Should she have identified herself? Walsh says she should have, particularly before using any of the audio in a radio broadcast.

“If you have a camera, if you have a big microphone, if you visibly are looking like you’re carrying recording equipment and you will be recording ... you don’t have to necessarily tell people you’re recording, it’s understood. Those are kind of legal arguments,” she said. “But ethically, I think you still should tell them that you’re recording and show that you’re not trying to be sneaky.”

Former *Denver Post* reporter Fred Brown agrees that transparency is important, but thinks there are situations when a journalist needn’t disclose that they’re recording. “If you’re doing an investigative-type story and dealing with a source you know to be hostile or uncooperative, then it’s *not* a good idea to disclose that you’re recording,” he said. “But you must have [a] solid reason to believe that the interviewee is going to be evasive or dishonest.”

Another situation is in a public setting. “If a public figure is speaking to a group—even if it’s officially ‘closed to the press’ and you’ve somehow managed to get in—I’d

say you're on solid ground if you're recording the speech," he said. "The closed nature of the gathering makes it inherently an uncooperative or hostile source/setting."

What Happens When They Clam Up?

While working on a story about gun violence, I was interviewing two sources at once. Before starting the interview, I described what the story was about, that it was for print, and I asked permission to record using my cell phone for note-taking purposes. Then, I set the phone in plain view on the table. In the middle of the interview, a third source that knew who I was and why I was there came into the interview late. He introduced himself briefly and the interview continued. The other two sources were in the middle of sharing a story, and I didn't want to disrupt the flow. But then, one of the interviewees stopped, turned to the man who'd just entered the room and said, "Just so you know, she's recording." Suddenly, the atmosphere shifted.

I was embarrassed and felt like I hadn't done my due diligence. And the sources were stiffer and more formal for a while after the interruption. But, at the time, I'd thought, "It's only for note-taking purposes. He can see me taking notes. Why is recording any different? If anything, it just ensures accuracy."

As a radio reporter, I now know even more intimately how a microphone can make a source clam up. I've talked with a source freely on the phone for 30 minutes to an hour only to have them give me short, clipped quotes once I start recording. Often, they'll restart sentences and breathe a sigh of relief when the recording is finished. And I'm far from an intimidating person.

That's one of the reasons why Paul Fletcher, a veteran journalist and an adjunct professor at Virginia Commonwealth University, stopped recording his interviews a long time ago.

"I agree that recording equipment can cause a source to become clinched and can make the interview less of a conversation," he wrote in an email. In addition, he said, his notes weren't as good when he used a recorder. But Fletcher added, if he *were* still recording he would ask for permission; it's important to always be up-front.

But What About the Little Stuff?

A common practice for radio reporters is to always have your recorder rolling. That way, you can catch the sound of a doorbell ringing or the "Nice to meet you!" to help

set up a scene. In a phone interview, you might get the phone ringing and the initial “hello” that you could use for part of the story later.

I’ve always wondered: Is that ethical? Is it okay to ask permission to use the audio after the fact? If the interview has been set up ahead of time and they know it’s for radio, does that make it okay?

Walsh said there are often workarounds. “You’ve had conversations before. You can ask ahead of time,” she said.

Both *National Public Radio* and *The New York Times* forbid recording without the consent of the interviewee, except in very rare circumstances that warrant undercover reporting.

“In the case of recording, if ... you’re using it to play it back to get everything correct, tell them. If it’s an interview for broadcast, tell them,” Alex Veeneman, SPJ Ethics Committee Member, said. “Have it all arranged in advance. Again, honesty is the best policy—and it’s based on trust. The more upfront you are, the better.”

And when a reporter is recording someone’s refusal to talk to them? That person obviously didn’t give consent. Even when you try to draw a line in the sand, there are always grey areas.

Erin McKinstry is a freelance reporter and audio storyteller in Alaska. She received an MA in journalism from the University of Missouri School of Journalism in 2018.

Newsrooms Rethink a Topic They've Long Been Told to Avoid

BY JORDYN HOLMAN

For nearly three decades, journalists have covered the suicides of famous people using guidelines formulated in the 1980s. Now some of them are grappling with how to apply those guidelines when deciding whether to write about private citizens who take their own lives.

Chicago Sun-Times reporter Frank Main is one of those journalists. He knew about the industry's long-standing directive, which, for the most part, urged outlets to shy away from reporting on non-public figures who died by suicide. Yet on the morning of May 6, 2016, Main looked out the balcony window of his apartment and watched a woman jump off the roof of a building. He immediately felt involved.

Initially, Main started digging into Kendra Smith's story because people in his apartment complex wanted to know why she chose to die in a public setting. As a 20-year-veteran investigative reporter, Main had the access and skills to get some of those answers. He requested Smith's incident report from the police department. "I really didn't think this was a story at the time," Main said. "I mean these things happen and we don't write about them normally."

He eventually approached his editor with what he had learned about Smith. Main asked for the green light to officially report, despite the newsroom precedent of rarely covering "jumpers." What resulted was a more than 5,100-word story. Since then, Main said he has been reflecting on how his newsroom continues to think about and approach this sensitive subject.

It's becoming an increasingly urgent topic. In the United States, suicide rates rose in nearly all states between 1999 and 2016. Suicide is now the tenth leading cause of death: each year, almost 45,000 Americans die in that manner, according to data from the Centers for Disease Control and Prevention (CDC). The recent celebrity deaths of fashion icon Kate Spade and TV chef Anthony Bourdain have elevated suicide to a national conversation. And Netflix's show "13 Reasons Why" has brought the discussion into thousands of households for two seasons and was renewed for a third.

Yet many newsrooms have not formalized the rules about reporting on suicide. For the *Chicago Sun-Times*, “we work off the seat of our pants,” Main said. The approach seems common. In a 2017 study, researchers found that two-thirds of reporters said that while their news organizations had policies on when and how to cover suicides, many of those journalists said the guidelines were informal. If a news organization did decide to cover a suicide, the study noted, the rationale was that it had an element of “publicness.”

In 2015, the *AP Stylebook*—which most newsrooms follow—updated its guidelines for writing stories about suicides. It emphasized that articles shouldn’t go into detail about the methods used. In addition, reporters should avoid using the term “committed suicide,” except when in direct quotations from authorities, because it suggests that it was an illegal act. Better phrases are “killed himself,” “took her own life,” or “died by suicide.” Many of these changes were recommended by public health officials, who regularly point to the danger of “suicide contagion”—in which media reports of suicide can lead to a spike in suicidal behaviors generally.

Media professionals and public health officials have worked together in this way on this issue before—giving rise to the first guidelines on reporting on suicides. In 1989, during a national workshop in Washington D.C., high-level media professionals and epidemiologists sketched out best practices to reduce suicide contagion, according to Jennifer Michael Hecht, a historian and author of *Stay: A History of Suicide and the Philosophies Against It*. Recommendations included encouraging public officials to comment when a journalist called, keeping reports concise and factual, and avoiding repetitive coverage. The CDC also endorsed these recommendations. With the advent of social media, avoiding copy-cat stories has become a bigger challenge, Hecht said.

Writing these stories might require journalists to deviate from their normal routine or beat. Main usually reports on crime and corruption in Chicago, but he said he felt his article wasn’t “some average police story.” So he included his first-person account of witnessing Smith jump. He reached out to Smith’s family members and friends. He also spoke to a University of Chicago researcher to better understand the impact of public suicides and the legitimacy of the concept of “suicide contagion.” *Sun-Times* editors also added a note explaining why the paper bucked industry tradition and published the story.

In the end, Main’s story didn’t provide one explanation for why Smith decided to take her life. That wasn’t his main objective. “The point of the story wasn’t to do harm,” he said. Madelyn Gould, a professor of epidemiology in psychiatry at the Columbia University Medical Center, said an approach like Main’s is the right one to take. Main

also inserted contact information for the National Suicide Prevention Lifeline at the end of the piece—a move that has become standard since about 2005, Gould said.

Main doesn't think his story will lead the *Chicago Sun-Times* to create a new standard for reporting on private citizens who die by suicide. But he does think similar stories, when written, can help tell a larger story of what's happening in a community, city, or society. "This is a pretty unusual kind of a story. It may happen once or twice in somebody's career," he said. "We're not going to create a policy where we're going to cover every one of these, but maybe this one story will explain something about all these public suicides that go on in Chicago."

***Jordyn Holman** is a business reporter for Bloomberg News in New York City. She received a BA in journalism from the USC Annenberg School of Communication and Journalism in 2016.*

The Journalist and the Immigrant Reporting on Family Separation

BY BELLE CUSHING

The first thing Consuela said to me when I reached her on the phone was, “Do you know where she is?”

I had gotten Consuela’s name and number off a spreadsheet listing unaccompanied minors who were in the custody of the United States Department of Health and Human Services’ Office of Refugee Resettlement (ORR) and who were being held at a contracted shelter near Tucson, Arizona. Consuela was listed as the sponsor for a 16-year-old girl who had been separated from her mother at the U.S.–Mexico border near McAllen, Texas. The list appeared in a cache of emails released by a former employee of the shelter and shared with the news organization where I work.

I did know where the girl in custody was—at least, I knew that as of June 9, the date of the last email, she was still in a shelter in Arizona. And I told Consuela what I knew.

In journalism, information generally flows one way. A reporter wants to know something; a source provides this information. The information then determined to be relevant and newsworthy is disseminated as part of the resulting published piece, not to the individual source or sources, but to the public at large. As I made that phone call to Consuela, I knew more than she did.

On April 6, 2018, then U.S. Attorney General Jeff Sessions publicly announced a zero-tolerance policy in prosecuting border crossers for the misdemeanor crime of illegal entry. The intended consequence of this enforcement decision was that children who had crossed the border with one or both parents would be separated from them, re-designated as unaccompanied minors, and placed in a shelter like the one in Tucson. It wasn’t until June 15, 2018, that the U.S. Department of Homeland Security (DHS) confirmed that it had separated nearly 2,000 children as of the end of May. Five days later, an executive order announced the end of the family separation policy. A DHS official told reporters that they would not, however, reunite parents and children who had already been separated. Hours later, another official said the opposite. As of July

9, 2018, a day before a court-ordered deadline to reunite the 101 children under five years of age still in government custody, there was no sense of whether all separated children had been located or whether plans were in place to reunite families.

The implementation of “zero tolerance” was marked by a stark lack of information. Day after day, news reports chronicled confusion about the process. Federal judge Dana Sabraw, in his ruling requiring the government to reunite separated parents and children, wrote, “the government has no system in place to keep track of, provide effective communication with, and promptly produce alien children.”

But I, sitting at my desk, was looking at a cache of emails released by the former shelter employee. I knew there was a system, albeit a rudimentary one. Each child had an “Alien Registration Number” or “A-Number” assigned to him or her by Immigration and Customs Enforcement (ICE) or by Customs and Border Protection (CBP) when he or she was apprehended at the border. Parents were also listed with a distinct A-Number, which often only differed by one digit from their child’s. The emails revealed evidence of at least some internal databases and tracking systems. Why was the government withholding such information from the press? Why were lawyers who called into the hotline being stonewalled? This was a time when journalists needed to step in, but was it enough to publish findings? If we knew the A-Numbers for 50 separated children and the names of their parents, should we intervene on an individual basis?

Around the time I was calling Consuela, another news producer in my organization made a similar call to a woman living in Alabama. The woman, named Ledvi, was waiting for her seven-year-old nephew who had crossed the border with his father, her brother. She did not know where her nephew was. She had received one call from her brother while he was in a detention center, but the other times he had tried to reach her, the call dropped, or perhaps he didn’t have enough money on his card to complete the call. The producer had found the family through the same cache of emails I had used; she knew in which ORR-contracted shelter the nephew was.

The producer didn’t tell Ledvi where her nephew was. Though she felt uneasy about this decision, she held onto the importance of not intervening: as a journalist she was not to change the situation. Because the father had been apprehended under the “zero tolerance” policy, he was charged with the crime of illegal border crossing and had been assigned a public defender in his criminal case. This producer could call that lawyer, who was continuing to represent the father in his immigration proceedings. She could call family members in Alabama and Guatemala, who were also in touch

with the lawyer. But the information could not flow to Ledvi directly through the journalist herself.

This rule, though, is based on a miscalculation of neutrality. The presence of media is inherently non-neutral. When the producer called up the lawyer to inquire about the father's whereabouts, she was already intervening. This overworked lawyer, who did not practice immigration law and who had merely been assigned to represent the father in a non-immigration-related criminal proceeding, now appeared committed to tracking down this man with whom he had spent five minutes in a crowded El Paso courtroom. The lawyer had no obligation to continue to have contact with the father, and it's not clear that he would have put in the time and effort to do so without a producer and a camera following him around as he drove from the detention center to a county jail, looking for the man who had once been his client.

If one starts from a position of non-neutrality, a journalist's calculation looks different. If a journalist's engagement with a source is in and of itself already viewed as an intervention, there is no detached observer position from which to deviate. The journalist is already involved, so why shouldn't she provide more information if it could help? In this particular situation, the information at stake is knowledge that *should* have been available. This is a case of government accountability.

A reporter is just another actor with whom an immigrant may interact once he or she crosses the border: lawyer, ICE agent, social worker, advocate. An immigrant can request help from some of these actors. Others are not to be trusted. A journalist falls somewhere in between.

One immigration reporter told me that she struggles frequently with the level of involvement with her sources. While reporting on women held in family detention, she was often asked for legal advice or to contact a family member on the outside. Her initial instinct to maintain a strict distance soon gave way. "I decided to screw whatever ethical concerns if I can get someone to safety," this reporter told me. For her, the question became not whether to intervene, but how to disclose this personal involvement in her reporting. "With immigration journalism, there's something that is exploitative about it," she said. This reporter came to view it as an obligation to the source to provide what information she could, but also as an obligation to the reader to disclose any involvement she had with the source.

Providing information occupies a grey zone of intervention. It is not the same as providing money or food or direct legal advice. But information is also the currency of journalists—this is our material and our power. As I talked on the phone with

immigration lawyers, advocates, press officers, and implicated families, day after day I saw a situation in which each one of us was acting on incomplete information and was just trying to figure out what was going on. When withholding information in the name of the neutrality of journalism risks endangering a source, the choice of action seems clear. But this situation did not need to get to this point. The government has an obligation, moral or court-ordered, to provide information on its activities. This underlying obligation seems even more urgent in the case of a father who doesn't know where his son is. If DHS fails to provide such information, journalists can draw attention to this lack. Many would also argue that in such instances, if a journalist has the information, she can step in and provide some of that information herself.

The video producer continued to follow Ledvi and her brother and nephew in their efforts to be reunited. The production team recorded phone calls between the lawyer and the ORR hotline, and calls with social workers, case workers, and other lawyers, as the brother tried to locate Ledvi's nephew. It took two weeks before the lawyer confirmed the seven-year-old boy's location. He was in the same ORR-contracted shelter noted in the original tip.

***Belle Cushing** is an Associate Producer with VICE News Tonight on HBO. She received a BA in comparative literature from Brown University in 2013.*

