AGENDA
SOCIETY OF PROFESSIONAL JOURNALISTS
BOARD OF DIRECTORS MEETING

DATE: SEPT. 5, 2020
TIME: NOON, EDT

JOIN VIA ZOOM AT https://us02web.zoom.us/j/86257324098

(Meeting ID # 86257324098)

1. Call to order – Newberry

2. Roll call – Aguilar
   • Patricia Gallagher Newberry
   • Matt Hall
   • Rebecca Aguilar
   • Lauren Bartlett
   • Erica Carbajal
   • Tess Fox
   • Taylor Mirfendereski
   • Mike Reilley
   • Yvette Walker
   • Andy Schotz (parliamentarian)

3. Approval of minutes from June 27, 2020, board meeting.

4. President’s report

5. Executive director’s report

6. Membership report
   • Chapter Action

7. SPJ2020 update

8. SPJ2020 voting

9. Future Conference Options

10. Financial update

11. Strategic Planning update
12. Badge proposal

13. Local News memo

14. Reports:
   • Committees:
     14A. Awards and Honors Committee
     14B. Ethics Committee
     14C. Freedom of Information Committee
     14D. Journalism Education Committee
     14E. Legal Defense Fund Committee
     14F. Membership Committee
     14G. Resolutions Committee
   • Communities:
     14H. Freelance Community
   • RCs:
     14I. Regional Coordinators Report

15. Public Comment Period

16. Executive Session
   • Future Conference Options

17. Adjournment
MEETING CALLED TO ORDER

President Patricia Gallagher Newberry called the meeting to order at 12:01 p.m. EDT.

ROLL CALL

Those attending were Newberry, Rebecca Aguilar, Lauren Bartlett, Yvette Walker, Mike Reilley, Tess Fox, Matt Hall, Taylor Mirfenderedki and Erica Carabajal. Staff members John Shertzer and Jennifer Royer were also present.

APPROVAL OF MINUTES

Walker moved to accept minutes from the April 18 board meeting; Aguilar seconded. Newberry pointed out one typo – a stray “4” on third page of minutes from previous meeting. She also asked for the inclusion of new chapters we approved at that meeting for the record so we get those names in the minutes. No more discussion. Motion passed.

PRESIDENT’S REPORT

Newberry said it is a busy time for SPJ and the cancellation of Excellence in Journalism in Washington, D.C., due to COVID-19 is the news of the day. But she is excited about our pivot to a virtual conference. She added the announcement of this year’s Fellows of the Society will be in the coming week. She is happy with the people selected and thinks the membership will be excited by that as well. In the finance department we are spending less money and doing OK on some revenue fronts, which is good news since our last conversation about an operating deficit. Moving forward we are hiring a director of education and we are grateful the SPJ Foundation was able to grant SPJ some funds to make that happen. We’ve given $40,000 to help journalists in need, which has made a real difference short term for journalists.

EXECUTIVE DIRECTOR REPORT

Shertzer said it has been a very busy few months with the Sigma Delta Chi Awards, EIJ20 cancellation announcement and several days with multiple things happening at once. He reported there were many interesting and compelling candidates for the director of education position. He plans to do follow up calls next week and interview in person after that. Aug. 1
might be realistic for someone to be in that position and ready to begin their work. He reported that a letter has been sent to the Washington Hilton about the cancellation of EIJ20, but no response has been received. He also reported that we are talking with a couple of organizations interested in taking advantage of our association management work and he feels good about the conversations and opportunities there.

UPDATE ON EIJ20 PLANNING

Newberry said with the cancellation of EIJ20 due to COVID-19, the conference partnership with RTDNA and sometimes other groups, which began in 2011, is coming to an end. She said she is happy to have members on the call and hope they will offer their thoughts on a virtual conference. Fellows of the Society have agreed to participate and there are many programs that were selected pre-COVID-19 that we can choose from for the virtual conference. The programming committee is becoming the conference committee and will work with John and others at HQ to put it together. There are a lot of decisions to make quickly, including the price point.

Aguilar said it is important we address diversity, inclusion and systemic racism in the programming. There are a lot of webinars going on right now pertaining to these issues and we don’t want to be repetitive, but they are very important topics and we need to have those discussions.

Newberry said pandemic, protests and politics are the top topics of the moment.

Conversation then moved to public comment to discuss conference only. Bob Becker said committees can meet independently and a business meeting could be limited to a couple of hours. Hazel Becker said discussions about freelancers and the future of journalism will be important to have. Hilary Niles said she would prefer two days of programming over just one day and it should be over the weekend. Andrew Seaman said topics like making sure newsrooms are reflective of the communities they serve, what can we do as a result of the protests and outcry for social justice. Jonathan Make said he liked the “three Ps” as a theme.

FINANCE

Newberry pointed out that we are now on a calendar year fiscal year, which she thinks is a great change. She pointed everyone to the memo in the board packet and said the committee will see the third quarter report in October. Matt Hall’s board may need to have a meeting in November.

STRATEGIC PLAN UPDATE

Shertzer said the Strategic Plan Task Force took a pause in its meetings when the pandemic hit, but it is starting its meetings back up and the goal is to end up with a document we can call SPJ’s Strategic Plan. He gave a presentation and shared ideas for a strategic direction. He said
things are changing so rapidly that once established, the Strategic Plan should be approved annually to ensure SPJ is moving forward and achieving its goals.

Aguilar said the plan is an excellent piece of work and she is happy and sad at the same time that diversity in journalism is in the plan -- Sad that it has to be in it, but happy it is included. Since 1981 she has been waiting – and many people of color and people of diverse backgrounds have been waiting for diversity in journalism.

Bartlett agreed that it is one of the most thoughtful and comprehensive pieces she has ever seen out of headquarters and she has been a member since she was 18 years old. Diversity, advocacy and ethics are the issues this organization has held as pillars but not necessarily acted upon.

Hall said he echoes what Bartlett and Aguilar said and added that the presentation was phenomenal. He commended Shertzer for coming in midstream of a strategic task force and working with what was a continuation of previous task forces. He thinks communities are a smart way to go and he agrees that every year at the same time an annual plan and budget will come forward with the strategic plan as the guide. He said there is a lot of work to do, but this is a very good foundation.

Walker thanked Shertzer for the excellent presentation and said one of the biggest and hardest tasks is doing less and trying to figure out what to not do. When there is so much work to do, you focus on putting out those fires instead of having a cohesive focus. This helps us figure out who we are and what we want to be.

PUBLIC COMMENT PERIOD

Bob Shapiro said he supports a great deal of the presentation but said the way chapters are discussed is disturbing. He said SPJ national is an obstacle to the New Jersey chapter because of high dues, which are an obstacle to chapters getting and keeping members.

Newberry said chapters provide fellowship and structure but managing chapters is daunting from a national perspective and she’s sorry if national SPJ is an impediment to chapters reaching their goals or making chapters feel alienated.

Bartlett said there is an effort to update and simplify rules to form collegiate chapters and encouraged Shapiro to follow up with his regional coordinator.

Hilary Niles said she echoes the appreciation and thinks the presentation is a great distillation of reframing and bringing certain activities of the organization into focus. It is gratifying to see freelancers being understood and recognized by the organization and the journalism industry as a whole. She said it was a shame when the Scripps Leadership Program changed because it encouraged freelancers to push themselves out of their comfort zones and into leadership roles. And it is critical, she said, to embed diversity into everything we do so volunteer leaders have some guidance in the best way to foster diversity.
Newbery added that things like how to be a good newsroom manager, diversity in newsrooms, etc., are all important things that need to be taught and encouraged, but are those things in SPJ’s wheelhouse? There are partner organizations and other groups who do those things very well. So there may be things SPJ partners with others on.

Jonathan Make said he hopes there are no sacred cows when the strategic planning efforts continue. He said even some ideas are contradictory to his own colloquial interests, if that is going to make SPJ a longer-lived, more vital organization, so be it. We must think strategically, he said, and he’s glad to see that we are.

COMMITTEE REPORTS

Awards and Honors Committee – Newbery thanked the committee for its exceptional work. Newbery asked if we are asking this committee to do too much?

Andy Schotz said more volunteers have been added to the committee and he thinks it has been helpful. He said the committee took on three new awards and he thinks it is appropriate for them to go before the awards committee. New categories for awards have also been added, including COVID coverage so it doesn’t get lost in the other awards.

Newbery said she wants to be sure we’re not burning out our volunteers. She said the virtual SDX Awards presentation was very well done and added that it is on SPJ’s YouTube channel if anyone missed it and wants to watch.

Aguilar agreed the SDX Awards was a great production, excellent from beginning to end.

Diversity Committee – Aguilar said with the help of Newberry and Shertzer, the diversity fellowship was revamped last year. Normally, the diversity fellows would be active at the annual conference but because it had to be moved to virtual, this year’s fellowship has been put on hold. Rachele Kanigel is also updating the Diversity Style Guide and several SPJ webinars have included diverse panelists. Walker agreed that having conversations is good and that so many people who may not have been asking questions are asking now about DACA, BLM, etc. When organizations and groups and allies can answer those questions, it relieves people of color of a level of fatigue they are feeling, Walker said.

Ethics Committee – Nothing to add to the report. Newbery said she would like to see better promotion of the Ethics Hotline because it is often used but a lot of people still don’t know it exists. Said she would follow up with Shertzer about that.

Freedom of Information Committee – Newberry commended the committee and especially Kathryn Foxhall for staying on top of the public information officer issue and advocacy work being done to bring that work to another level. Bob Becker said a lot of jurisdictions are claiming COVID-19 has stopped their responses to FOIA requests. He said agencies in
Washington, D.C., are not responding until after the pandemic is over, which is a major problem. It is going on across the country and he thinks SPJ should be very vocal about that.

Journalism Education Committee – Newberry said the committee transformed its “Press4Education” resources into virtual offerings and they have been used 667 times by teachers across the country.

Legal Defense Fund Committee – Memo shows 36 cases since September. Newberry said SPJ does a lot of work under the LDF umbrella and we don’t do a good job of tooting our own horn about it. There is a need for it and we do it well, so we should continue to promote the fact that we have it and the work we do for the world of journalism. She thanked SPJ’s lawyers and Hagit Limor, chair, for their work. Bartlett said as liaison to the regional coordinators, it came up in an RC meeting that when we support someone, it would be helpful if someone at HQ could reach out to the RC in that area so they can promote it.

Membership Committee – Newberry said the committee has had a lot of activity. Considering doing LDF testimonials. She sat in on a new subcommittee on student membership and the takeaway is that we know students are an important part of our future and we need to do better in finding them, etc. Advisers are the glue and we need to find and nurture those relationships.

Nominations Committee – Newberry called on everyone to reach out to their networks to get a more robust slate of candidates. There is no competition at the moment. We can and should do better. Diversity is one of the priorities we have, we should bring in diverse candidates.

Regional Coordinators – Jane Primerano said a couple of regions thought about doing virtual conferences instead of their usual in-person ones but it seemed like a huge undertaking so they canceled. Some are planning bigger conferences for next year.

International Community – Elle Toussi referred everyone to the report. The community’s Facebook group is about 400 people. A lot of people aren’t on Facebook so they also started a list serv which has about 300 people. Newberry added that the community is hosting several webinars every Tuesday evening and they are getting great feedback. People are enjoying connecting virtually and having access to the well-known speakers, including Maria Ressa, who was named SPJ Fellow of the Society last year.

Freelance Community – The community has been working on a press badge or photo i.d. program. Ginny McCabe is membership coordinator for the freelance community and has spoken to Colin DeVries, membership chair, about more strategic things the community could do to support membership initiatives. The freelance Facebook group has about 1900 members and a strong following on Twitter. The facebook group is a relevant, useful and timely forum, but there are other ways to engage with the community, she said, which they hope leads to more board recruitment and volunteer activity and engagement.
PUBLIC COMMENT PERIOD

Membership Database -- DeVries requested a session with staff to discuss the new database and ask questions. Bartlett said she is supportive of that in a very broad way. She said there have been database problems since 1996 when she joined SPJ as a pro member. HQ scheduling a meeting to hear from members is a positive thing and she understands implementing the new database is on track.

Shertzer gave a short update on the new database. He said he’s always open to a forum. The implementation is moving along great with one staffer taking the lead as the day-to-day connection. All staff participated in discovery sessions to delineate functions, awards, etc. We are on track for it to go live internally in October and externally in November. You never know what can happen in the midst of that, but because September is so busy for the flow of data in and out, we didn’t want to transition during such a busy time.

Newberry said an early evening session for members to ask questions would be beneficial.

Niles said underlying her interest is a suggestion for a bit of a paradigm shift to view volunteers as users of the system. Even though volunteers might not be the ones who have their hands on it, there is a lot of functionality that could enhance their ability to provide services to our members, support our members and fulfill obligations and responsibilities to SPJ.

Badge proposal – Niles and Shapiro worked together on amendments to a badge proposal and suggestions the New Jersey chapter would be interested in. Shapiro said instead of a press badge, it would be better to limit the scope to an enhanced membership card/photo i.d. card. Would include photo, SPJ logo, local chapter logo. Require that member certifies they have read the SPJ Code of Ethics. It would avoid terminology that attempts to identify cardholder as a working journalist. It would not undermine other efforts at the chapter level or otherwise to do separate press badges. Another suggestion would be to provide a phone number of someone at HQ so membership could be verified.

Newberry asked if we think it would allow freelancers smoother access? Niles said she does. It’s not a perfect solution, but there are no perfect solutions. But it would satisfy the needs of most of the people. It feels actionable and avoids some of the landmines that could come up, she said.

Newberry asked about the National Rapid Response program Shapiro mentioned. He said it has been operating in New Jersey for several years. When a reporter is arrested, they contact the NJ chapter which reacts right away and makes a phone call to inquire about the situation and why the reporter was denied access or arrested. It shows that the journalist is not alone and the agency is going to face scrutiny. Shapiro said HQ has paid staff and should be able to take on this responsibility.
Bartlett said it would need to be run past attorneys and the board could put together a short, single topic meeting to discuss and vote on it. But additional information is needed and it would have to go by legal counsel.

Newberry said if we are adding another item to the list of duties at HQ she wants to be sure it is the direction we want to go. But she supports the cause and is willing to see if we can work out logistic.

Hall asked what the cost, time and logistics would be.

Aguilar said she has been a freelancer for 10 years and when she gets questioned by officials she shows them her LinkedIn profile. But she thinks a rapid response program is great because when you’re in the middle of chaos it helps to know someone is on your side.

Hazel Becker said the issue came up because Haisten Willis, SPJ member and freelancer, was detained in Atlanta for covering protests. Officers took his phone away immediately and would not let him show an email from his editor who said he freelancing for him at the time. So many journalists are freelancing right now. There is a real need for this.

Schotz said when Shapiro talks about someone at HQ being available, that is exactly what part of the job of the Journalist on Call was supposed to be. Schotz had concerns about how the code of ethics was presented in the original proposal. We have to be careful not to use the code as a litmus test. He said he is a little less concerned now, but encourages not using the code of ethics at all, because it will be misused and he’d rather us stay away from that.

ENTER EXECUTIVE SESSION

Newberry thanked everyone for their input and said that ends the public portion of the meeting.

Bartlett moved to enter executive session. Reilley seconded. Motion passed. The board entered executive session at 2:45 p.m. EDT.

EXIT EXECUTIVE SESSION

The board exited executive session at 4:25 p.m. EDT. No votes were brought to the floor. Motion to adjourn by Bartlett, second by Reilley. Motion passed.

MEETING ADJOURNED

Meeting adjourned at 4:26 p.m. EDT.
Hello all –

When I signed on as SPJ president last Sept. 7, I predicted a bread-and-butter year, low on drama and high on the necessary work to finish a board restructuring that began in 2015. I believe I may have used the word “boring” at the time. Turns out, SPJ never has a boring year.

Instead, it’s been a year of challenges, most met and won.

- We started 2019-20 without an executive director. We met that challenge by bringing on John Shertzer, who has done an exceptional job under the most trying of circumstances.
- We started the year planning to stage our 10th Excellence in Journalism in Washington, D.C. When COVID-19 dismantled those plans, we rose to the challenge of staging SPJ2020 as virtual event.
- We started the year with a deficit operating budget. We’re now back in the black as the six-month report on today’s agenda shows.
- We started the year with a troublesome database and a contract for the wrong replacement. We’ll flip the switch over to a system that works better for staff and members alike this fall.
- We started the year without a staffer designated as our programming chief. Our new director of education came aboard in August.
- We started the year needing to complete the final step of a restructuring that reduced the board from 23 to 18 to now nine members – and called for a strategic plan to guide the way forward. Today, we are considering a well-crafted strategy with a plan of action for 2021.

I’ll offer a fuller review of the year in my closing Freedom of the Prez blog and during SPJ2020 events.

For today, the seventh (!!!!) and final board meeting of the year, I offer my thanks to fellow board members for continued dedication to the organization we all love; to SPJ leaders and members across the country for staying the course in a year that demanded creative problem solving; and to our outstanding staff for always rising to the occasion, pandemic or not.

I look forward to continuing to work on behalf of SPJ in the years ahead.
MEMORANDUM

Date: August 28, 2020
To: SPJ Board of Directors
From: John Shertzer, Executive Director
Re: SPJ Executive Director Report

And so we have arrived in September 2020.

In a normal year we would be celebrating the close of the governance year in person as we approached the kickoff of EIJ. Obviously, this is not a normal year.

Yet there is still much to celebrate.

We have conquered many challenges, including onboarding a new Executive Director, creating and filling a new Education Director position, upgrading our member database system, canceling a major conference contract and, perhaps most importantly, developing a strategic plan that will guide SPJ’s future.

We have done all this while a global pandemic closed our office and impacted our members. Factor in important civil rights demonstrations as well as a turbulent election cycle and, well, what a ride it has been ... and still is!

Our board -- especially our retiring members and fearless president – deserve great thanks for strong and steady leadership. You have a lot to be proud of, not the least of which is the foundation you’ve laid for the building of our strategic plan. Thanks to all of you, SPJ is stronger now than it was when you were elected. We have miles to go, but your efforts were a booster pack that rocketed us further and faster than we expected.

In these remaining months of 2020, the new board will have much to deal with, including:

- Evaluation of our first-ever virtual conference and convention.
- Approval of a 2021 annual plan and 2021 annual budget.
- The transition to a new database provider, Impexium, and associated training for volunteer leaders.
- Early planning for events in 2021, including the SDX Awards and SPJ2021 in New Orleans.

We have much to celebrate, but a few clouds remain over our organization.

The fundamental issue with our membership decline remains. Budgetarily, we benefitted from expense reductions due to COVID, but belt-tightening will still be necessary in the short term. While the strategic plan should help in these areas, it will take some time for positive effects to register.

The HQ team has stepped up in the face of stressful conditions. While our transition to remote work has been clunky at times, it has been remarkably effective. Your staff team is committed to staying focused on our strategic framework and ensuring that our work coincides with the annual plan approved by the 2020-21 Board.
With staff, board, and volunteers all committed to the vision, SPJ will thrive in its ongoing, essential work.

It is with great respect that I thank you for your service and for giving the gift of your time, talent, experience and passion to SPJ.
MEMORANDUM

Date: August 28, 2020
To: SPJ Board of Directors
From: Caroline Escobar, Manager of Membership and Chapters
Re: Membership Highlights

2020 Membership Highlights – In the height of a pandemic

It goes without saying that 2020 has brought many challenges as we have had to learn to not only survive but thrive during a global pandemic. We were able to use this time to identify a new database provider, Impexium, and begin the data migration. The project is well underway with an estimated completion date of mid-October. It’s been an incredibly successful process so far.

While we haven’t grown in terms of members, membership numbers have managed to remain stable during these challenging times. HQ has successfully executed several membership growth and retention efforts to keep the membership base in a healthy place.

2020 Membership goals – Where are we now?

- Develop and execute a membership timeline and strategic plan
  - John is working diligently with the committee appointed and together they have put together an incredibly thoughtful and realistic plan. Many of the plan’s elements focus on membership and the plan in its entirety is meant to increase the relevancy and attractiveness of SPJ.
- Assist members as they live and work through an unprecedented global pandemic
  - SPJ HQ has extended the membership dues waiver option to aid up to one-year if needed.
  - SPJ HQ has extended chapter and internal deadlines to provide additional time they might need.
- Develop a membership campaign initiative to grow membership by 10% by the end of 2021
  - The database migration is the main component to executing this campaign to effectively grow membership by 10% by the end of 2021.
• Perform a database migration from iMIS to Impexium
  o This project is well underway with an estimated completion date of mid-October.

Membership by the numbers
Overall membership as of 8/28/20 – 5,807
Overall membership as of 8/28/2019 – 6,100
*Please note that these numbers fluctuate monthly as we operate on an anniversary style membership renewal system*
MEMORANDUM

Date: Aug. 28, 2020
To: SPJ Board of Directors
From: Caroline Escobar, Manager of Membership and Chapters
Re: Chapter Action

SEEKING TO BE CHARTERED

University of New Hampshire – Region 1

CHAPTERS TO INACTIVATE
This is a revised list from what was provided at the April 2020 BOD meeting.

Chapters to be officially inactivated by Region:

Region 1 | Campus
Boston University: last AR submitted 2016
Canisius College: last AR submitted 2015
Emerson College: last AR submitted 2016
Franklin Pierce University: last AR submitted 2015
St. John’s University: last AR submitted 2016
Stony Brook University: last AR submitted 2016
Total: 6

Region 1 | Pro
None

Region 2 | Campus
None

Region 2 | Pro
None

Region 3 | Campus
Florida Atlantic University: no records of AR as far back as 2012
Georgia Southern University: no records of AR as far back as 2012
Nova Southeastern University: no AR since 2016
*Total: 3*

Region 3 | Pro
None

Region 4 | Campus
California University of Pennsylvania: no AR since 2016
Oakland University: no AR since 2013
*Total: 2*

Region 4 | Pro
None

Region 5 | Campus
Indiana University – Purdue University: no AR since 2016
*Total: 1*

Region 5 | Pro
None

Region 6 | Campus
Minnesota State University Moorhead: no AR since 2013
*Total: 1*

Region 6 | Pro
None

Region 7 | Campus
University of Central Missouri: no AR since 2015
University of Missouri: no AR since 2015
*Total: 2*

Region 7 | Pro
None

Region 8 | Campus
Baylor University: no AR since 2016
*Total: 1*

Region 8 | Pro
None

**Region 9 | Campus**
University of New Mexico: no AR since 2016
Utah State University: no AR since 2013
**Total: 2**

**Region 9 | Pro**
None

**Region 10 | Campus**
Pacific Lutheran University: no AR since 2016
**Total: 1**

**Region 10 | Pro**
None

**Region 11 | Campus**
University of Nevada – Las Vegas: no AR since 2016
**Total: 1**

**Region 11 | Pro**
None

**Region 12 | Campus**
None

**Region 12 | Pro**
None
MEMORANDUM

Date: August 31, 2020
To: SPJ Board of Directors
From: John Shertzer, Executive Director and Basharat Saleem, Volunteer Meeting Planner
Re: Recommendations for SPJ conventions in 2022, 2023, 2024

We have been studying options for the SPJ educational conference and convention for 2022, 2023, and 2024. As you know, we are not under any contractual obligations for those years nor do we have any current partner organizations.

We should not delay much longer in confirming dates and locations for these years. The longer we wait, the more difficult it will be to negotiate good rates. Plus, there could be a resurgence of convention business following the lockdowns in 2020, and preferred dates could taken fairly quickly.

SPJ staff recommends a few major changes to how we approach the SPJ educational conference and convention starting in 2022. These recommendations are based on the assumptions that (1) we want at least one major in-person event each year, (2) we prefer to eventually add partners to the event, and (3) this event should run a healthy financial surplus each year.

Recommendations:
1. SPJ should move its event to occur later in the Fall, ideally in early October. This will encourage greater student attendance and is a more favorable time period in terms of getting lower hotel contracts.
2. SPJ should choose one city to host its 2022, 2023, and 2024 events. Instead of locating these events in different cities throughout the United States, we strongly encourage planting the event in one location for all 3 years. Here are a few reasons why:
   a. There are many financial benefits and incentives to signing a multi-year contract with a single hotel property including locking in lower rates and food and beverage minimums and receiving a higher number of concessions.
   b. It is an easier event to plan for staff and will reduce workload for volunteers as well. Site visits can be reduced and the local relationships can be better leveraged.
   c. As the organization rebuilds strength, consistency is extraordinarily beneficial.
   d. If we know where we’re going to be, it is much easier to shop the idea of partnering with other organizations (especially if we’re in a hub, see the next point).
3. The 2022, 2023, and 2024 events should be held in Washington DC. Here is why:
   a. The focal center of national journalism has become DC, and it will continue to be a hotspot. This is especially true because of mid-term elections in 2022, and the presidential race in 2024. The 2023 event in DC could actually be the easiest one in which draw identified candidates.
   b. DC is the one journalism hub that is still somewhat affordable for conventions (vs. New York, LA, or Chicago).
   c. We have a strong local chapter.
   d. DC is a draw for college students as well as families.
e. We want to grow our advocacy presence, and this would give us 3 solid years to use the strength of our membership for hill visits, etc.
f. Over one-fourth of SPJ’s membership is within a 6 hour drive of Washington DC.

We request that the board determine the following at this board meeting:

- Agreement of preferred time frame for our annual conference.
- Agreement on general idea of either staying in place for a 2-3 years or rotating the event annually to a different location.
- For either of the above options, preferred locations.

A few notes:
- West coast options are always more expensive, especially if we want to be drivable to our most dense member locations (L.A., San Diego).
- In the next two pages are a few “heat maps” that show visually how our membership is dispersed.
- Our regional conference strategy needs to be examined, no matter which direction we choose for the national event.
SPJ Member Distribution in Continental United States, overall:

SPJ Member Distribution in Continental United States, clustered:
SPJ Member Distribution in Continental United States, heat map:

SPJ Membership by Time Zones:
MEMORANDUM

Date: August 16, 2020
To: SPJ Board of Directors
From: John Shertzer, Executive Director and Jake Koenig, Controller
Re: Quarterly Financial Report for September 2020 Board Meeting

Please note that SPJ now reports and conducts business on a calendar year, so narrative below and the attached reports reflect the first 6 months of our new calendar year 2020.

Balance Sheet:

Included is SPJ’s balance sheet as of 6-30-2020 which shows all of SPJ’s assets and liabilities. Note that this is on the accrual basis and includes both restricted activity (such as Facebook and Google) and unrestricted activity. SPJ’s budget to actual report is on the cash basis and only includes unrestricted activity, since that is what is critical to the bottom line and how SPJ is managed. With that being said, the balance sheet is an integral part of any financial report and is included here.

You will note that all liabilities associated with the 2019 convention have been paid out and satisfied.

SPJ investments declined commensurate with the market as a whole due to Covid 19 but have recovered some since. Overall, total investments declined by 8% during this 6-month time period.

Income Statement (Budget to Actual Report):

As a reminder, SPJ’s budget to actual report is on the cash basis as this is how the organization is managed. Overall, SPJ was in the positive cash flow territory with a net change of $22k. We performed better than budget primarily due to Convention 2019 revenue still flowing in in 2020 as well as decreased expenses associated with board and employee travel related expenditures, again due to Covid 19 issues.

Revenue:

Overall revenue is $30k higher than budgeted primarily due to the collection of Association Management revenue that was owed from previous periods as well as being able to fully bill these clients for work performed in the current period.

- Advertising Revenue: $3k below budget, but we have been picking up some opportunities recently so we expect this variance to dissipate.
• **Association Management:** As you are aware from prior reporting, only recently has SPJ met its obligations with our association management clients, and in doing so, has now started to bill and collect for our work.

• **Awards Revenue:** Overall awards revenue was $17k under budget. MOE awards revenue exceeded budget by a nominal amount, whereas SDX Awards entry fees were $14k below budget.

• **Contract Administration Fees:** These are the “fees” SPJ has earned from managing the Google and Facebook programs. We are one quarter behind in billing Facebook but have just now been given the okay to bill, so this revenue stream will match budget.

• **Contributions, Grants:** Presidents Club contributions were on target, but normal unrestricted contributions were a bit behind.

• **Interest and Dividends:** Although these are somewhat dependent on the overall market, we are invested in dividend paying investments. We are “over budget” mainly because we normally estimate low on the budget side to be safe.

• **Lease Management:** SPJ has a good paying tenant on the lower level and that situation seems stable.

• **Membership Dues:** Membership dues was budgeted to mirror the average of the prior 3 years with a decrease of 3% across the board. Membership is SPJ’s “bread and butter” revenue. It helps maintain and smooth out cash flow when Convention and Awards are not in full swing. As you can see, we were $5k or 3% ahead of the budget but current year membership was below prior year figures.

• **Convention Registration and Sponsorship Revenue:** All convention related revenue was removed from the budget to reflect the current state of things when the budget was put together, but with that said, Google paid SPJ a $25,000 sponsorship towards the 2020 Convention. The balance of the funds received here represent late payments from sponsors relating to the 2019 Convention.

**Expenses:**

Expenses were *under* budget by $53k for the first six months of the year, primarily related to decreased outflows for employee and board related travel. In addition, we were reimbursed by our 2019 Convention partner in the categories of printing and office supplies.

• **Audit Accounting fees:** Timing variance of when payments were made.

• **Awards Merchandise:** We believe this variance is a combination of less people purchasing plaques as well as possibly an error in budgeting for this line item.

• **Board Related Expenditures:** Significantly under budget due to Covid 19 travel restrictions.
• **Employee Education and Training**: Significantly under budget because of Covid 19 implications.

• **Consultants**: This category of expense encompasses our Facebook contractor as well as convention contractor. The negative variance is primarily associated with us budgeting less for convention related contractor in 2020.

• **Legal Fees**: Timing issue of when the quarterly payments were issued. We delayed the first quarter due to cash flow concerns but as of this writing – we are current.

• **Liability Insurance**: Timing variance only.

• **Merchant banking fees**: Over budget. We were still collecting on outstanding sponsorship for convention that were not budgeted, but we also feel we did not budget correctly for this category based on the increase in most payments coming in through credit card processing. We are in the process of shopping for a more economical provider, but that will be closely tied to our new membership database.

• **Outside Services**: All of this variance is related to final payments to the vendor SPJ and our partner used to generate sponsorships, advertising and booth fees for 2019 convention.

• **Postage, Shipping and Printing**: As mentioned earlier, these two expense categories are under budget due to SPJ collecting shared expenses from Convention 2019 partner in 2020, thereby reducing or offsetting these expenses.

• **Software Maintenance and Upgrades**: Included in this expense category is the cancellation payment to Blackbaud (which was budgeted) as well as SPJ’s share of the initial payments to Impexium, our new data base vendor. We paid slightly less to Impexium on the initial payment and was able to utilize more funds from the Foundation on the implementation process. The Foundation also agreed to pay for 25% of the ongoing annual maintenance. Finally, there were some normal expenditures for software that have not yet been paid, but will be by the next reporting cycle.

Respectfully Submitted

John Shertzer  
Executive Director

Jake Koenig  
Controller
# Society of Professional Journalists

## Balance Sheet

**As of June 30, 2020**

### ASSETS

#### Current Assets

- **Checking/Savings**
  - Cash - PNC Inv. FAFF Fund #7719: 14,808.51
  - Cash - PNC Investments #8599: 983.18
  - Cash in bank - Operating: 293,630.68
  - Cash PNC - LDF #0567: 239.49
  - Total Checking/Savings: 309,661.86

- **Accounts Receivable**
  - Accounts receivable: 29,562.92
  - Grant Receivable: 8,833.45
  - Total Accounts Receivable: 38,396.37

- **Other Current Assets**
  - A/R SDX Operating Expenses: 121,162.77
  - Accounts Receivable - Misc.: 9,480.36
  - Inventories for use: 500.00
  - PNC Investments - Forever Fund
    - Due From LDF: 5,308.00
    - Cost Basis - Mutual Funds: 172,844.93
    - Market Appreciation - Mutual Funds 1st: -11,244.96
    - Total Invest. - Mutual Funds - 1st: 161,599.97
  - Total PNC Investments - Forever Fund: 166,907.97
  - PNC Investments Account
    - Cost Basis - Bond Fund: 335,967.69
    - Market Appreciation - Bond Fund: -36,868.16
    - Total Inv. - Corp. Bond Fund: 299,099.53
  - Total PNC Investments Account: 299,099.53
  - PNC Investments Account - LDF
    - Investments - LDF Bond Fund
      - Cost Basis - Bond Fund: 69,787.80
      - Market Appreciation - LDF Bond: -8,114.86
    - Total Investments - LDF Bond Fund: 61,672.94
  - Investments - LDF Donated Stock
    - Cost Basis - Donated Stock: 7,772.33
    - Market Appreciation - Stock: -1,045.36
    - Total Investments - LDF Donated Stock: 6,726.97
  - Total PNC Investments Account - LDF: 68,399.91
  - Prepaid expenses: 2,750.00
  - Total Other Current Assets: 668,300.54

- **Total Current Assets:** 1,016,358.77

#### Fixed Assets

- **Building**
  - Accum depr - Building: -261,477.10

---

**Page 1 of 3**
### Balance Sheet

**As of June 30, 2020**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building - Other</td>
<td>541,917.59</td>
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<tr>
<td>Total Building</td>
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<td>Computer Equip. - Development</td>
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<td>Accum. Depr. Compt Equip Dev.</td>
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<tr>
<td>Computer Equip. - Development - Other</td>
<td>1,789.00</td>
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<td>Total Computer Equip. - Development</td>
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<td>Computer Equipment</td>
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<td>Accum. Depr. Computer Equipment</td>
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<td>Computer Equipment - Other</td>
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<td>Total Computer Equipment</td>
<td>2,096.05</td>
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<td>Computer Software</td>
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<td>Accum. Depr. Computer Software</td>
<td>-340,569.75</td>
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<td>Computer Software - Other</td>
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<td>Total Computer Software</td>
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<tr>
<td>Equipment - Capital Leases</td>
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<td>Accum. Amort. Equipment Leases</td>
<td>-26,880.00</td>
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<td>Equipment - Capital Leases - Other</td>
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<tr>
<td>Total Equipment - Capital Leases</td>
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<tr>
<td>Furniture, fixtures, &amp; equip</td>
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</tr>
<tr>
<td>Furniture and Equipment</td>
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</tr>
<tr>
<td>Accum. Depr. Furniture Fixtures</td>
<td>-32,570.00</td>
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<td>Furniture and Equipment - Other</td>
<td>32,570.00</td>
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<td>Total Furniture and Equipment</td>
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<tr>
<td>Furniture/Equipment Indy HQ</td>
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<tr>
<td>Accum deprec- furn,fix,equip</td>
<td>-57,110.32</td>
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<td>Furniture/Equipment Indy HQ - Other</td>
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<td>Total Furniture/Equipment Indy HQ</td>
<td>10,768.93</td>
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<tr>
<td>Quill Print Shop Equipment</td>
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<td>Accum. Depr. Quill Equipment</td>
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<td>Quill Print Shop Equipment - Other</td>
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<td>Total Quill Print Shop Equipment</td>
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<td>Total Furniture, fixtures, &amp; equip</td>
<td>10,768.93</td>
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<tr>
<td>Land</td>
<td>10,915.00</td>
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<tr>
<td>Total Fixed Assets</td>
<td>328,693.64</td>
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<td>Other Assets</td>
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<tr>
<td>Deferred Convention Exp. 2021</td>
<td>493.29</td>
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<td>Total Other Assets</td>
<td>493.29</td>
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<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>1,345,545.70</strong></td>
</tr>
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</table>

### Liabilities & Equity

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities</td>
<td></td>
</tr>
<tr>
<td>Current Liabilities</td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
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<tr>
<td>Accounts payable</td>
<td>25,213.45</td>
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<td>Total Accounts Payable</td>
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<tr>
<td>Other Current Liabilities</td>
<td></td>
</tr>
</tbody>
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### Society of Professional Journalists
#### Balance Sheet
As of June 30, 2020

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>A/P Chapter Dues</td>
<td>21,506.53</td>
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<tr>
<td>A/P SDX General Contributions</td>
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<tr>
<td>A/P SDX Passthrough</td>
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<td>A/P SDX Rental Income</td>
<td>5,778.00</td>
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<td>Accounts Payable - Other</td>
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<td>Accrued expenses - other</td>
<td>14,513.00</td>
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<tr>
<td>Accrued Payroll - Salaries/401k</td>
<td>40,622.92</td>
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<td>Accrued payroll taxes</td>
<td>2,761.25</td>
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<td>Accrued Vacation</td>
<td>27,782.37</td>
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<tr>
<td>Arab American</td>
<td>10.00</td>
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<tr>
<td>Credit Card Payable-PNC</td>
<td>31,476.00</td>
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<tr>
<td>Deferred Membership Revenue</td>
<td>144,703.28</td>
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<tr>
<td>Due to FAFF from LDF</td>
<td>5,308.00</td>
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<tr>
<td><strong>Total Other Current Liabilities</strong></td>
<td>362,498.30</td>
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<td><strong>Total Current Liabilities</strong></td>
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<tr>
<td><strong>Total Liabilities</strong></td>
<td>387,711.75</td>
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<tr>
<td><strong>Equity</strong></td>
<td></td>
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<tr>
<td>Net Assets</td>
<td></td>
</tr>
<tr>
<td>Board-designated net assets</td>
<td>81,578.00</td>
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<tr>
<td>Net Assets - Other</td>
<td>516,697.89</td>
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<td><strong>Total Net Assets</strong></td>
<td>598,275.89</td>
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<td>Permanently restrict net assets</td>
<td>17,148.00</td>
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<td>Temporarily restrict net asset</td>
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<tr>
<td>Unrestrict (retained earnings)</td>
<td>195,021.87</td>
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<td>Net Income</td>
<td>-174,501.81</td>
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<td><strong>Total Equity</strong></td>
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<td><strong>TOTAL LIABILITIES &amp; EQUITY</strong></td>
<td>1,345,545.70</td>
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</table>
## Society of Professional Journalists
### Profit & Loss Budget vs. Actual Unrestricted Activity
#### January through June 2020

**Ordinary Income/Expense**

<table>
<thead>
<tr>
<th>Income</th>
<th>Jan - Jun 20</th>
<th>Budget</th>
<th>$ Over Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advertising Revenue</strong></td>
<td>7,945.80</td>
<td>10,718.25</td>
<td>-2,772.45</td>
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<tr>
<td><strong>Association Management</strong></td>
<td>47,723.16</td>
<td>22,150.00</td>
<td>25,573.16</td>
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<tr>
<td><strong>Awards Revenue</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Merchandise Sales</td>
<td>395.00</td>
<td>6,750.00</td>
<td>-6,355.00</td>
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<tr>
<td>MOE Entry Fee</td>
<td>56,055.00</td>
<td>52,853.00</td>
<td>3,202.00</td>
</tr>
<tr>
<td>New America Award</td>
<td>2,350.00</td>
<td>2,112.50</td>
<td>237.50</td>
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<tr>
<td>SDX Entry Fee</td>
<td>101,675.00</td>
<td>115,725.00</td>
<td>-14,050.00</td>
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<tr>
<td><strong>Total Awards Revenue</strong></td>
<td>160,475.00</td>
<td>177,440.50</td>
<td>-16,965.50</td>
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<tr>
<td><strong>Contract Administration Fees</strong></td>
<td>67,250.00</td>
<td>89,500.00</td>
<td>-22,250.00</td>
</tr>
<tr>
<td><strong>Contributions/Grants</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributions - General</td>
<td>3,547.50</td>
<td>1,053.00</td>
<td>2,494.50</td>
</tr>
<tr>
<td>President’s Club Contribution</td>
<td>3,895.01</td>
<td>3,000.00</td>
<td>895.01</td>
</tr>
<tr>
<td><strong>Total Contributions/Grants</strong></td>
<td>7,442.51</td>
<td>4,053.00</td>
<td>3,389.51</td>
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<tr>
<td><strong>Interest/Dividends</strong></td>
<td>8,576.27</td>
<td>5,700.00</td>
<td>2,876.27</td>
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<tr>
<td><strong>Lease Management</strong></td>
<td>11,556.00</td>
<td>11,556.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Membership Dues</strong></td>
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<td></td>
</tr>
<tr>
<td>Associate</td>
<td>1,660.00</td>
<td>2,078.93</td>
<td>-418.93</td>
</tr>
<tr>
<td>Chapter Fee/Funds</td>
<td>75.00</td>
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<td>75.00</td>
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<td>Collegiate Institutional Member</td>
<td>1,300.00</td>
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<tr>
<td>Lifetime Member</td>
<td>3,000.00</td>
<td>1,000.00</td>
<td>2,000.00</td>
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<tr>
<td>Post Grad</td>
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<td>Professional</td>
<td>119,886.03</td>
<td>113,046.16</td>
<td>6,839.87</td>
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<tr>
<td>Professional Household</td>
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<tr>
<td>Retired</td>
<td>14,432.78</td>
<td>13,464.61</td>
<td>968.17</td>
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<td>Student</td>
<td>13,202.47</td>
<td>17,085.98</td>
<td>-3,883.51</td>
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<tr>
<td><strong>Total Membership Dues</strong></td>
<td>160,328.17</td>
<td>155,342.11</td>
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<tr>
<td><strong>Merchandise Sales</strong></td>
<td>1,676.33</td>
<td>0.00</td>
<td>1,676.33</td>
</tr>
<tr>
<td><strong>Royalties/Member Benefits/Suppl</strong></td>
<td>7,718.71</td>
<td>7,370.00</td>
<td>348.71</td>
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<tr>
<td><strong>Sponsorships</strong></td>
<td>32,666.67</td>
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</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>513,358.62</td>
<td>483,829.86</td>
<td>29,528.76</td>
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</tbody>
</table>

**Gross Profit**

<table>
<thead>
<tr>
<th>Jan - Jun 20</th>
<th>Budget</th>
<th>$ Over Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>513,358.62</td>
<td>483,829.86</td>
<td>29,528.76</td>
</tr>
</tbody>
</table>

**Expense**

<table>
<thead>
<tr>
<th>Expense</th>
<th>Jan - Jun 20</th>
<th>Budget</th>
<th>$ Over Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>401k Match</td>
<td>10,272.45</td>
<td>11,197.97</td>
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<tr>
<td>401k/POP Related Charges</td>
<td>967.25</td>
<td>900.48</td>
<td>66.77</td>
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<tr>
<td>Audit/Accounting Fees</td>
<td>1,100.00</td>
<td>10,100.00</td>
<td>-9,000.00</td>
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<tr>
<td>Awards Merchandise</td>
<td>6,024.20</td>
<td>13,170.29</td>
<td>-7,146.09</td>
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<tr>
<td>Banking/Investment Fees</td>
<td>1,011.42</td>
<td>180.00</td>
<td>831.42</td>
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<td>Board Related Expenditures</td>
<td>0.00</td>
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<td>Building Maintenance</td>
<td>6,945.40</td>
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<td>Capital Improvements</td>
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<td>7,500.00</td>
<td>279.00</td>
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<td>Comp. Services/Cons/Main/equip</td>
<td>2,548.95</td>
<td>3,626.92</td>
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<tr>
<td>Contributions/Grants/Awards</td>
<td>1,603.78</td>
<td>3,000.00</td>
<td>-1,396.22</td>
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</tbody>
</table>
# Cash Basis

**Society of Professional Journalists**

**Profit & Loss Budget vs. Actual Unrestricted Activity**

January through June 2020

<table>
<thead>
<tr>
<th></th>
<th>Jan - Jun 20</th>
<th>Budget</th>
<th>$ Over Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dues and Subscriptions</td>
<td>3,852.46</td>
<td>5,730.63</td>
<td>-1,878.17</td>
</tr>
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<td>Employee Education/Training</td>
<td>362.43</td>
<td>5,501.21</td>
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<tr>
<td>Employee Related Expenditures</td>
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<td>148.84</td>
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<td>Employee Travel/Meals</td>
<td>2,007.52</td>
<td>4,843.10</td>
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<tr>
<td>Employment Recruiting</td>
<td>130.20</td>
<td>1,386.64</td>
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<tr>
<td>Equipment Rental</td>
<td>728.54</td>
<td>1,620.87</td>
<td>-892.33</td>
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<tr>
<td>Events, Meals and Banquets</td>
<td>1,284.35</td>
<td>2,327.85</td>
<td>-1,043.50</td>
</tr>
<tr>
<td>Facilities Rental</td>
<td>1,310.00</td>
<td>0.00</td>
<td>1,310.00</td>
</tr>
<tr>
<td>Consultants</td>
<td>42,938.00</td>
<td>33,149.97</td>
<td>9,788.03</td>
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<tr>
<td>Free Lance Labor</td>
<td>3,106.29</td>
<td>0.00</td>
<td>3,106.29</td>
</tr>
<tr>
<td>Health Insurance</td>
<td>35,231.41</td>
<td>32,822.59</td>
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<td>Internet Connectivity</td>
<td>792.27</td>
<td>664.06</td>
<td>128.21</td>
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<td>Lease Management Related Ex.</td>
<td>79.95</td>
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<td>79.95</td>
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<tr>
<td>Legal Fees</td>
<td>10,111.96</td>
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<tr>
<td>Liability Insurance</td>
<td>1,300.99</td>
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<td>Marketing</td>
<td>0.00</td>
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<td>Merchant Fees/CC Processing</td>
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<tr>
<td>Office Supplies</td>
<td>-659.06</td>
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2021 SPJ Annual Plan Goals and Objectives

Below is a draft of the annual plan for 2021. The budget would also be reflective of these goals. This listing is not inclusive of regular activity, including awards, Quill, webinars, LDF, etc. These only identify new or newly-configured priorities.

Staff will develop and work from a more thorough plan that includes tasks, timelines, metrics, etc. This will be available for the board to review, but not subject to approval.

Where it indicates “seek external funding” we will look for grants and sponsorships throughout the Fall. Work on some areas will also begin in the Fall, especially the internal SPJ matters.

The Four Focus Areas
1. We are champions for journalists.
2. We are fighters for the first amendment.
3. We are stewards for ethical journalism.
4. We are producers of journalism’s future.

Champions for Journalists
• Develop initiatives to advance diversity, equity and inclusion goals of news industry.
• Restore the annual training program for SPJ leaders.
• Assess SPJ’s volunteer structure with aim of restarting membership growth.
  o Identify and launch three new communities.
  o Create new onboarding process for new members.
  o Automate monthly membership reports for chapters.
  o Identify role of technology in advancing membership goals.
  o Identify one metro area for pilot “networking-driven” model.
• Create a J-Store to build a merchandise revenue stream.
• Explore the production of a podcast that highlights compelling journalism. (Seek external funding)
• Develop a training agenda targeting young journalists, focused on new tech skills.

Fighters for the First Amendment
• Create First Amendment focus on www.spj.org as part of a larger website redesign based upon our strategic plan pillars.
• Launch a webinar series on First Amendment issues journalists are facing. (Seek external funding)
• Support the development of the SPJ Press the Flesh program. (Seek external funding)
• Investigate a stronger and more active presence in DC, including a cost/benefit analysis. (Seek external funding.

Stewards of Ethical Journalism
• Create programming, in collaboration with the Ethics and Diversity committees, to highlight connections between ethics and diversity in the news industry.
• Design and deliver new methods to teach ethics, and ways to expand the use of the Code of Ethics.
• Produce a bolder Ethics Week.
• Catalog existing (and competing) ethics tools to determine future opportunities for ethics programming.
• Investigate creation of an Ethics Response Team. (Seek external funding)

Producers of Journalism’s Future
• Remove barriers and ease requirements to creating college chapters
• Establish 10 new college chapters, including at least three at institutions that serve underrepresented students.
• Realign the chapter adviser system, to simplify requirements, incentivize engagement and expand support.
• Build a student advisory board that addresses needs of student members as well as new graduates.
• Develop a program to showcase and support new business models and financial sustainability for journalism.

Internal SPJ Matters
• Restructure staff responsibilities to mirror the focus areas.
• Redesign www.spj.org to focus on SPJ’s Four Focus Areas and the SPJ brand with modern aesthetic appeal.
• Identify potential SPJ2022 and SPJ2023 conference locations and partners
• Add one additional external association client.
• Evaluate sale of HQ building and move to rental offices.
SPJ Strategic Plan
It is the mission of the Society of Professional Journalists:

To maintain constant vigilance in protection of the First Amendment guarantees of freedom of speech and of the press.

To stimulate high standards and ethical behavior in the practice of journalism.

To foster excellence among journalists.

To inspire successive generations of talented individuals to become dedicated journalists.

To encourage diversity in journalism.

To be the pre-eminent, broad-based membership organization for journalists.

To encourage a climate in which journalism can be practiced freely.
How we got here...

• Strategic Planning Task Force
• Surveys / Focus Groups / Board Feedback
• Executive Director Joins Team:
  • Research into “top-of-mind” associations
  • Quantitative program evaluation
  • Past – Present – Future analysis
The challenge of a strategic plan

• Strategic plans chart mid-range priorities (3-5 years).
• They tend to be left on a shelf, outdated almost immediately.
• Journalism is going through a turbulent time. So is our American society. So is SPJ.
Objective: Develop a strategic framework which is an expression of how we want to be identified for the next several years.

And: Build annual plans based on this framework, which allow for more flexibility and adaptability.
How can we be more cause-driven?
Mission Drivers

- Chapters
- Communities
- Conferences
- Volunteer Structure
- Quill
Our Core

- Collegiate and Younger, Emerging Journalists
- Ethics and Professionalism
- Advocacy for the Profession, Instilling Pride
- Networking, Membership, Subgroups (chapters, communities)
- Recognizing best Practices, Education, Training
SPJ’s Core Four

WE ARE CHAMPIONS FOR JOURNALISTS.

WE ARE FIGHTERS FOR THE FIRST AMENDMENT.

WE ARE STEWARDS FOR ETHICAL JOURNALISM.

WE ARE PRODUCERS OF JOURNALISM’S FUTURE.
These four broad statements determine...

- How the organization’s staff is structured.
- The core working committees of the organization.
- The tracks and keynotes for the national convention.
- What we educate about.
- Who we partner with.
- What’s on our website.
• We recognize the achievements of journalists and best practices of media organizations through our **awards programs**.

• We **educate journalists** on best practices, skills and new innovations.

• We create **products and services** that help instill pride of vocation in journalists at all stages in their career.

• We encourage news organizations to **build newsrooms that are diverse, equitable and inclusive** and make staff and management demographic data public on a regular basis.
• We monitor and fight against efforts to violate the First Amendment and suppress free press through a DC-based advocacy team.

• We defend journalists through legal defense funds and activate initiatives to protect the First Amendment through our First Amendment Forever Fund.

• We increase public awareness and support of the First Amendment through training and education.
• We build public trust in the media and greater accountability in the profession via an ethics response team, ethics hotline, and other programming.

• We promote and advance ethics through a continuously updated Code of Ethics that is the prime ethics code taught in Journalism schools and referenced in newsrooms.

• As our Code of Ethics states, we encourage journalists to boldly tell the story of the diversity and magnitude of the human experience.
WE ARE PRODUCERS OF JOURNALISM’S FUTURE

• We proactively design initiatives that amplify new and diverse voices for both SPJ and journalism overall.

• We provide examination, thought leadership and resources that support a more sustainable future for journalism.

• We help prepare the next generation of journalists through our student and young professional programs.

• We embrace, employ and educate journalists on technology and innovation to build journalism’s future.
We are champions for journalists for the First Amendment.

We recognize the achievements of journalists and best practices of media organizations through our awards programs.

We educate journalists on best practices, skills and new innovations.

We create products and services that help instill pride of vocation in journalists at all stages in their career.

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MEMO

TO: SPJ National Board

FROM: Hilary Niles, on behalf of the SPJ Freelance Community

DATE: August 31, 2020

SUBJECT: PROPOSAL: SPJ Enhanced Member ID Card

Overview

The SPJ Freelance Community requests the national board’s consideration of making an Enhanced Member ID Card available to SPJ members. (This proposal is in lieu of a prior proposal to create a press badge.) We believe the Enhanced Member ID Card would benefit a wide range of members — especially freelancers, and also staff reporters at small news outlets with limited resources.

Our survey this summer indicated that many journalists who do not have professional identification often have trouble gaining access to buildings or events. The Enhanced Member ID Card certainly can be no guarantee of access, but may provide a helpful layer of supporting documentation to demonstrate members’ professional bona fides.

Key Elements

The Freelance Community suggests that SPJ press badges should:

- include on the front the member’s name and photo and the word “PRESS” in large letters, as well as “Society of Professional Journalists” and SPJ’s logo
• articulate on the back that this person is a member in good standing of SPJ and provide the main phone number for headquarters
• be issued with a lanyard
• be sized and designed in a manner that maximizes visibility when worn around the neck (i.e.: the size of name tags at our conventions)
• be of high-quality material and production (i.e.: so it doesn’t look homemade)

We suggest that the program for making the card available include the following:

• be available to the following member types who pay on an annual, 2-year or 3-year basis: professional, retired, lifetime, post-grad and college student
• be renewable with SPJ membership, and include an “expiration date” of sorts that matches the expiration date of the journalist’s SPJ membership
• include a link to the SPJ Code of Ethics
• cost $20, and include a way to request assistance if the applicant is experiencing financial hardship
• include clarification that this is not a press badge or press credential and can serve as no guarantee the wearer will be recognized as a professional journalist or treated as such.

Thank you for your consideration.

Hilary Niles
Chair, SPJ Freelance Community
Local news coverage is collapsing. Even before COVID-19, the number of reporters had declined 60 percent since 2000, a job decline similar in scale to the coal industry. Some 1,800 communities now have no local news outlet, and thousands more have “ghost newspapers” barely providing local news coverage. Since COVID-19, the situation continues to worsen. Some 36,000 newspaper employees have been laid off, furloughed, or had their pay cut since the pandemic began.

The decline of local news in a given community is associated with higher polarization, decreased voter turnout, less cross-party voting, increased corruption and more government waste. This is not a partisan issue. A well-informed citizenry is essential to solving local problems. Local news knits together communities.

The impact of the digital era on printed newspapers’ financial stability has been significant. During the decade covering 2008 to 2018, US newspaper revenue decreased by more than $23 billion. While some of the lost revenue is being offset by philanthropy and new ventures, the impact on local news gathering is significant enough to warrant the government stepping in to help turn the tide.

We Americans are at a historic crossroads: one of the few industries mentioned in the Bill of Rights, the free press, is fading away. Yes, philanthropy must continue to help local media, and media organizations must evolve and innovate their business models. But it is now clear that the public, through its government, must help local journalism survive, revive and improve.

Many journalists are skeptical about government assistance for news, for good reason. Poorly designed government policies could undermine editorial independence and threaten the free press.

But our coalition, a diverse group of locally-grounded publishers and journalists, has come to believe it is possible -- and necessary -- to create public policies helping local news publishers without harming editorial independence.

We believe policy proposals should follow a few principles:

- They should be content-neutral, nonpartisan, and ensure editorial independence.
- They should be future-friendly, potentially providing help to both existing local players and innovators.
- They should be platform-neutral, focused on providing local journalism.
• They should help local news organizations develop sustainable models.
• They should help locally-owned, diverse or nonprofit media.

Taken together, the proposals we’re endorsing will deliver approximately $10 billion into the local news economy from philanthropy, businesses, consumers and the government. The government would contribute about $600 million in direct allocations and $5-8 billion in tax credits. That’s the equivalent of 137,000 local reporters per year. Of course, not all support would be used to hire or retain journalists but if a meaningful fraction was, local news would be transformed. Most local news deserts would be eliminated resulting in a local news system more geared to serving communities.

The complexity of today’s local news challenge requires a variety of solutions helping create a local news system better servicing communities. We need policies allowing for the growth of different types of local media, including nonprofit news organizations, commercial newsrooms and hybrids. Communities will determine what best fits their needs. Although we are endorsing many different policy proposals, they fall into six buckets, each advancing a particular essential policy goal. They are policies that:

1. Empower Americans, through their own choices, to financially help local media
2. Grow and sustain nonprofit local media
3. Strengthen commercial media by incentivizing local ownership and investment in local reporting
4. Safeguard editorial independence and nonpartisanship
5. Help create a local news system that better covers marginalized communities
6. Support journalists who pursue careers in local public service journalism

There have been a handful of crossroads in American history when smart public policy initiatives dramatically assisted the development of a free and vibrant press. The Founding Fathers helped create the free press by subsidizing postal rates for newspapers. In the 1930s, Congress designed a broadcast licensing system emphasizing local control and the creation of "educational" broadcasting. In the 1960s, Congress breathed life into a network of frail radio and TV stations to create a vibrant public broadcasting system.

We are now in another one of those moments. Local news -- an institution of paramount importance to democracy -- is dying. But if we act quickly, we can help rebuild a local news system that better serves communities and democracy.

1. **Empower Americans, through their own choices, to financially help local media**

The best way for the government to support local news is to help Americans themselves to pay for the local journalism. Specifically, we endorse:
A $250 refundable tax credit or voucher that taxpayers can use for a subscription to a local news source, a donation to a local nonprofit local news organization, or a membership in a local news organization.

This will pump money into the local news ecosystems without requiring the federal government to pick winners and losers among news organizations. This approach would also force local news organizations to make their case to the public. France and Canada have implemented similar ideas.

An excellent bipartisan bill, the Local Journalism Sustainability Act, has proposed something quite similar. The most important change required to that legislation is that the tax credit should be refundable and available to those who don’t itemize their taxes so Americans of modest means can benefit. Americans of all income levels and races deserve to be well informed, too.

2. Grow nonprofit local media

Local advertising will likely never again underwrite the kinds of in-depth accountability reporting communities need and deserve. Commercial media will be an important piece of the puzzle -- especially locally-owned organizations -- however, the future local media ecosystem will need to be a combination of revitalized for profits and far more robust nonprofit media. This should include public radio as well as independent digital websites, like the 300 or so created in the last decade. The most successful provide high quality, civic journalism. They survive through a combination of earned revenue (e.g. events, memberships, sponsorships) and philanthropy (large and small donors). These nonprofit local newsrooms are an important ingredient in the future local news ecosystems.

We should view this small and fast-growing sector as Congress did the small collection of educational radio stations existing before the passage of the Public Broadcasting Act of 1967. It’s worth noting before 1967, only 292 educational FM stations existed in the US. These stations were small and most were connected to universities. Today, there are more than 900 FM stations, including content powerhouses like WGBH and WNET. These stations exist because the Corporation for Public Broadcasting provided funding enabling them to scale. Government policy now should help nonprofits websites scale in the same way.

Make it easier for nonprofits to develop sustainable models

While the philanthropic world has helped nonprofit news organizations to get launched, they need help in creating sustainable models.

- Have the government subsidize a super-sized Newsmatch fund, providing at least a 3 to 1 match against funds local nonprofit news organizations raise from
their communities. The current Newsmatch fund, crafted by foundations, enables newsrooms to earn up to $30,000 extra, as a match against donations. Some $3.2 million from the original participating foundations led to an additional $43 million being donated. If the federal government put $300 million in such a fund, it would ultimately allow for the cap to be raised to $500,000 per newsroom, and would likely stimulate hundreds of millions more in private donations.

We could consider other matching-oriented, formula-based ways to support nonprofits, perhaps tied to the number of donors or journalists. To avoid this becoming a way for the government to exert political influence, this subsidy could be initially in the form of a one-time payment to an independent nonprofit group, to set up an endowment that could fund this approach over time.

- Ensure that the $250 refundable tax credit or voucher (mentioned above) can be used not only for newspaper subscriptions but also for charitable donations to, or memberships with, nonprofit news organizations or public radio stations.

- The IRS should clarify that nonprofit local news organizations can take advertising, have subscriptions, or aggressively deploy other revenue-generating approaches without losing their tax-exempt status. Removing these obstacles will make it more likely they create sustainable business models not entirely dependent on philanthropy. (See Ryan sec4b8)

- Provide a $5,000 tax credit for small businesses to spend on local advertising or underwriting sponsorships (see Kirkpatrick-Newhouse)

- The federal government should require that half of its advertising spending to be deployed through local media (see below). In doing so, it should also ensure that it can be in the form of underwriting sponsorships for nonprofit news and public radio stations. There should be audits to ensure that decisions are not influenced by politics.

Encourage the “re-planting” of newspapers into community-based nonprofit organizations

More than half of newspaper circulation in America is now owned by private equity firms or hedge funds. More than half of the 6,700 newspapers are owned by big chains. Many of these newspapers still do essential work. The editors and reporters at these newspapers still work hard to provide great journalism to their communities.

But from an operating perspective, the pattern often found at these newspapers is the financial backers (e.g. private equity, hedge funds) cut the number of reporters dramatically in order to achieve financials. This continuous detrimental behaviour has been and continues to be a major factor in the decline of local news gathering and quality in many communities.
However, some hopeful models have emerged for replanting these newspapers into more hospitable soil. For instance, privately owned newspapers have been donated to local nonprofit groups. These experiments have worked well, and supportive government policies can help make it more likely these replantings occur more frequently and succeed.

- Implement a “replanting strategy,” allowing large chains, private equity firms, hedge funds or family-owned chains to benefit from tax incentives if they donate a newspaper or its assets to a local nonprofit group
  - Provide an enhanced federal charitable deduction for donating a newspaper. Allow owners to use the value of the “tax cost basis” rather than the current market value. Allow sellers to carry forward the value of those tax losses for 10 years. Increase the annual percentage limitations on deductibility of charitable deductions for both corporations and individuals. Make the conversion a tax-free transaction.
  - Eliminate capital gains and other transaction taxes when a newspaper is being sold or donated to a nonprofit organization
  - For conversion to public purpose corporations, allow an income tax credit equal to the amount that would otherwise be deductible as a charitable contribution
  - Allocate $200 million to create a de-consolidation fund that would help replant newspapers, including by providing grants to help conversions succeed.

**Make it easier to create a nonprofit news organization**

Current IRS rules often make it difficult for communities to create nonprofit news organizations. In some cases, applicants for tax exempt status have been told to remove the word “journalism” from their applications. This approach must end. Providing civically important information must be clearly deemed a charitable purpose, as long as the organization is abiding by the essential practices of nonprofit organizations.

- Have the IRS allow public service journalism to be a valid purpose to earn tax exempt status. ([Possible language was included in legislation by Rep. Tim Ryan](#))

**Make it easier for public radio to do local journalism**

Public radio and TV stations can be a crucial part of the solution. In recent years, many local public radio stations have increased their commitment to local reporting. But currently, the Corporation for Public Broadcasting has limited funds and laws require that a certain percentage be allocated to public TV.
• Give the Corporation for Public Broadcasting more funds to support local journalism and the flexibility to give more money to high quality public radio stations

3. **Strengthen commercial media by incentivizing local ownership and investment in local reporting**

Although commercial media will likely not be as dominant in local media, it will play a crucial role in many communities. Government policy should lean in the direction of encouraging local ownership and incentivizing commercial local media in general to invest in local reporting:

*Incentivize consumers and businesses to support local news*

• Provide a $250 refundable tax credit or voucher for Americans to buy subscriptions to local news (or become members of nonprofit news organizations). This will not only provide needed revenue, it will help legacy news organizations transition to more of a reliance on subscriptions and less on advertising.

• Provide tax credits or grants to small businesses that they can use to buy advertising in local media (see [Kirkpatrick-Newhouse](#))

• Federal advertising budgets should be largely directed toward local media -- with a big chunk going to smaller organizations (200 employees or fewer). Congress should add an additional $500 million in grants to state public health departments for public health advertising related to COVID-19, with half going through local media.

*Incentivize news organizations to invest in journalism*

• Provide a tax credit pegged to [hiring or retaining newsroom employees](#)

• Provide tax incentives for the conversion of newspapers into public purpose, locally-owned companies (for both sellers and buyers) (See “replanting”)

*Change antitrust laws to emphasize local ownership*

The Federal Communications Act has long emphasized the importance of “localism” in the development of the TV and radio industries. It governs everything from ownership rules to the distribution of licenses. Localism is the concept that democracy flourishes
when media is controlled locally, and many different voices participate in community conversations.

- The Justice Department, the Federal Trade Commission and the courts should issue new guidance making it clear that agencies should consider the effect of mergers on localism. Mergers leading to less local input or control of the news could be rejected, delayed or required to add conditions helping support local news production.

- Amend the **the Worker Adjustment and Retraining Notification Act** (the “plant closing law”) to require six months notice of a local news organization closure having a significant negative impact on the information health of a community.

- Amend anti-trust law to allow newspapers the ability to collectively negotiate with social media platforms to get paid more for use of their content. (See Cicelline/Collins *Journalism and Competition and Preservation Act*)

### 4. Safeguard editorial independence and nonpartisanship

Many journalists oppose government support for journalism, fearing that the media cannot hold the government accountable if, at the same time it receives funding from the state. We take this concern very seriously and believe that any policies should ensure editorial independence and prevent the government from advancing partisan or ideological agendas. Indeed, government policy that does not have this as a central principle could do more harm than good.

In the past, the United States has sometimes crafted policies helping the news media thrive without endangering press freedom. The biggest media policy successes have been: the postal subsidy allowing the birth of a vibrant newspaper industry in the 19th century; the broadcasting laws requiring broadcasting to be highly localized; and the creation of the Corporation for Public Broadcasting. In all three cases, government support was diffuse, neutral, and mostly formulaic.

[[ We do not believe Congress needs to create a government department charged with dispensing funds to local news.

- For the proposals involving government spending, Congress could charter reate a new independent, non-profit, government-financed agency (such as the Federal Reserve), or it could recraft the mission of the Corporation for Public Broadcasting, while adding strengthened firewall protections.

- It should not be a division of a traditional cabinet department.
• The governing board should include appointees from both political parties, and its members should not be able to be replaced by the agency’s chief executive or chair.
• The terms of these governors should be staggered so no President can dominate
• It should be funded by a dedicated revenue stream -- such as a tax on internet advertising -- so the entity would not be vulnerable to the pressures of annual appropriations fights
• Funds should be distributed by formula whenever possible

5. **Help create a local news system that better covers marginalized communities**

As we rebuild local news, we must take care to not repeat some of the maladies of “the good old days,” most especially the ways in which many local newsrooms did not cover fairly, accurately or persistently communities of color and other marginalized communities. New policies should help ensure that newsrooms better reflect diversity, equity and inclusion:

• Support national service programs placing hundreds of journalists of color into newsrooms and improving coverage of minority communities
• Ensure that a portion of government advertising goes to locally-owned and nonprofit newsrooms, including Black and Brown-owned newsrooms having sometimes not benefited from government advertising campaigns
• Ensure that efforts to help newspapers convert equitably include Black newspapers and other media serving communities of color
• Ensure that a subscription voucher can be used for memberships in local for-profit media not having paywalls, which is the case for many Black newspapers and ethnic media publications

6. **Support journalists who pursue careers in local public service journalism**

Government support often is better targeted toward supporting journalists and not just media institutions -- especially those who committed to local reporting as a public service profession

• Put 5,000 local reporters into local newsrooms through national service programs for journalists, such as Report for America. This can be done through a special allocation to the Corporation for National and Community Service.

• Offer loan forgiveness for journalists who actively participate in local journalism for nonprofit or Public Benefit Corporation, as is done for
nurses, teachers, lawyers via special loan programs throughout the federal government.

Taken together, these policies would help rebuild local media. Doing so would help not only fill the massive, democracy-threatening gaps that have opened during the past two decades, it will also allow for the creation of a new local news ecosystem better serving the needs of communities. It would do this in a way relying mostly on the ingenuity and commitment of the residents of those communities. The government policies would focus on removing obstacles and amplifying the efforts of the residents themselves.
Patti and members of the board,

I am extremely pleased to be able to tell you that this has been an incredible year for the Awards & Honors Committee.

First, by the time you read this update we will have sent out notice to our members and others in the journalism community that this year’s SDX and MOE contests will be expanded to reflect and honor the incredible work being done in the wake of the pandemic.

We have added special COVID-19 reporting categories to both contests.

In addition, we are also adding a “Special Topic” to this year’s SDX contest: Inequalities in Society. This special category will be open to submissions across platform—much as the New American contest is. We are seeking seven judges who will be drawn from a variety of journalism organizations including, but not limited to: SPJ, NAHJ, NABJ, NAJA, AAJA, NLGLA, JAWS & RTDNA.

For both the MOE and SDX contests the Committee approved the addition of a Video Game Reporting category.

To make way for the new SDX categories we eliminated one (research about journalism) and moved to combine the separate affiliated and independent categories into one joint separate/independent category.

We also did some tweaking of the MOE categories. And, starting with this year’s contest, MOE winners will receive a digital badge which they can display with their online work: a little extra “virtual bling” which will also serve to promote SPJ and the MOE.

This summer, we are completing work on the *new and improved* SPJ Fellows site on spj.org. With more than 200 Fellows the job of researching, updating and creating the platform has taken a considerable amount of time. But, the new format—which may well include an APP as well—is very dynamic and, I know, will be a welcome addition. Hopefully, the new site will succeed in drawing more attention to these “best of the best” in the business as honored by SPJ since 1948.

This is, of course, on top of the work we did earlier this year in creating the new, interactive SPJ Historic Sites feature on spj.org along with our HUGELY successful College Coronavirus Coverage (CCC) Awards.
Finally, we are excited that this past year’s Mark of Excellence winners—along with the winners of the CCC Awards—will have a special, online presentation to celebrate the best in student journalism. We would certainly like to have as many pro members join us in that celebration as we recognize the terrific work that’s being done. Stay tuned for more details.

It has, indeed, been quite a year.

Respectfully submitted,

[Signature]
September 2020 Ethics Committee Report  
Submitted by Lynn Walsh, Ethics Chair

About: This committee’s purpose is to encourage the use of the Society's Code of Ethics, which promotes the highest professional standards for journalists of all disciplines. Public concerns are often answered by this committee. It also acts as a spotter for reporting trends in the nation, accumulating case studies of jobs well done under trying circumstances.

Who: Eleven journalists based in cities throughout the country sit on the committee. The committee is chaired by Lynn Walsh the Assistance Director of the Trusting News project and a freelance journalist. The other committee members are: Lauren Bartlett, Fred Brown, David Cohn, Annie Culver, Elizabeth Donald, Mike Farrell, Paul Fletcher, Michael Lear-Olimpi, Chris Roberts, Alex Veeneman.

What: The SPJ Ethics Committee is working toward its mission by participating and leading the following programs:

- **SPJ Ethics Hotline:** Responding to ethics inquiries received through the ethics hotline is one of the most rewarding and interesting projects I have had the pleasure of leading. Since October 4, 2018, SPJ has received 249 inquiries from working journalists, the public and students. I said this in my last report, but I’m going to repeat it this time as well: I think this service is one of the most under-advertised tools that SPJ offers. The people who call in are extremely grateful for the support and advice. I really feel this hotline hits at what SPJ’s core values are and would like to see it more widely shared. I think this hotline is something SPJ should be proud of and it would be great to see if there is a way to get it funded to support the time and effort the volunteers commit to it.

- **SPJ Ethics Week:** The committee worked with Jennifer Royer to make Ethics Week a possibility again this year. Due to timing of several other events SPJ was working on and COVID-19 we have decided to move Ethics week to the fall, sometime in October most likely.

- **Public Training Program:** We have created a 45-minute presentation that can be presented to non-journalists that uses the SPJ Code of Ethics to explain how journalism works and what journalists do to the public. Now that the presentation is finalized, the committee will help SPJ market the presentation. The idea is that members of the public would request this training and SPJ members would lead the presentations. With COVID-19, I do not think the timing to launch something like this makes sense since the idea is to do the trainings in person. Instead, the committee is working with SPJ to see how it can help talk about ethics and COVID-19 coverage. So far, we have led one Twitter chat and published a blog related to the pandemic coverage but are open and talking about doing more.
MEMORANDUM

Date: Aug. 25, 2020
To: SPJ Board of Directors
From: Paul Fletcher, SPJ Freedom of Information Committee Chair
Re: Status report

This report will provide an account of the activities of the SPJ Freedom of Information committee since my report in June.

FOI Research Competition. The most significant thing to report is that we are exploring the possibility of starting an academic research competition that would generate academic study in the fields of free speech, FOI and possibly PIO practices.

Dave Cuillier has successfully launched a competition for NFOIC that is now in its second year. Haisten Willis, Kathryn Foxhall and I have been talking among ourselves and talking with others who have been involved in this type of program.

The goal is to keep academic work with a practical edge going forward in these fields. Carolyn Carlson did an excellent job with her PIO studies for years, keeping the flame alive. We are seeking a means to make that continue to happen.

To fund this project, we would seek a grant from the First Amendment Forever Fund.

Advocacy Toolbox, maybe paired with Press the Flesh. The committee made some progress toward determining what would be needed in a Journalism Advocacy Toolbox to facilitate chapter lobbying work. Michael Koretzky has started an initiative called “Press the Flesh” to teach students how to lobby on press issues. Michael’s request for FAF Fund money was not accepted; he, Haisten and I have discussed retooling his application into an application/project sponsored by the FOI Committee. With the pandemic still going on, though, work on how to lobby and hold meetings with important people has been put on the shelf for the time being. I hope we can revisit this idea with it is appropriate.

Personal Note. And as this SPJ year comes to a close with my last committee report, I want to say I have appreciated the opportunity to serve as chair of this committee. I certainly will remain active, as I have a keen interest in the two projects that I identified above.
MEMORANDUM

TO: Patricia Gallagher Newberry, SPJ National President
Jennifer Royer, SPJ Director of Communications & Marketing

FROM: Leticia Steffen, SPJ J-Ed Committee Chair

DATE: Aug. 25, 2020

SUBJECT: J-ED COMMITTEE ANNUAL REPORT

The J-Ed Committee met quarterly throughout the 2019-2020 academic year. Meetings were held on Nov. 8, 2019; March 6, 2020; June 29, 2020; and our final meeting will be scheduled (TBA) during the SPJ 2020 Journalism Conference.

The J-Ed Committee’s highly successful #Press4Education outreach initiative continued to be our primarily focus this year:

- Becky Tallent took over as the #Press4Education coordinator in January 2020, after previous coordinator Rebecca Baker had to step away because of a new job.

- In late March 2020, as COVID-19 was forcing unprecedented closures and educational institutions around the country moved to remote/online operations, Becky Tallent, Kym Fox and I met to discuss the possibility of creating online-only resources for teachers to access.

- Thanks to the quick efforts of Becky, Kym and numerous volunteers – including members of the J-Ed Committee and journalists who were already part of our #Press4Education network – the #Press4Education videos rolled out on April 22.

- The videos cover the most-requested #Press4Education topics: media law, ethics, fake news, misinformation, reporting basics, headline tips, broadcast writing (parts 1 and 2), and editing.

- Additional videos were created featuring journalists discussing the challenges they face while working in a pandemic.

- Many thanks to the SPJ Headquarters staff, particularly Billy O’Keefe, in making the videos easily accessible to educators seeking to use them in their classrooms.

- Additional thanks to Kym Fox and her husband, Gary Boyer, who did all the post-production on the videos for free. A lot of hard work on their part!
• To date, #Press4Education videos have garnered 1,016 views!

• Traditional (in-person or Zoom) #Press4Education matches also were made between teachers and journalists allowing for 56 presentations to classes.

• J-Ed Committee member and multimedia journalist Meredith Cummings volunteered to take over as #Press4Education coordinator in early August 2020.

The J-Ed Committee also continued fine-tuning the list of historically minority serving institutions (college and universities) around the United States, with hopes to begin targeting outreach efforts to key institutions on this list. J-Ed Committee members continue reviewing the list and providing updates related to institutions that have closed or do not have programs related to journalism fields. This will be an ongoing project for the committee, pending support from committee leadership and members in 2020-21.

The J-Ed Committee reviewed nominees and provided recommendations for the following awards:

DG Lewis First Amendment Award
Julie Galvan Award
Distinguished Teaching Award
MEMORANDUM

Date: Aug. 28, 2020
To: SPJ President Patti Newberry
From: LDF Chair Hagit Limor; LDF Committee Members Patti Newberry, Matt Hall, Paul Fletcher, Alex Tarquinio
Re: Legal Defense Fund Committee Report

It is with bittersweet memories that I write my final LDF report. For the last decade, it has been my honor to chair this committee. I said as I exited the SPJ presidency that I was going to work my way down the ladder, but I enjoyed this mission so much that I focused efforts here. My best wishes to the next chair.

The work of the committee continues to escalate in these times of increasing challenges to the First Amendment rights we champion. Consider this:

Two years ago, we handled 39 cases during the entire term.

Last year, we considered 55.

This year, that number totaled 72. We had reached 36 by midterm, almost the amount of the entire year two terms ago. Given our political climate, I anticipate continued growth. So many interesting cases this year, some defending nontraditional figures; check out our action in a case involving Dr. Luke and Kesha. (Gottwald v. Sebert, April 6) or the case of a former Trump campaign employee (Denson v. Donald J. Trump for President, Inc, Aug 3.) Four cases involved the Trump administration.

Below, I’ve compiled a synopsis of the cases we supported for the entire year in order of action (so the first half duplicates the midyear report.) We considered three additional applications we did not choose to support. As always, more cases are likely to come in between this reporting deadline and the full board meeting, and the next chair will report them to you. Thanks to our Baker Hostetler attorneys Mark Bailen and Kristen Rasmussen for their initial summaries.

9/1/19 RCFP Amicus - PETA, et al. v. Cooper, et al. (M.D. N.C.)
Federal court case in North Carolina challenging the constitutionality of an N.C. law that is like an “ag-gag” law but targets all of businesses, not just agricultural facilities. It creates a civil cause of action against employees who record images or sound within a company’s premises. Such statutes chill reporter-source communications and interfere with investigative journalism.

9/5 RCFP Amicus Brief in Digital First Media d/b/a The Trentonian v. Ewing Township, et al. (NJ OPRA)
New Jersey Open Records Act case currently on appeal. The issue is access to police department “Use of Force Reports” (“UFRs”) involving juvenile suspects. The Trentonian is seeking these records and has asked that the juveniles’ names be redacted so disclosure does not reveal juvenile identifying information. The trial court upheld the Township’s outright
denial of the records. The amicus brief canvasses practices in other states that allow for redaction and production of this information, including in Ohio where WCPO-TV did an extensive investigation based on UFRs. WCPO found that black juveniles were subject to excessive use of force more often than white juveniles. The brief argues in favor of using less restrictive means, such as redactions, to allow for disclosure of as much public information as possible while also protecting other interests (such as juvenile identity information).

**9/6 Smith v. Van Meter**

We awarded West Virginia freelance journalist Jay Lawrence Smith $1,500 to help his review of court files from the Grant County, West Virginia Circuit Court relating to a criminal court case. The Grant County Circuit Clerk provided the court files for Smith’s inspection but charged $1/page to make copies. When Smith said he would instead photograph the files with his phone, the clerk said no, then said he could do so but would still have to pay $1/page. Smith has visited other West Virginia county courts, and none has charged him for taking digital images of the files. Smith sued Grant County Circuit Court, lost, and appealed. A favorable ruling from the appeals court will send a strong message to clerks and judges that “copying fees” should not be used as a deterrent and hinderance to full and complete review of public records by members of the press or public.

**9/6 RCFP Amicus Brief in Pitch v. United States (11th Circuit En Banc)**

An appeal regarding the unsealing and disclosure of grand jury materials (in this case, involving a mass lynching that took place in Georgia in 1946). The judges’ panel held, as have other appeals courts, that a judge can unseal grand jury materials under both the Rule exceptions and the common law. But a recent D.C. Circuit opinion came to the opposite conclusion. The amicus brief argues that the full 11th Circuit should stick with the panel’s ruling and allow for disclosure in certain circumstances. The brief supports broader disclosure of public documents and information.

**10/2 RCFP Amicus Brief in Martin v. Rollins (First Circuit)**

This is a controversial case as it involves Project Veritas, which has engaged in some activity that arguably does not always adhere to the SPJ Code of Ethics. But the legal issue is an important one for journalists. The issue for a federal appeals court is whether the Massachusetts wiretapping statute, which requires two-party consent, is unconstitutional to the extent it prohibits secret recording of government officials, including the police, in the public performance of their duties even where there is no reasonable expectation of privacy. The RCFP brief argues that the public is served when both private citizens and the news media are able to record government officials, including the police, in the public performance of their duties.


A U.S. Supreme Court case involving the ability—or lack thereof—to copyright a state’s official annotated code. (By way of explanation, annotated codes are compilations of statutes authored by the state legislature that include, in addition to the actual text of the statute, which cannot be copyrighted, summaries of judicial decisions, regulations and attorney general
opinions relating to that statute.) PublicResource.org, a California nonprofit organization, won 
at the Eleventh Circuit, which found that “the People are the constructive authors and owners 
of these works, meaning that the works are intrinsically public domain material and, therefore, 
uncopyrightable,” but the state of Georgia appealed. The brief argues that this right is 
necessary to oversee and participate in government by quoting from what are often helpful 
interpretations or explanations of the law.

10/15 RCFP Amicus - Spectrum News NY1 v. NYPD (NY Appellate Division, 1st Dep’t)
We supported a New York cable news television station’s attempt to obtain body-worn camera 
footage from the New York Police Department under the state’s Freedom of Information Law 
(FOIL). The department denied NY1’s request for footage from five specific weeks, arguing, in 
part, that because making redactions to the videos would be “unreasonably difficult,” FOIL does 
not mandate the disclosure of the footage. The brief argues that FOIL provides no basis for 
withholding records on the grounds that redacting portions would be too difficult, and that 
such claims of unreasonable burden are vastly overstated in light of modern technology. It also 
argues that, because the purpose of FOIL and the body-worn camera footage program is to 
increase transparency about law enforcement conduct, such footage must be timely released 
and not prohibitively expensive to request. A ruling holding that a hearing is required to 
determine if it is unreasonably burdensome for an agency to release a public record under FOIL 
would set a bad precedent, threatening the prompt release of records relating to matters of 
significant public concern and imposing additional costs on news organizations and the public.

11/1 RCFP Amicus -- Challenge to Email Warrant Non-Disclosure Order
We signed onto an amici brief in support of Microsoft’s challenge of a non-disclosure order 
under the Stored Communications Act in a federal case in New York. SPJ signed onto a similar 
amici brief in Washington state in 2016. However, Microsoft dropped that suit after the 
government agreed to limit its applications for non-disclosure orders—or gag orders preventing 
Internet providers from telling people when the government has obtained a warrant to read 
their e-mail during an investigation—to one year or less. In this case, a magistrate judge denied 
Microsoft’s motion to modify a non-disclosure order that had been extended for an additional 
year after the initial one-year gag period. Microsoft is asking for a review of the magistrate 
judge’s order. The brief argues that government surveillance and non-disclosure orders 
detrimentally affect newsgathering, reporter-source relationships and the free flow of 
information to the public.

11/6 RCFP Amicus: Gannett Satellite Information Network LLC v. New York State Thruway 
Authority (NY App. Div. - FOIL)
SPJ served as the lead amicus to support The Journal News, a Gannett paper that covers 
Westerchester County, in a Freedom of Information Law case in the New York Appellate Division’s 
Third Department. This request for support came to us from the Deadline Club, SPJ’s New York 
City chapter. 
The appeal challenges the trial court’s ruling that, even though the New York State Thruway 
Authority took nine months to produce documents related to the closing of the Tappan Zee 
Bridge and opening of the Mario M. Cuomo Bridge, and then only after the paper sued for the
records, the agency’s delay was not unreasonable, and thus the paper was not entitled to attorneys’ fees. The brief highlights the larger problem of routine denials of and delays in access to records, arguing that such policies greatly impede the news media’s ability to gather and promptly disseminate information about significant matters of public concern to the public. It also emphasizes the importance of FOIL fee-shifting provisions, which allow journalists to cost-effectively challenge such denials and delays.

11/7 RCFP Letter in Support of NPR Illinois Journalists
We supported the journalists at NPR Illinois, owned and operated by the University of Illinois with a letter, addressed to the school’s Board of Trustees, urging it to grant the station’s journalists an exemption from Title’s IX’s mandatory reporting requirement. After the station—as part of a series examining professorial sexual misconduct at the state’s colleges and universities—invited victims of sexual assault to share their experiences and promised anonymity to anyone who came forward, a Title IX coordinator told station leadership that its journalists qualified as “responsible employees” under Title IX, which would require them to report alleged sexual misconduct to the school. The letter argues that NPR Illinois journalists should not be required to report under Title IX and that mandating them to do so violates the Illinois reporter’s privilege statute, which allows journalists to promise confidentiality to their sources. Mandatory reporting of journalists’ confidential sources will chill coverage of the university’s handling of misconduct and allow abuses like those already uncovered to continue in secret.

12/4 RCFP & NPR letter to SCOTUS
We joined RCFP and NPR in a letter to the Clerk of the U.S. Supreme Court regarding the increased frequency with which the Court has been granting motions to seal Court records in recent years. The letter asked the Court to adopt a proposed rule to establish a presumptive right of access to Court records that could be overcome only by a showing that the need for secrecy outweighs this presumption. The Court had granted sealing requests in just 2 cases in 1993 but 24 in 2010 and 45 cases last year. Routinely sealing court records, particularly when there is no justification for doing so, significantly impairs the news media’s ability to report on some of the most important matters facing our country today—the issues and rights that are being adjudicated by the highest Court in the nation. The practice also sets a bad precedent for lower courts considering sealing motions that do not justify the need for secrecy above access.

12/4 Legal Defense Fund grant to Rob Melendez, a freelance journalist in the Orlando area
We awarded $4,000 to a reporter seeking access to school board records from Volusia County, Florida that have been withheld from disclosure in violation of Florida’s Sunshine Law. Melendez got a tip that a track coach working at Deltona High School had been investigated and reprimanded for posting racial and sexual comments, and at least one violent video, on Facebook. The school district responded to a public records request with a denial it had any complaints or professional standards investigations, but Melendez had a copy of a letter from the District to the track coach informing him of the results of the investigation into allegations against him. Melendez then learned of other students who claim they were sexually assaulted—both by fellow students and employees—at Deltona High School, as well as other
District schools, but he has been unable to obtain access to records relating to any investigation or discipline surrounding the alleged incidents, and he believes the District is purposely trying to hide a pattern of covering up sexual assaults that occur at Volusia County schools. The funds support his lawsuit seeking public access to government records.

12/5 SCOTUS amicus sign-on, Krakauer v. State of Montana
We signed onto an amicus brief in support of author Jon Krakauer’s petition asking the U.S. Supreme Court to hear his freedom of information-related case. Krakauer is seeking access to the files of the state of Montana’s higher-education commissioner, who overturned sanctions against the University of Montana’s quarterback after a campus disciplinary board found him responsible for a sexual assault. In denying the records, the state relied on the Federal Educational Rights and Privacy Act (“FERPA”), which protects the privacy of student education records and is often misapplied to obstruct the right of public access. The amicus brief argues that the court below erroneously found that FERPA preempted state statutory and constitutional law, which, in Montana, provides a right of access to public records from state universities. Courts’ far-too-common reliance on FERPA as a means to deny access to public records impedes the news media’s ability to report on matters of paramount public concern.

12/7 Legal Defense Fund Grant to Lake County Voices of Reason
We granted $500 to the Lake County Voices of Reason (“LCVOR”) in central Florida, a group of residents trying to prevent the relocation of a statue of a Confederate general from Washington, D.C. to a museum inside a Lake County historical courthouse. The group is suing the Lake County Board of County Commissioners to overturn a vote that occurred after back-channel communications between the five commissioners and the president of the Lake County Historical Society, who had proposed acquisition of the statue, in likely violation of Florida’s Open Meetings Law. Back-room dealings undermine the intent of Florida’s strong Sunshine Law and undermine open government.

12/12 RCFP Amicus Brief in CNN v. Bellbrook-Sugarcreek Local Schools
We joined an amicus brief in support of CNN in an open records case before the Ohio Supreme Court that seeks the disclosure of high school disciplinary and other records related to Connor Betts, the gunman who fatally shot nine people outside a crowded bar in Dayton, Ohio last August. The school district denied access to the records, and the appellate court agreed, citing a state student privacy law that bars disclosure of non-directory student records without student consent. The brief argues that under longstanding common law principles, an individual’s right of privacy terminates upon death. The appellate court’s failure to apply that general rule undermines public policy and the principle of openness, and curtails the news media’s ability to report on school disciplinary records of mass shooters, past reporting of which has served a strong public benefit.

12/17 RCFP Amicus in Perlman v. Vox (Delaware)
We joined an amicus brief in a Delaware appeals court case involving a defamation claim against The Verge. The Chancery Court ruled that a hyperlink in an online article republishes an earlier article so the one-year statute of limitations for defamation is restarted. This contradicts
a wide body of case law that hyperlinks do not republish the articles to which they direct
readers. The brief argues that the ruling is erroneous and that given their important use in
online journalism, hyperlinks should be encouraged, not deterred. If this rule of law is adopted
by other courts, it would severely impact modern, online journalism and expose journalists and
news media organizations to significantly increased defamation litigation.

12/19 RCFP Amicus in Libertarians v. NJ State Police (NJ Supreme Court - OPRA)
We joined an amicus brief in a New Jersey Open Records Act case pending before the state
Supreme Court. The New Jersey State Police denied an open records act request from
Libertarians for Transparent Government seeking the name, title, and date of separation for a
state trooper who had been fired for “questionable associations” and engaging in “racially
offensive behavior.” Both the trial and appellate courts upheld the agency’s denial despite the
explicit statutory language, relying on another provision of the state Open Records Act that
exempts personnel records that would include details beyond the officer’s name, title, date of
separation and reason for such. The amicus brief argues the importance of recognizing the plain
language of a statute and that access to these records is critical to reporting on matters of
significant public interest, including patterns of police misconduct.

1/3/2020 RCFP Amicus Brief - City of Chicago v. Fraternal Order of Police (Illinois Supreme
Court)
We joined RCFP in an amicus brief in a public records case before the Illinois Supreme Court
involving the retention and disclosure of police misconduct records. Under the state Freedom
of Information Act, complaint register files—or citizen complaints alleging police misconduct—are public and subject to disclosure, but a section of a collective bargaining agreement between the city of Chicago and the Fraternal Order of Police requires these records to be destroyed after five years. The city asked the trial court not to force the record destruction. The FOP appealed to the state high court. The brief argues that collective bargaining agreements and other contracts cannot trump a state’s public records law and outlines the strong public policy interests served by disclosure of police misconduct records.

1/12 media coalition amici brief in Karem v. Trump appeal (D.C. Cir.)
We joined RCFP in a brief to support Playboy’s White House correspondent Brian Karem’s legal
challenge to restore his White House press pass. The White House Press secretary said Karem
had violated “decorum” and suspended his security credentials for 30 days after an altercation
with former White House aide Sebastian Gorka during a Rose Garden event. Karem sued in D.C.
federal court seeking a temporary restraining order and preliminary injunction reinstating his
hard pass. The trial court agreed that the suspension of his hard pass violated his due process
rights, and the government appealed the ruling to the D.C. Circuit Court. Upholding the White
House press secretary’s ability to suspend a member of the news media’s press pass based on
vague standards never previously or properly articulated sets a bad precedent for public
information officers and other officials at all levels of government nationwide.

1/15 Indiana DOC v. Toomey - RCFP Amicus Brief
We served as co-lead in an amicus supporting an Indianapolis lawyer, Katherine Toomey, seeking access to records about the drugs the state Department of Corrections uses in carrying out executions.

The Department of Corrections denied Ms. Toomey’s request for documents about the drugs, she sued, and the trial court found in her favor. The DOC appealed the ruling, but while that appeal was pending, the state legislature passed a statute that made lethal injection drug suppliers’ identities confidential, including retroactively. Relying on the new secrecy statute, the DOC asked the trial court to modify its earlier order. The state Supreme Court is considering the case. The amicus brief argues that the statute, which prohibits pharmacists, pharmacies, wholesale drug distributors, and outsourcing facilities from identifying themselves as suppliers of lethal injection drugs to the state, even voluntarily, is a prior restraint that chills reporter-source communications. It also argues that the law denies the public’s qualified First Amendment right of access to information about the source of the drugs used in executions and highlights the news media’s longtime role in public scrutiny of the lethal injection process. A number of botched executions in recent years that, according to later reporting, involved concealed information about the sources of the drugs used show that this process requires accountability and transparency, not additional secrecy.

1/16 Letter Opposing Impeachment Trial Press Restrictions

We joined RCFP in a letter to Sens. McConnell and Schumer opposing the planned restrictions on the news media during the Senate impeachment trial of President Trump. The measures restricted the use of electronic devices, implemented additional security screening and prohibited reporters from questioning lawmakers as they moved about the Capitol. The letter asked the senators to reconsider the “overly restrictive regulations,” noting that reporters must have the ability to respond quickly to rapid developments and need reasonable access to lawmakers as they deliberate. These restrictions impede the news media’s ability to provide up-to-the-minute information about one of the most important proceedings to occur before the U.S. Senate.

1/23 RCFP Amicus Brief in Rainbow v. WPIX (NY App. Div., First Dep't)

We joined RCFP in an amicus brief in support of New York-based WPIX-TV in a defamation case brought by a public school teacher mistakenly named in a news article about another teacher with the same last name accused of bullying students. The trial court dismissed her complaint, finding that the news organization did not act in a “grossly irresponsible” manner—the standard used in New York for a story involving a private person but one that touches on a matter of public concern—when it relied on the mother of the allegedly bullied child as the source of information for the teacher’s name. The plaintiff appealed. The brief argues that the current “gross irresponsibility” standard appropriately balances the need for accuracy with the practical realities of the news business, and recognizes that some errors are unavoidable, particularly given the pressures of the 24-hour news cycle and the limited resources in many modern newsrooms. A weakened standard would make it more difficult for media defendants in New York to obtain early dismissal from defamation actions and would create greater risk for journalists to report on matters of public concern in the state.
1/29 DRAFT: M.G. v. Hestrin - RCFP Amicus Brief
We joined RCFP in an amicus brief in a California case involving access to wiretap applications and related documents after an investigation is closed. A retired California highway trooper sought access to post-investigation records related to the disproportionate number of wiretaps targeting him that the Riverside County courts authorized. The trial court denied his request, and he appealed. The amicus brief argues that the public has a constitutional right of public access to these documents under California’s wiretap statute, and discusses the danger of government surveillance without public oversight.

1/30 Parekh v. CBS - RCFP Amicus Brief
We joined RCFP in an anti-SLAPP case pending in the U.S. Court of Appeals for the Eleventh Circuit. Anti-SLAPP (Strategic Lawsuits Against Public Participation) laws allow early dismissal of meritless lawsuits stemming from an exercise of First Amendment rights. When the motion to dismiss is granted in the federal district court, as here with the CBS affiliate, defendants are entitled to an award of attorney’s fees and costs under the statute. The plaintiff has appealed the trial court’s dismissal of his claim under the Florida anti-SLAPP law and its award of fees and costs to CBS. Anti-SLAPP laws are a useful tool for news media organizations and other defendants in defamation actions and the fee shifting provision is a critical feature. The statutes have helped discourage meritless lawsuits, usually brought as a means to chill important speech on matters of public concern and prevent journalists and others from incurring significant litigation costs. The fee shifting provision is perhaps the most significant deterrent for plaintiffs considering bringing meritless defamation claims and would benefit journalists and news organizations.

2/1 Carroll County E911 v. Hasnie - RCFP Amicus Brief
We joined the RCFP in an amicus brief to support a TV reporter seeking access to 911 audio recordings related to a 2016 fatal house fire in which four children died in Carroll County, Indiana. Carroll County E911 denied the request, citing an exemption under the state Access to Public Records Act (“APRA”) for investigatory records of law enforcement agencies. The trial court ruled in the reporter’s favor, and Carroll County E911 appealed. The amicus brief argues that not only does exempting 911 records under the investigatory records exception run contrary to the intent of the Indiana APRA, but it also poses a dangerous risk for abuse if 911 records are withheld simply because the recordings, or even portions of them, may be useful in a future investigation. The brief also demonstrates several instances where news media organizations have used 911 records to report on matters of public concern. Access to 911 recordings provides valuable insight into important matters like response-time delay, information that is vital to helping a community understand how its first responders behave when lives are at stake.

2/13 La Liberte v. Reid - RCFP Amicus Brief
We joined RCFP in an amicus brief in an Anti-SLAPP case pending in the U.S. Court of Appeals for the Second Circuit in New York. Over the past few years, the tide has been slowly shifting on whether state anti-SLAPP statutes should be applied in federal court, with more and more courts holding that they should not. This case involves a defamation claim against journalist Joy
Reid and her Twitter and Instagram posts, comments and a picture of the plaintiff interacting with a boy during a city council hearing on immigration. The trial court granted Reid’s motion-to-strike under the California anti-SLAPP law, and awarded Reid attorney’s fees under the latter. The plaintiff has appealed. The amicus brief focuses on the argument that the fee-shifting provision of the California anti-SLAPP statute applies in federal court regardless of whether the motion-to-strike provision applies in federal court. Anti-SLAPP laws are a useful tool for defendants in defamation actions, including journalists and news organizations, and the fee shifting provision is a critical feature.

2/18 Kentucky Supreme Court in Kentucky Kernel FOI case
We supported a public records case brought by the Kentucky Kernel, the student newspaper at the University of Kentucky, involving access to records relating to a faculty member disciplined for sexual harassment. The Kernel sought documents relating to a university-conducted sexual misconduct investigation into former professor James Harwood. UK officials denied access to the records, a decision the newspaper appealed to state Attorney General Andy Beshear, who has the statutory authority to confidentially review the documents in question. But UK also denied access to Beshear, who then said that UK had violated the state Open Records Act. The amicus brief, led by the Kentucky Press Association and Student Press Law Center, argues that the university’s reliance on the Family Educational Rights and Privacy Act (FERPA), a federal law that governs access to public educational student information and records, to blanketly refuse compliance with the public records request is misplaced. It also argues that the question of how state universities respond to allegations of sexual misconduct by faculty toward students is a matter of public concern which the public has a right to obtain.

2/20 Madoff Compassionate Release Public Access to Victim Letters - RCFP Amicus Lett
We joined the RCF in a letter asking the federal court in Manhattan to make publicly available any letters from victims that have been submitted to the court or will be submitted in response to Bernie Madoff’s request for a compassionate release. The RCFP letter points out that a fundamental principle of the American criminal justice system is implicated here: documents that are filed with the court, including records that are considered in sentencing or other incarceration-related decisions, are court records subject to a First Amendment right of access that can be overcome only to the extent necessary to serve a compelling interest in keeping the documents secret. There is a strong public interest in gaining insight into the information relied upon by the government and the court in considering Madoff’s request for compassion and leniency.

2/24 DRAFT News Media Coalition comments/FAA NPRM re: Remote Identification of UAS
We signed onto comments by a coalition of media organizations to a Federal Aviation Administration’s (“FAA”) Notice of Proposed Rulemaking (“NPRM”) on Remote Identification of Unmanned Aircraft Systems (“UAS”). We encouraged the FAA to limit the impact of rules governing drones on journalists and news organizations. One recommendation – asking the FAA to establish an “accredited news representative designation” that would exempt journalists operating drones in certain airspace from some of the rules – may appear problematic to the extent that it requires a definition of who qualifies as a “journalist.” However, the “accredited”
designation would be no different than requiring credentials for journalists to attend certain press conferences or participate in pool coverage.

2/27 RCFP Amicus Brief in Becerra v. Superior Court (CA Ct. App./CPRA)
We joined RCFP in an amicus brief to support the First Amendment Coalition and KQED in a California Public Records Act case that involves access to law enforcement records on firearm discharges, uses of force, sexual assault and dishonesty. The trial court ordered disclosure of the records, but the California attorney general refused to release records of law enforcement officers of other agencies, even though the AG possesses those records. The brief discusses why the new law should be interpreted broadly in favor of access. Even though the California law has been in effect for less than a year, it has already been the subject of a great deal of litigation, most of which has resulted in findings favoring public disclosure. A ruling that agencies need only release the relevant records of their own employees would undermine this pro-transparency trend in California and impede the ability of journalists to report on important law enforcement matters.

2/27 Rojas v. FAA - RCFP Amicus Brief
We signed onto an RCFP amicus brief in a FOIA case in the U.S. Court of Appeals for the Ninth Circuit. The records at issue in this case, filed by an aspiring air traffic controller whose application was denied, relate to the test that the FAA administers to applicants and considers in the hiring process. The Ninth Circuit three-judge panel ruled that FOIA Exemption 5, which prohibits public disclosure of certain intra-agency records, did not apply, and thus the records were public. The FAA had argued that the records were exempt because they involved documents that the FAA received from an outside agency, a consulting human resources firm. The amicus brief argues that the panel correctly decided the issue. When courts expand the scope of FOIA exemptions beyond their plain language, the law’s goal of increasing disclosure of government activity is undermined, and reporting suffers. For example, information about matters of significant public interest and concern is often uncovered by examining the government’s contracts with third parties.

3/13 The New Mexican v. PNM & BHP - RCFP Amicus Brief
We joined an RCFP amicus brief that asks the New Mexico Supreme Court to review a lower court ruling from an attempt to obtain a prior restraint against the Santa Fe New Mexican. Three private companies along with the New Mexico Public Regulation Commission (“PRC”) sued the newspaper to prevent it from publishing records that the PRC inadvertently disclosed in response to a public records request. The paper countersued for malicious abuse of process and conspiracy, in response to the plaintiffs’ efforts to obtain a prior restraint. The First Judicial District Court properly refused to grant the prior restraint but also dismissed the New Mexican’s counterclaims under the Noerr-Pennington doctrine, which protects certain petitioning activity under the First Amendment. Application of the Noerr-Pennington doctrine in this case is problematic. The doctrine is not meant for a government agency and companies allied with the agency to shield themselves when they bring what is essentially a frivolous lawsuit to obtain a prior restraint against a newspaper. The brief argues that if the lower court’s
decision to dismiss the New Mexican’s counterclaims under the Noerr-Penington doctrine stands, it could inhibit reporting about matters of significant public interest and concern. New Mexico news organizations may be discouraged from such reporting if they face prior restraint litigation and are unable to recoup the costs of defending the lawsuits.

3/13 Tah v. Global Witness - RCFP Amicus Brief
We joined RCFP in an amicus brief in a case pending before the D.C. federal appellate court over the applicability of the D.C. Anti-SLAPP Act in federal court. Anti-SLAPP laws help defendants in defamation actions, including journalists and news organizations, as tools to discourage meritless lawsuits brought as a means to chill important speech on matters of public concern.

3/16 US v. Roger Stone - RCFP Amicus Brief
We joined RCFP in an amicus brief in support of a motion seeking access to juror questionnaires and the identification number of the jury forewoman in the Roger Stone prosecution. The brief relies on the First Amendment presumptive right of public access to voir dire proceedings, including juror questionnaires, as well as the public policy interest in promoting public understanding of the criminal justice system. Juror questionnaires often provide unique insight into the makeup of the panel tasked with passing judgment on a criminal defendant. It is particularly important in this high-profile case, where the impartiality and veracity of the jury foreperson have been challenged by the President and others.

3/27 Fed. R. Crim. P. 6(e) - RCFP Letter to Rules Committee
We joined RCFP in a letter in support of the Public Citizen Litigation Group (“PCLG”) and several historical groups’ request to amend the federal rule of criminal procedure governing access to grand jury records, including historically and socially significant materials. The letter is directed to the committee that approves the rules of practice and procedure for the federal judiciary system. Federal Rule of Criminal Procedure 6(e) codifies the tradition of secrecy surrounding grand jury proceedings, though it allows the court, by way of its supervisory authority over the grand jury, to approve some exceptions. Some federal appellate and many federal trial courts have interpreted the “supervisory authority” language broadly such that information not specifically named as an exception may be disclosed. However, last year the D.C. Circuit Court of Appeals ruled otherwise, holding that courts lack the “inherent authority” to disclose grand jury materials not covered by an explicit exception contained in Rule 6. The RCFP letter in support of the PCLG asks the committee to amend Rule 6(e) in a manner that recognizes the existence of the courts’ inherent authority to permit the release of grand jury materials in appropriate circumstances. Unsealed grand jury records provide unique insight into the inner workings of the criminal justice system as it prosecuted some of the nation’s most historically significant individuals.

4/3 Jones v. PBSA - RCFP Amicus Brief
We signed on an RCFP amicus brief in an Arkansas Supreme Court case governing access to court records. The case involves the interplay between an Arkansas Supreme Court administrative order, the state FOIA and the First Amendment right of access. The court clerk
handling the request—primarily for docket sheets, charging instruments, and records reflecting the disposition of criminal charges—relied on the administrative order in denying the request; in the lawsuit challenging that denial, the requesting party, a Professional Background Screening Association ("PBSA") member, argued that the First Amendment and common law right of access apply, while the trial court ruled that the state FOIA governs the issue. The amicus brief argues that the court records that the PBSA seeks are subject to the constitutional right of access and highlights the important news reporting that stems from public access to court records. It also argues that the administrative order should not be read to include a request for existing court records related to a person, so as to avoid a conflict with the First Amendment right of access. A holding by a state’s highest court that a First Amendment right of access does not apply to court records is a bad precedent that could make it exceedingly more difficult to obtain records and report about matters of significant public interest and concern to reporters in Arkansas.

Cases since mid-year report

4/6 Gottwald v. Sebert (Dr. Luke v. Kesha) - RCFP Amicus Brief
We joined the RCFP in an amicus brief addressing the “public figure” doctrine in a New York defamation case involving musician Kesha and producer Dr. Luke. Kesha and professionals associated with her were sued by Dr. Luke over her allegations that he sexually assaulted her and fellow musician Katy Perry. The brief argues that the trial court erred when it ruled that Dr. Luke is not a public figure, required to prove that Kesha acted with actual malice, knowledge of or reckless disregard for the falsity of the statement at issue. We argued that Dr. Luke qualifies as a public figure. Overly narrow interpretation of the public figure standard can impede important reporting, particularly in the age of the #MeToo movement, by allowing powerful figures to use defamation litigation to silence the news media and others who speak out against such behavior.

4/7 CNN v. FBI - RCFP Amicus Brief
The next day we joined RCFP again in a D.C. Circuit court access case stemming from CNN’s FOIA request to the FBI for James Comey’s memos on his meetings with President Trump. We argued for access to a partially sealed declaration, the Arceh Declaration, that set forth the FBI’s justification for withholding memos that led to a dismissal of CNN’s FOIA suit. (CNN appealed that ruling, but while the litigation was pending, the memos were turned over to Congress, and redacted versions were released to the public.) The amicus brief argues that the common law and First Amendment right of access to court records—not FOIA or the National Security Act, as the FBI has alleged in its appeal—govern the issue. It also highlights the public’s continued interest in the Mueller investigation and the important news reporting that can result from information in unsealed court records.

4/9 Andrew Welsh-Huggins v Office of the Prosecuting Attorney, Jefferson County, Ohio
We joined the Ohio Coalition for Open Government, RCFP and others in this case in front of Ohio’s Supreme Court over an Associated Press reporter’s request for surveillance footage of a
shooting that targeted a judge outside an Ohio courthouse. The Court of Claims found the footage was subject to release under the Ohio Public Records Act, rejecting "conclusory assertions" by the records custodian that the footage was part of a "security record." The 7th District Court of Appeals reversed the judgment of the Court of Claims, finding that the footage was a security record. The reporter appealed to the Ohio Supreme Court. The amicus brief argues that the 7th District should have applied an abuse of discretion standard when conducting its review and its expansive view of security records are contrary to both Ohio Supreme Court precedent and the view of jurisdictions outside Ohio that have evaluated public access to the same or similar records.

4/10 Soderberg v. Carrion - RCFP Amicus Brief
We signed onto an RCFP amicus brief in a Maryland U.S. Court of Appeals case challenging the constitutionality of a state procedural rule that bars recording and broadcasting in state criminal trial courtrooms. The plaintiffs, journalists and community organizations, are challenging the rule which prohibits the dissemination of recordings that the courts themselves make public. The brief argues that the rule violates the right of access to judicial records and restricts the publication of lawfully obtained truthful information about a matter of public concern in violation the First Amendment. It also argues that the rule hinders reporting on matters within Maryland’s judicial system. Court recordings are invaluable tools in reporting on matters of significant public interest and concern, particularly in a day and age when documentarians and podcasters increasingly focus on legal issues as the subjects of investigative reporting that often exposes serious flaws in the nation’s system of justice.

4/16 Biancardi v. Italy - RCFP Application to ECHR
We intervened alongside the RCFP in a right-to-be-forgotten case before the European Court of Human Rights. The "right to be forgotten" is a rule that gives European Union citizens the power to demand that online data about them be deleted. This case involves a news story about a stabbing between two brothers at a restaurant in Italy in 2008. A local online news site reported the incident and initially refused to remove the story from its website. Although it later removed the story, a court assessed damages against the editor for the initial refusal to remove the content. We intervened in the case to support the news outlet and to address the balancing of the right to expression (i.e. to publish news and information) versus right to privacy and reputation, and to provide an overview of how different jurisdictions (including US courts) have interpreted and balanced these rights.

4/24 WJFW Defamation Suit - Letter of Support
We signed a letter of support alongside the Radio Television Digital News Association (RTNDA) and several network TV affiliate associations to support WJFW-TV, a small NBC affiliate in rural Wisconsin sued for defamation by the Trump campaign for airing a PAC ad critical of the President’s response to the coronavirus pandemic. Many broadcasters aired the ad, but only WJFW was sued. The letter highlights the important role that local television stations play in providing a platform for discussion of all sides of political issues and candidates, as rooted in
the First Amendment, which supports WJFW’s willingness to broadcast political advertising that represents a wide spectrum of candidates and issues.

5/7 Husch Blackwell v. WMATA - RCFP Amicus Brief
We joined an RCFP amicus brief in a public records case pending in the D.C. U.S. Court of Appeals regarding access to a consultant’s report about concrete used to build a rail project. The Washington Metropolitan Transit Authority denied law firm Husch Blackwell’s public records request, citing an exemption that prohibits public disclosure of certain intra-agency records. Husch Blackwell sued, and the trial court dismissed the case, relying on FOIA Exemption 5, which courts have interpreted very broadly to include records of consulting outside agencies providing advice. The brief supports the law firm’s appeal. When courts expand the scope of FOIA exemptions beyond their plain language, the law’s goal of increasing disclosure of government activity is undermined, and reporting suffers. Information about matters of significant public interest and concern is often uncovered by examining the government’s contracts with third parties.

5/6 Center on Privacy & Tech. v. New York Police Dep’t - RCFP Amicus Brief
We signed onto an RCFP amicus brief to support the Center on Privacy and Technology (“CPT”), which has been prohibited by court order from discussing the source of certain facial recognition technology-related documents that the New York Police Department inadvertently released to CPT after its lawsuit seeking access to such under the New York Freedom of Information Law. In addition to ordering that CPT return some of the inadvertently disclosed documents, the New York trial court prohibited the group from “referring to” or “referencing” the documents. The brief argues that the New York high court should review the case because the order prohibiting discussion of the source of the records is an unconstitutional prior restraint that violates the well-established First Amendment right of access to lawfully obtained truthful information about a matter of public concern, even if such information is inadvertently disclosed. It also argues that if the order is allowed to stand, it will harm the credibility and effectiveness of journalists, who must be able to cite sources of information.

5/8 Perry v. Hollingsworth - RCFP Amicus Brief (N.D. Cal.)
We joined RCFP’s amicus brief supporting public broadcasting station KQED in seeking access to videotapes of the Proposition 8 trial held in the federal trial court in Northern California in 2010. An appeals court had sealed the ruling that the video recording of this bench trial in which same-sex couples challenged California’s adoption of a constitutional amendment to prohibit gay marriage. In 2017, KQED moved to unseal, arguing that changed circumstances justified the unsealing, a motion that the district court granted in part, holding that the tapes could be released in August 2020 unless Prop 8 proponents who continued to object to the unsealing presented compelling reasons for the recordings to remain shielded from public view. We supported KQED appeal and now renew support after Prop 8 proponents renewed their opposition to unsealing, arguing the public broadcast of a trial raises privacy concerns. The brief argues that the public release of the videos advances the interests behind the common law and First Amendment right of access to judicial records. Video recordings are highly useful...
newsgathering tools and provide insight into proceedings of significant interest and concern to the public that is unavailable from transcripts only.

5/27 LDF Application from Florida First Amendment Advocate in Open Meetings case
We awarded $5,000 to Barbara Petersen, a longtime open-government advocate in Florida who recently retired as the director of the state’s First Amendment Foundation. She and fellow open government advocates intervened in an open meetings lawsuit against the city of Sebastian, Florida. The plaintiffs in the suit, the Sebastian mayor, city manager and city attorney, are suing three city council members who violated the Florida Sunshine Law by entering a locked City Hall and “holding” a City Council meeting previously canceled due to the COVID-19 pandemic, voting on a number of significant matters, including suspending COVID-related emergency declarations, firing the city manager and city attorney and appointing others to replace them. Ms. Petersen called this the “most brazen” Sunshine Law violation she has seen in her more than 30 years of this type of work in Florida. The suit sends a message to local governments in Florida and nationwide that open government advocates are still paying attention and will continue to hold them accountable for violating the right to government openness and transparency, particularly during such an important time. Florida’s Sunshine Law is among the strongest nationwide, mandating that those who have violated it pay costs and fees, which Ms. Petersen said she would return to the LDF if recovered in the lawsuit.

5/28 ALDF v. Vaught (8th Cir) - RCFP Amicus Brief
We joined RCFP’s amicus brief in a U.S. Court of Appeals case over the constitutionality of Arkansas’ ag-gag statute. Such laws have been used in numerous states over the past several years to silence whistleblowers trying to reveal animal abuse on industrial farms. Arkansas’ statute prohibits a person from gaining access to a “nonpublic area of a commercial property” and in any way capturing or recording damaging information. Several animal and food-workers’ rights organizations sued to challenge the law, and SPJ signed on to an amicus brief in support of that litigation at the District Court level. The trial court found the organizations did not have standing to sue, and they have appealed. The brief argues that journalists rely on sources within agricultural facilities to inform their reporting on matters of significant public interest and that the ag-gag statute interferes with investigative reporting that relies on firsthand sources and accounts of conditions in facilities to inform readers about such crucial matters.

5/29 RCFP Comments on OMB’s government-wide FOIA fee guidelines
We signed onto RCFP comments regarding proposed changes to the Office of Management and Budget’s (“OMB”) FOIA fees guidelines. OMB proposed revisions to its 30-plus-year-old guidance, which all federal agencies must follow, about the fees agencies should charge requestors, including members of the news media, for producing public records they seek. The comments urge the agency to retain in the guidelines the definition of a “representative of the news media” with its broad interpretation of who qualifies. Including this specific definitional language in the guidelines will help ensure clarity and consistency in the implementation of FOIA across all agencies of the federal government.

6/3 Philadelphia Bail Fund v. Arraignment Court Magistrate Judges - RCFP Amicus Brief
We joined RCFP’s amicus brief in an access case involving audio recordings of bail hearings. The Philadelphia Bail Fund (“PBF”) challenged the constitutionality of Pennsylvania court rules that prohibit it from making audio recordings of bail hearings, and the federal trial court held that the rule does violate the First Amendment right of access to bail hearings to the extent it does not provide official recordings or transcripts or allow the public to make its own. The defendants have appealed that ruling. The amicus brief argues that the First Amendment right of access to judicial proceedings and records extends to bail hearings and cites examples of journalists’ use of audio recordings of court proceedings to fully and comprehensively report on them. Bail hearings are often an important part of coverage of the criminal justice system.

6/3 Gibson Bros, Inc. v. Oberlin College - RCFP Amicus Brief
We signed onto an RCFP amicus brief in an Ohio defamation case in which a local bakery and two of its employees claimed Oberlin College and one of its administrators defamed them in statements in a student protest flyer and a Student Senate resolution that accused the bakery of racial profiling and a history of discrimination. The plaintiffs claim the college is liable because a college administrator handed a protest flyer to a news reporter in response to his question about the protest, and the Student Senate resolution was posted in a building on the Oberlin campus. A trial jury found that the defendants acted negligently by “publishing” the allegedly defamatory statements in the flyer and resolution and awarded the plaintiffs $11 million in compensatory damages and $33 million in punitive damages. The RCFP brief argues that, under Ohio law, the standard for liability for redistributors of allegedly defamatory material is actual malice, a much higher standard than the negligence one on which the jury based its finding of liability. The news media regularly redistribute information via ads written by people outside the news organization so this could set a dangerous precedent under which those who merely disseminate other people’s speech risk defamation liability unless they independently verify its accuracy, even if they have no reason to doubt it.

6/9 Dababneh v. Lopez - RCFP amicus brief
We signed onto an RCFP amicus brief in a California defamation case stemming from a woman’s accusation of sexual misconduct against a state legislator, in a complaint to the legislature and a press conference about the complaint. The trial court found the legislative proceeding and fair report privileges—which shield from defamation liability accurate reports of official proceedings—did not apply to the statements at the press conference. The defendant appealed. The brief argues that a holding that the press conference statements are not within the scope of the legislative and fair report privileges chills speech about matters of significant public interest and concern. It also asks the appellate court to reject plaintiff’s argument that the manner in which a Los Angeles Times reporter covered the sexual misconduct complaint somehow means that the fair report privilege does not apply to defendant’s statements at the press conference. The fair report privilege is a strong and important defense that should be interpreted broadly and should cover statements made to journalists about official proceedings and documents.

6/22 LDF Grant request in Wisconsin Open Records Law Fee case
We awarded $2,500 to Christa Westerberg, a Madison, Wisconsin, lawyer and co-vice president of the Wisconsin Freedom of Information Council (“WFIC”), to fund an amicus brief in a case addressing the fee-shifting provision of the Wisconsin Open Records Law, which, like many open records laws nationwide, allows requesters who prevail to recover their costs and attorney’s fees. In this case, the trial court denied the requester’s motion for costs and fees, even though she obtained a court order that the Grafton, Wisconsin village administrator and fire chief turn over all or parts of 15 records. The trial court said the officials did not act in “wanton disregard” of the Open Records Law and accused the requester of acting out of “nastiness perhaps for some ulterior motive outside of ... the open records request.” The LDF grant will help Ms. Westerberg submit an amicus brief in support of the requester on behalf of the WFIC, arguing that given shrinking newsroom budgets, fee-shifting provisions are crucial to ensuring that journalists can enforce their rights of access to public records.

6/26 Cato Institute v. SEC - RCFP Amicus Brief
We signed onto an RCFP amicus brief in a case involving access to information in SEC documents pending in the D.C. U.S. Court of Appeals. The SEC policy precludes parties who settle with the agency from ever publicly denying allegations made by the SEC during the proceedings, while allowing the SEC to freely and publicly comment on the allegations against the particular party. The Cato Institute sued on First Amendment grounds, but the trial court held that the think tank did not have standing to sue, even though it claimed that it planned, among other things, to publish a book by a settling party. The brief supporting the Institute’s appeal argues that the SEC’s so-called “deny provision” impedes the free flow of information, as well as the accuracy of news reports. It also contravenes the strong public policy interest in government transparency and openness, as embodied in FOIA. While the case does not directly involve journalists, it does implicate the news media’s constitutionally protected right to gather and disseminate information about matters of public interest, including the ability to report complete and accurate information.

6/29 CNS v. Schaefer - RCFP Amicus Brief
We joined the RCFP in an amicus brief in a case involving Courthouse News Service (“CNS”) and its efforts to obtain timely access to newly filed civil complaints in the federal courts. SPJ has signed onto several amicus briefs in support of CNS in various jurisdictions because it is essential that journalists covering judicial proceedings of public interest and concern have timely access to court filings. This case concerns the First Amendment right of timely access to civil complaints. CNS filed suit against the clerks of two Virginia circuit courts after the clerks began delaying access to newly-filed civil complaints until the complaints were "processed," resulting in delays of more than two court days in some instances. A trial court agreed with CNS but the clerks appealed. The brief argues that timely access to civil complaints before processing benefits the public and the press.

7/6 Price v. Barr, et al - NPPA Amicus Brief
We joined the National Press Photographers Association and First Look Media Works in an amicus brief supporting an independent filmmaker challenging the government's ability to charge fees for commercial shoots in national parks and pushing back against its defense that
filming isn't protected by the First Amendment. The filmmaker filmed portions of his work from areas open to the general public but after the film was shown almost a year later, he was served a criminal citation for failure to obtain a permit prior to filming. This practice censors speech and violates the First Amendment.

7/6 Reporters Committee Amicus Brief in Supreme Court CFAA Case, Van Buren v. United States
We joined RCFP in a case before the U.S. Supreme Court challenging the constitutionality of the Computer Fraud and Abuse Act ("CFFA"), the federal computer crime statute. The defendant in this case, a police officer in Georgia, allegedly accepted payment to access a state criminal. No one disputes that the officer could be disciplined, terminated, or prosecuted for the improper use of a law enforcement database. The question in play is whether the federal hacking statute applies when one hasn't actually “hacked.” The brief argues that the court’s expansive interpretation of the statute is unconstitutionally vague. Although the case does not directly involve journalists, the current interpretation of the law could criminalize ordinary reporting activities, including data-journalism techniques, that journalists regularly rely on to inform the public about matters of significant interest and concern.

7/20 CPJ v. CIA - RCFP Amicus Brief
In a case prompted by the murder of Jamal Khashoggi, we joined an RCFP amicus brief in a D.C. Court of Appeals FOIA case regarding the “Glomar doctrine” that lets federal agencies respond to FOIA requests by neither confirming nor denying the existence of the information sought. The Committee to Protect Journalists asked five intelligence agencies for records about the duty to warn Khashoggi of a known threat prior to his murder by the Saudi Arabian government, pursuant to Intelligence Community Directive 191. The trial court upheld the agencies’ Glomar responses citing national security. The brief supports CPJ, citing strong public interest in the records and highlighting the increasing overuse of Glomar responses and examples of journalists killed or otherwise targeted, arguing that the duty to warn is a press freedom issue. Glomar responses refuse to even acknowledge the existence of records often of significant public interest.

7/24 Perry v. Hollingsworth - RCFP Amicus Brief (9th Circuit)
After SPJ signed earlier this term onto an RCFP amicus brief to unseal video recordings of the Prop 8 trial, the judge ordered the recordings unsealed, but the sealing proponents have appealed. The new amicus brief supports KQED and other parties fighting the stay in place during litigation.

7/29 Fish & Wildlife Serv. v. Sierra Club - RCFP Amicus Brief
We joined RCFP’s amicus brief in a FOIA case before the U.S. Supreme Court over an exemption that protects from public disclosure information that shows the process by which a federal government agency reached a particular decision or crafted a specific policy. The Sierra Club sought opinions" by the Fish and Wildlife and National Marine Fisheries Services that a proposed EPA regulation violated federal law’s prohibition on actions likely to jeopardize protected species. The trial and appeals courts agreed the documents should be released but
the agencies appealed. The brief highlights how the trend of increased withholdings under Exemption 5 harms the public’s right to know and contravenes Congress’ attempts to curb agencies’ overuse of the exemption. When agencies and courts expand the scope of FOIA exemptions the law’s goal toward disclosure of government activity is undermined, and reporting suffers.

7/31 Lokhova v. Halper - RCFP Amicus Brief
We signed onto RCFP’s amicus brief supporting several news organizations in a defamation case that tackles the issue of “hyperlinking” to an allegedly defamatory article. A Russian-born student alleged that a fellow University of Cambridge student spread false stories to The Wall Street Journal, The New York Times, The Washington Post and NBCUniversal about her interactions in 2014 with former National Security Adviser Michael Flynn, then head of the Defense Intelligence Agency. The trial judge dismissed most of the claims as time-barred by the one-year statute of limitations for defamation. The plaintiff appealed that the original publisher hyperlinked to the allegedly defamatory article within the statute of limitations, and third parties linked to or retweeted the articles during that time. The brief argues that the single-publication rule applies to Internet publishing and that the republication exception does not apply to hyperlinks. This would set a bad precedent that would undermine reporting that relies on online content to provide readers with deeper context or meaning.

8/4 Denson v. Donald J. Trump for President, Inc. - RCFP Amicus Brief
We joined this amicus brief in a New York class-action lawsuit led by a former Trump campaign employee challenging as unenforceable the form nondisclosure agreement (“NDA”) that President Trump’s campaign requires all employees to sign. The brief argues that the NDA violates the First Amendment by requiring a waiver of the right to engage in political speech, and that it violates the public and news media’s right to receive information under the First Amendment. While it does not directly involve a journalist, campaign officials’ ability to speak with members of the news media helps ensure an informed electorate.

8/6 Alasaad v. Wolf - Knight Institute & RCFP Amicus Brief
We signed an RCFP brief in a case that probes whether the border-search exception, which allows warrantless searches and seizures at international borders, applies to electronic devices. The trial court agreed with plaintiffs, who include international journalists, that suspicionless searches of electronic devices at U.S. ports of entry violate their Fourth Amendment right against unreasonable searches and seizures but also found that a lower standard of reasonable suspicion is legally sufficient for a border search. The brief in support argues that border officials should be required to obtain a warrant that meets the heightened probable cause standard to search information stored in electronic devices, and that warrantless searches at the border violate First Amendment rights. Warrantless searches of journalists’ electronic devices have serious implications for newsgathering and the potential to chill speech about matters of significant public interest and concern.

8/12 Uniformed Fire Officers Association v. DeBlasio - RCFP Amicus Brief
We signed onto a brief in this New York case stemming from litigation by the police unions that seeks to bar the mayor of New York and other public entities from publishing newly released police disciplinary records previously shielded from public view. The New York Civil Liberties Union (“NYCLU”) got the information lawfully through a state Freedom of Information Law request before the unions sued, but still were handed a temporary restraining order (“TRO”) barring them from publishing it. The trial court modified the TRO to exclude the NYCLU but the unions appealed. The brief opposes argues that granting such a stay would operate as a prior restraint on the NYCLU and threaten the timely newsworthiness of the information that the NYCLU seeks to publish. It argues that news media need timely access to these records, and that the unions have not demonstrated a likelihood of success in their case. Given the numerous instances where police officers accused of misconduct in reports that were never made public gained employment in other jurisdictions, timely access to this information is crucial to meaningful reporting on this matter of significant public interest.

8/12 La Liberte v. Reid - RCFP Amicus Brief
We joined RCFP in an amicus brief asking appeals judges to reconsider a case that dismissed a defamation claim against MSNBC journalist Joy Reid. In reversing the trial court, the three judge panel who heard the case held that California’s anti-SLAPP law is not applicable in federal court—the most recent federal appellate court to do so. LDF signed onto the original brief supporting Reid. This one focuses on the anti-SLAPP issue. Roslyn La Liberte sued Reid over two Instagram posts involving a photo of La Liberte appearing to yell at a young Hispanic boy at a city council meeting where she spoke in support of a controversial anti-immigration bill. The court said California’s anti-SLAPP law didn’t apply and that Ms. La Liberte was a private figure, even though she spoke at several public hearings and with the media after the image went viral. The brief notes the chilling effect that the Court’s public figure analysis will have on journalists—since any person who wished to be avoid scrutiny could become a private figure simply by avoiding contact with the media.

8/18 Lam v. Univision Communications - RCFP Amicus Brief
We signed onto an amicus brief in a Florida defamation case brought by a Guatemalan mega-church and its pastor against Univision and its reporter. The judge dismissed the case under Florida’s anti-SLAPP statute, saying the news stories reporting the church’s connection to a Guatemalan drug trafficker were published without actual malice, but the plaintiffs have appealed. The brief stresses the importance of the actual malice standard to journalists and highlights the importance of the Florida anti-SLAPP statute. Its heightened burden on plaintiffs is one of the law’s strongest features, and an appellate court opinion reversing the lower court’s finding of such could set a bad precedent.

8/19 Buffalo Police Benevolent Ass’n v. Brown - RCFP Amicus Brief
We joined a brief in a Buffalo, New York case very similar to Uniformed Fire Officers Association v. De Blasio on 8/12. The local police unions sought a preliminary injunction to prevent the release of disciplinary records previously shielded from public view under a recently repealed rule. In this case, the Buffalo Professional Firefighters Association joined the police union in suing the City of Buffalo to bar it from disclosing misconduct records about unsubstantiated or
pending allegations. This brief opposes the associations’ motion for a preliminary injunction and argues that would contravene the New York state legislature’s intent in repealing rule, and inhibit news reporting on matters of significant public interest.
Journalists need timely access in cases where police officers accused of misconduct in reports that were never made public now have gained employment in other jurisdictions.

We added our support in an Ohio defamation case brought by a Cincinnati police officer who says several people defamed him by accusing him of flashing a white supremacist hand sign while he handled crowd control at Cincinnati City Hall in June. This case involves a number of issues that implicate journalists’ interests, including the fact the officer has been allowed to proceed as a pseudonymous plaintiff and that the record was sealed. The amicus brief targets a temporary restraining order (“TRO”) that prohibits the defendants from publicizing, through social media or otherwise, the officer’s personal identifying information, even though his identity is already widely publicly known, given that several people blogged and Tweeted about the incident, including screenshots of the officer’s Facebook page containing messages such as “All Lives Matter,” “anti-antifa” and punisher memes. At least two people had filed complaints against the officer with the Citizen Complaint Authority. The brief agrees with the defendants that the TRO is an unconstitutional prior restraint.

8/24 McGlothlin v. Hennelly - RCFP Amicus Brief
The next day we joined an amicus brief in a defamation case involving a wealthy businessman who owns the Hilton Head Golf Course. He says the plaintiff defamed him in a Facebook post and commented on a local newspaper’s online article about the rezoning and redevelopment of the golf course. The trial court granted the defendant summary judgment on two allegedly defamatory statements after finding the plaintiff to be a private figure and said since the statements involved a matter of public concern, the plaintiff could now show that the defendant acted with actual malice. The plaintiff has appealed that ruling. The brief argues that even though the lower court ultimately reached the right result in this case, the plaintiff is in fact a public figure and the appellate court should affirm the ruling on those grounds, since a wealthy businessperson who influences a public controversy behind the scenes is no less a public figure than one who takes part in public debate. Finding that community members who exercise power through wealth in the private sector are private figures who do not have to prove actual malice would impact negatively reporting about matters of significant public interest.

8/28 ALDF v. Kelly - RCFP Amicus Brief
We joined a brief in another case involving the constitutionality of ag-gag statutes. Several states have used such laws over the past several years to silence whistleblowers trying to reveal animal abuse on industrial farms. In this Kansas case, the trial court ruled partially in favor of the plaintiffs, finding that three provisions of the law violate the First Amendment because they are content and viewpoint discriminatory restrictions on speech that do not meet the highest level of scrutiny. The brief focuses on the statute’s ban on photograph and video recording in animal facilities, arguing that the First Amendment protects such activity. It also argues that
journalists rely on sources within agricultural facilities to inform their reporting on matters of significant public interest and that the ag-gag statute interferes with the reporter-source relationship. Investigative reporting about the agricultural industry that relies on firsthand sources and accounts of conditions in facilities has a strong tradition in this country—most recently, during the COVID-19 pandemic—and ag-gag statutes like the one at issue in this case jeopardize the news media’s ability to inform readers about such crucial matters.
Memorandum

TO:     Patti Gallagher Newberry, President, Society of Professional Journalists
        Board of Directors, Society of Professional Journalists

FROM: Colin DeVries, Membership Committee Chair

DATE: September 5, 2020

SUBJECT: Update for Board

Executive Summary

The SPJ Membership Committee consists of 13 members representing 11 of SPJ’s 12 regions. An additional member from Regions 6 is sought. Here are some things we have been working on during the months of July and August:

- Developing testimonials from Legal Defense Fund recipients in partnership with Jennifer Royer, SPJ communications director.
- Developed and distributed to regional coordinators a letter to campus chapters covering SPJ updates and resources they could use to help engage students this year.
- Reviewing barriers of entry for campus chapters. What could make starting a campus chapter easier? Is a bylaws (Article V) change necessary?

Current/Proposed Initiatives

- Engaging Student Subcommittee to develop student membership platform
- Assist in providing member support during pandemic
- Develop student sponsorship campaign
- Develop promotional campaign around top universal benefits
- Integrated membership promotions around SPJ Communities (Gen J, Freelance, Digital, International, Community Journalism)
- Help develop a better system to roll student members into post-grad membership upon graduation (e.g., automatic connection for post-grads into Gen J Community)
- A potential date for an "ask a friend to join SPJ" campaign
- Collaborate with SPJ on enhancing membership database application

Request

- Monthly membership reports – # of members by type (student, pro, post-grad, etc.)
- Participation in planning meetings on development of membership database and user experience
MEMORANDUM

Date: Aug. 24, 2020
To: SPJ Board of Directors
From: Mike Savino, SPJ Resolutions Committee Chair
Re: Status report

As you know, having a virtual SPJ conference changes how we conduct our annual business meeting. It has also changed how the Resolutions Committee will prepare for the meeting.

This year’s deadline to submit a resolution via email to me is Aug. 28. Resolutions will then be distributed via email to delegates on Sept. 7, giving the Resolutions Committee a little more than a week to do what we need to do.

As of the evening of August 24, we have received four resolutions:
- The recommendations of the Sponsorship Task Force
- A resolution honoring the work of Jim Lehrer
- A resolution opposing restrictions on speech that could worsen the pandemic
- A resolution on Ginny Frizzi, a former member of the board

I anticipate a few more resolutions could be coming, and I have proactively reached out to some people to see if they plan to resubmit some of the resolutions we saw last year. So far, no resolutions have come from this.

My hope is to schedule a meeting by the end of the week. We can handle some of the housekeeping tasks — editing, formatting, clarifying verbiage with submitters — virtually, and thus would only need one meeting to vote on resolutions.

If you have any thoughts, concerns or resolutions, please don’t hesitate to reach out.

Mike Savino
SPJ Resolutions Chair
michael.a.savino@gmail.com
Freelance Community Annual Report
August 2020

Freelance Community Board Members

DEPARTMENT UPDATES
ADMIN
COMMUNICATIONS
MEMBERSHIP
RESOURCES
EVENTS

Freelance Community Board Members
Hilary Niles, Chair
Stacie Overton Johnson, Vice-Chair
Tyler Newman, Secretary
Ginny McCabe, Membership/Outreach Coordinator
Ruth Thaler-Carter, Resources Coordinator
Vacancy: Events Coordinator
Susan Valot, At-large #1
Vacancy: At-large #2

DEPARTMENT UPDATES

ADMIN

Request for assistance with advocacy

The Freelance Community continues to grow in both our reach and activities. With this growth, we are feeling pulled to contribute a more active and prominent voice to advocate for freelancers nationwide, especially given a legislative push at both the state and federal levels that explicitly prohibit freelance journalism. The policy is framed around employment misclassification — when a company effectively employs someone, but calls them an independent contractor in order to avoid the cost of payroll taxes and benefits they would otherwise be due.
We acknowledge that employment misclassification is a problem, but the proposed solution sweeps up independent contractors of all stripes and literally makes it illegal for freelance journalists to run our businesses. In California, AB5 has devastated the livelihoods of many of our members. Now, pending federal legislation called the PRO Act threatens to extend that devastation nationwide and without the narrow carve-outs that have spared certain freelance journalists in California.

The Freelance Community is working to develop an official stance on these legislative initiatives, and we formally request assistance from the national SPJ Board to develop a unified organizational response and action plan in response to these policies.

COMMUNICATIONS

Facebook
While technically “closed” according to Facebook standards, the Freelance Community’s Facebook group is, by design, open to non-SPJ members. We feel this is a great outreach mechanism that exposes freelancers to the resources and camaraderie SPJ Freelance Community membership offers. As of August 2020, our group membership has reached 1,942 (up from less than 800 in August 2017 and 1500 in August of 2019). According to group insights on Facebook, we have had more than 1,000 posts by group members since the beginning of 2020, with Fridays by far being the most popular day to post. This year alone, group posts have generated more than 8,500 reactions, showing the reach this group can have.

Twitter
The Freelance Community’s Twitter account, managed primarily by at-large member Susan Valot, has grown to 4,228 followers (up from 2,452 in April 4, 2018 and 3,157 in August 2019.). The account focuses on topics related to freelancing and journalism, as well as occasional job and opportunity posts. This has allowed us to increase the visibility of both SPJ and SPJ Freelance Community.

Email Newsletter
In August we began sending a weekly email (primarily to SPJ Freelance Community members, updated whenever we receive a new roster from Headquarters) highlighting new listings and additions to resources maintained by the Freelance Community, including our databases of upcoming deadlines to apply for freelance opportunities and pitching guidelines for various media outlets.

MEMBERSHIP
We look forward to being involved in ongoing discussions and testing of the new database, and we are hopeful that the new platform will address and solve the confusion members and would-
be members continue to experience when trying to establish themselves as official members of the Freelance Community.

RESOURCES

Enhanced Member ID Card

Through a survey this spring, the Freelance Community recorded strong demand among freelancers for professional identification among freelancers. After an initial proposal to request SPJ issue an optional “press badge” benefit and ensuing discussions, we have revised the proposal to request that the organization offer an Enhanced Member ID Card.

Databases

We continue to maintain and develop two databases for freelancers: Upcoming Freelance Deadlines (currently showing 45 opportunities for freelancers to apply for fellowships, grants and contests) and Pitching Guidelines (currently populated with pitching guidelines for 270 outlets). These resources have been developed by former Freelance Community Chair and stalwart volunteer Hazel Becker, who is now working to bring other volunteers into the loop to help her and to develop it into a sustainable and lasting resource.

Freelance Fellowship and pilot mentoring program

We received a $1000 donation to fund a freelance fellowship (bit.ly/SPJ2020FreelanceFellowship) that will cover the cost of registration for #SPJ2020 for up to 23 freelancers experiencing financial hardship. Applications are being reviewed and considered on a first-come, first-served basis. Applicants also are offered the chance to be part of a pilot mentoring program. In exchange, we are asking each of them to commit to attending at least two sessions each day of the conference and volunteering for at least two hours to help update SPJ resources for freelancers between the 2020 and 2021 conferences.
EVENTS

#SPJ2020

- We appreciate the opportunity to produce three sessions for the virtual conference:
  - Setting Yourself Up for Success as an Independent Journalist
  - Business Basics for Freelance Success
  - Committing Journalism in the Gig Economy, an important discussion about California’s AB5 and the pending federal PRO Act, legislation that threatens our legal right to work as independent contractors.
- We also will host a virtual Freelance Corner to facilitate the networking that people have found so valuable from the in-person conference in years past.

Webinars

- COVID-19 Crisis: Economic Relief for Freelance Journalists, moderated by Quill editor Lou Harry, with CPA Matt Apodaca and loan specialist Gerri Detweiler.
- A virtual goal-setting workshop hosted by FC board member Susan Valot with guest Deb Eckerling.
- Freelance Breaking News: Promises and Pitfalls, moderated by Region 2 coordinator Stephenie Overman with freelancers Katie G. Nelson and Haisten Willis, who covered protests in Minneapolis and Washington, D.C., for national media

Online chats

In the early days of the coronavirus pandemic, we sponsored several online chats for freelancers. We will likely continue this effort after #SPJ2020.

Annual meeting

We have scheduled a virtual annual meeting for Thursday, Sept. 17, 4:30-6:00pm EDT. The meeting will be open to all SPJ members.
MEMORANDUM

Date: Sept. 5, 2020
To: SPJ Board of Directors
From: Jane Primerano
Re: Regional Coordinators’ Report

This has been a strange summer for all of us.

The regions that postponed their regional conferences ended up canceling them. Now we are in discussions about what to do about Spring 2021. The consensus seems to be that people are Zoomed-out so we aren’t sure how successful virtual conferences will be. I am going to watch the National carefully and weigh what I see as successful or not. Of course, regionals tend to be student-heavy, so it won’t be a perfect comparison.

The annual report review was postponed. It is now complete. Both our pro and campus chapters worked really hard to do as much programming as possible with all of the constraints caused by the virus. Kudos to Caroline Escobar for understanding the RCs are not really good at meeting deadlines. A special shout-out to Region 12 Coordinator Jennifer Ellis for coming up with the idea to create a Survey Monkey and then creating it. It really helped considering how close several of the categories were.

Another shout-out to Colin DeVries for creating a letter for us to send to campus chapters outlining some of the ways we can help. It’s a great idea to have a template we can customize for each of our chapters.

We can only hope the next few months will be a little less challenging.

“See” you at the board meeting.
MEMORANDUM
Date: Sept. 4, 2020
To: SPJ Board of Directors
From: Rebecca Aguilar
Re: SPJ Diversity Committee Chair

THE ZOOM SERIES: CONVERSATION STARTERS

We have started recording a series of Zoom "Conversation Starters." The project will launch after the SPJ2020 Conference. We made this decision not to distract eyes from the virtual Conference and essential topics that will be covered there on diversity and inclusion. We are also covering issues that need to be discussed about race, gender, and the media.

Here are some of the conversations we have ready to launch:

*Eleanore Vega, a former CBS Bureau Chief, and award-winning journalist, discussed how to bring diversity to your staff and news coverage. How do you get started?

*Tracy Everbach is a journalism professor and author. She discussed her "Race, Gender and Media" class, where she opens student journalists' eyes to the realities of the world we must cover today. She shared how educators should be adding an element of "diversity and inclusion" conversations in their classes and how better prepare students for the real world.

*Sherry Darden, a Human Resource professional who consults companies around the country about diversity and inclusion, clarifies the terms we keep hearing today: system racism, unconscious bias, explicit bias, and micro-aggression, to name a few. How do we get people in newsrooms to talk about what they feel could be unfair treatment or actions towards them? How do we drive to have a better, more cohesive news team?

More than a dozen journalists, consultants, lawyers, and HR experts have signed on to have Conversation Starters. These videos will be available to our members via a YouTube Channel that they can access when they have time to tune in.

SPJ RACE AND GENDER HOTLINE

On August 6, Michael Koretzky, Region 3 coordinator, contacted me in regards to an SPJ Race and Gender hotline. I was not informed of the details of what the project entailed; he requested assistance with people with expertise in different areas of journalism.

At that time, because of all the commitments that my committee of volunteers and I had, I asked if there was a deadline, and he stated there was no deadline.
I brought this up with my committee. I informed them that Koretzky said there was no deadline. At this time, the committee will need to be informed about the project's details, such as who is handling calls? How much experience do they have answering sensitive questions about race and gender? Are there any legal issues, and what is the objective?

**DIVERSITY COMMITTEE MEMBER GOING TO CNN**

We are celebrating Adrienne Broaddus' new job. She has been very busy covering the George Floyd case and protests in Minnesota. She is an anchor/reporter who is headed to CNN, where she will be a correspondent based in Chicago.

**NEW MEMBER TO DIVERSITY COMMITTEE**

Rebecca David, a 2019 Diversity Committee Fellow, has joined our committee. She was born and raised in a refugee camp in Uganda Kampala, because her parents fled Sudan's war-torn country. She moved to the US when she was a child. After college, she became a television MMJ. She recently moved to Minnesota to be closer to her family and start her life as a freelance journalist.

####
International Community Program Summary

January – September 2020

- Drafted four resolutions for SPJ2020 convention
  - Belarus press freedom issue
  - Defense of VOA editorial independence
  - Criticism of new security law in Hong Kong that limits press freedom
  - Call for pardon for Philippine journalist Maria Ressa
- Arranged for participants in SPJ2020 convention to have limited access to view “A Thousand Cuts”, a documentary about Maria Ressa.
- Submitted proposals to SPJ2020 convention with support and cooperation of other SPJ communities and local chapters.
  - Reporting on Iran with Mary Louise Kelly of NPR (Accepted)
  - Panel on how foreign correspondents cover US election
  - Session on Human Trafficking
  - Exploration of European and US “Right to be forgotten” provision in social media
  - Arranged for one-on-one sessions on personal security for journalists looking to do assignments overseas with Frontline Freelance, ACOS Alliance And CPJ. (Done in cooperation with Freelance Community)
- Began weekly #ICTalk series in May with journalists and experts around the world. The full versions are available on YouTube only for IC and SPJ members.
  - Diego Mendoza on press freedom and civil rights in Hong Kong, a student journalist’s view
  - Kassy Cho on using social media to tell stories
  - Will Ripley, CNN, on life as a foreign correspondent in Asia
  - George Steinmetz on drone photography and telling stories around the world with a camera
  - Sonia Shah, author “Pandemic”, on covering COVID-19 and related health issues
  - Maria Ressa on press freedom and threats to journalists in the Philippines
  - Chris Lively, CBS correspondent in Rome (June 30)
  - Gavin Phipps of IRCT Radio on press freedom in Taiwan; Taiwan-China relations; Taiwan and the WHO (July 14)
  - Bill Clifford and Chris Hyslop on the World Affairs Council, making foreign news less foreign sources for local journalism with a global twist. (July 28)
  - Mosheh Oinounou, former CBS Morning producer, covering global disasters (August 4)
  - Sanford Ungar, former VOA director, on the state of VOA in the Trump Administration (August 11)
  - Ghada Oueiss, Al Jazeera anchor, sexism in the media and harassment on social media (August 18)
- Rafael Espinal, president of Freelance Writers Union, session done in cooperation with SPJ Freelance Community (August 25)
- Kinita Shinoy, former editor in chief of Sri Lanka Cosmopolitan, on pushing back against racism in Asia

**UPCOMING**
- September 22 – Tim Meyers, video journalist, on coverage of uprisings in US and the world
- November 17 – Amb. Susan Esserman on human trafficking.

- More than 30 participants in the ICTalks asked for more information on becoming SPJ members.
- Got the SPJ to sign on with a statement by the women at Al Jazeera calling for more protection against social media bullying and attacks.
- Proposed and wrote statements for SPJ leadership in defense of VOA editorial independence. Continue monitoring the VOA situation for SPJ leadership.
- Connected SPJ Ethics Committee and American Center in Moscow for discussion on journalism ethics with Russian journalists.
- Engaged interns to enhance IJC online presence
  - Create a podcast of short interviews with journalists and experts on timely issues
  - Create a database of international experts for SPJ members to access
  - Build a stronger social media presence for International Community and the SPJ
  - Edit ICTalk videos to create short “teasers” for public distribution
- Arranged for Freedom House to include the SPJ when it announces its annual Survey of Global Press Freedom.
- Advocated for (and received) SPJ support of Article 19 campaign to preserve social media data (Coronavirus: 75 organizations call on social media platforms to preserve, publish content moderation data)
- Established a relationship with One Free Press Coalition to help build greater awareness of threats to journalists around the world.
- Developed close ties with World Fixer, to help independent correspondents find support with overseas assignments.