

Bill of Rights in Action



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JOURNALISM UNDER SIEGE



President of Russia, Press and Information Office (CC BY 4.0)

Russian President Vladimir Putin takes questions from people across Russia during his annual “direct line” appearance in 2017. PolitiFact found that at least 34 journalists have been murdered in Russia since Putin came to power in 2000. Many of these victims had covered issues of human rights, government corruption, and organized crime in Russia. Almost all the murders remain unsolved.

Journalists around the world have a crucially important role to play. They tell us the news of the world and of our own country. When they report news stories that anger powerful people or groups, they increasingly face threats to their lives and liberty. What should be done to help protect them?

The press traditionally is a watchdog. The press informs the public about laws and other actions of governments. It also exposes wrongdoing by governments, such as bribery, suppression of opposition groups, and acts of intimidation. In a democracy, the people rely on an objective press to help them make informed voting choices.

Given this critical role of the press, violence against journalists (including reporters, columnists, news photographers, and even satirists) is a threat to free expression itself. Reporters Without Borders is an organization that advocates freedom of press and information worldwide. It has stated:

In some countries, torturers stop their atrocious deeds as soon as they are mentioned in the media. In others, corrupt politicians abandon their illegal habits when investigative journalists publish compromising details about their activities. Still elsewhere, massacres are prevented when the international media focuses its attention and cameras on events.

Murder in Central Africa

On July 30, 2018, three Russian journalists were murdered in the Central African Republic, a poor country with potentially rich deposits of diamonds and gold. They were investigating private Russian military contractors operating for the Kremlin in the African nation.

The details of the murders are not clear. It is possible they were intentionally led down a road where their attackers ambushed them. Mikhail Khodorkovsky, a wealthy opponent of the current Russian government ▶

LAW AND PROTECTION

The first two articles in this issue relate to the theme of how law can be used and has been used historically to protect sometimes extremely divergent interests. The first article analyzes the endangered state of journalists across the globe, including in the United States, and proposed laws to protect them. The second article takes a close look at the causes and effects of the Fugitive Slave Act of 1850. The third article outlines the historic contributions of Islamic scientists in the Middle Ages.

U.S. Government/Current Issues: *Journalism Under Siege* by contributing writer Patrick Jennings

U.S. History: *The Fugitive Slave Law of 1850* by longtime contributor Carlton Martz

World History: *Islamic Science in the Middle Ages* by Carlton Martz

Supplemental Activities!

Teacher-leaders from CRF's T2T Collab have created innovative activities for lessons in this issue! Look for the T2T symbol to access activities in the online editions.

T2T



Demonstrators in Luxembourg show outrage over nine writers, editors, cartoonists, and others who were murdered at the French satirical newspaper *Charlie Hebdo* on January 7, 2015. "Je Suis Charlie" (meaning "I am Charlie" in French) became an international slogan of support for freedom of the press, even the freedom to publish offensive material.

under Vladimir Putin, says that their employer, the Investigation Control Center (TsUR), shares some of the blame. Khodorkovsky ended his funding of the TsUR because he believes it failed to provide adequate security for the journalists.

The deaths of the Russian trio highlight a growing problem for journalists worldwide. In 2018, at least 51 journalists were murdered while working. That death toll includes the three Russians in the Central African Republic.

The United Nations calculates that over 800 journalists have been killed over the last 10 years. This toll includes print, video, and internet reporters. Almost all the killers of these journalists have gone unpunished.

International and National Laws Protecting Journalists

The 1949 Geneva Conventions are a set of international agreements about humanitarian treatment of people in war. They established protections of civilians in war zones and areas of armed conflict. The agreement specified that journalists working in those areas "shall be considered as civilians" and not soldiers or combatants.

In addition, the Geneva Conventions classify journalists who are authorized to accompany armed forces as "war correspondents." If war correspondents are captured by enemy forces, they are entitled to prisoner-of-war status equal to that of a captured soldier.

The Geneva Conventions prohibit attacks against civilians unless the civilians take a direct and continuing

Some argue that journalists deserve additional protection.

part in hostilities. Armed forces may not target civilians and their possessions, including housing. Attacks that result in civilian injuries are permitted only when the military advantage gained by the attack is proportional to the incidental civilian injuries. Anyone who violates these provisions may face charges of war crimes.

Outside of conflict zones, the laws of various nations protect journalists. In all countries, violence against a reporter is assault, while intentional killing of a reporter is murder, just as it is with any other citizen. However, some argue that journalists occupy an important role in a democracy and deserve additional protection.

In the United States, the First Amendment to the U.S. Constitution plainly states that "Congress shall make no law . . .

abridging the freedom of speech, or of the press." Generally, journalists are free to publish stories that inform the public about issues and even criticize the government.

But today there is a growing hostility toward journalists. President Donald Trump himself has repeatedly said that the news media is "the enemy of the people." In 2017, a Montana congressman pleaded guilty to misdemeanor assault after body-slaming a reporter during an interview. In 2018, a man shot and killed five journalists at a Maryland newspaper office.

In response to these developments, California Congressman Eric Swalwell introduced The Journalist Protection Act in 2018. This law, if passed, would make it a federal crime to injure a journalist actively engaged in newsgathering or to injure a journalist in order to impede newsgathering.

Supporters of Swalwell's bill say that the president's "enemy of the people" rhetoric has helped cause the hostility toward journalists. They argue that local authorities might be reluctant to prosecute violence against reporters in jurisdictions where support for the president is high. If passed, the new law might allow the federal government to step in when local authorities fail to prosecute.

Critics of the bill have said it is an unnecessary intrusion of the federal government into states' law enforcement. Some legal experts argue that Swalwell's bill is unnecessary because the United States has experienced few incidents of violence against journalists. As of December 2018, the bill remains in the Judiciary Committee of the House of Representatives.

Impunity

We can see the Journalist Protection Act as part of a larger effort to combat *impunity* in cases of violence against journalists. Impunity means exemption from punishment for someone's action. International humanitarian lawyers are concerned about impunity both *de jure* (in law) and *de facto* (in fact) for perpetrators of violence against journalists.

Of the 539 murders of journalists throughout the world from 2001 to 2016, 447 were committed with full impunity: No person was held accountable for the deaths. In 67 cases, the murders involved criminal groups working alone or in concert with government or military officials, political groups, or local residents.

Mexico is one of the deadliest nations for journalists. Here, drug cartels have targeted both journalists working for news organizations and those working freelance. (Freelance reporters work independently of any one news agency.) In many cases, local officials and police have allowed the cartels to commit violence against journalists with impunity.

In 2017 and 2018, at least nine Mexican national reporters were murdered. In February 2018, two unidentified gunmen shot news satirist Leslie Ann Pamela Montenegro del Real in her Acapulco restaurant. Around the city, banners had been hung that stated threats against her. While these banners are normally the work of drug cartels, Montenegro's husband blamed her death on local political figures. She had criticized them in recent months.

In 2017, Javier Valdez, one of Mexico's most prominent journalists, was gunned down a few blocks from his office in the state of Sinaloa. For years, Valdez had chronicled the activities of cartels that supply the continuing demand for narcotics in the United States.

Brazil is another nation where journalists have been threatened and murdered by local criminal gangs. Thirteen reporters were murdered from 2001 through 2016. In four of the deaths, the Brazilian government convicted at least some of the individuals responsible. But in the remaining nine, no one was held accountable.

The Philippines also has a history of impunity when it comes to the murder of journalists by criminal gangs. From 2001 through 2016, eight reporters were murdered. Six of the deaths went unpunished. Government officials are implicated in an additional 51 deaths in the Philippines for the same time period. In 2018, one radio commentator was murdered after receiving threatening text messages from the mayor of his city whom he had criticized harshly.

On October 2, 2018, Jamal Khashoggi entered the consulate of the Kingdom of Saudi Arabia in Istanbul, Turkey. He was a citizen of Saudi Arabia who began living in the United States a year before. He was engaged to marry a Turkish woman and wanted to obtain documents that would allow him to marry the following day. He never left the consulate.

Khashoggi, a longtime journalist for the *Washington Post*, had lived in the United States for over a year. He was a fierce critic of Crown Prince of Saudi Arabia Mohammad bin Salman. When Khashoggi disappeared, many observers believed that he was killed on the orders of bin Salman. Outraged European leaders demanded an investigation into Khashoggi's disappearance.

Later, Turkish officials claimed to have audio and video proof of Khashoggi's murder. They announced that a squad of 15 Saudi agents arrived in Istanbul on private jets from Saudi Arabia on the day of Khashoggi's disappearance. The jets belonged to a company with close ties to bin Salman. The Saudi agents then waited in the consulate before they tortured and murdered Khashoggi there.

At first, President Donald Trump warned of "severe punishment" against the Saudis if the allegation that they murdered Khashoggi proved to be true. But he soon added that economic sanctions would mean the U.S. would lose lucrative military contracts for selling arms to the Saudi kingdom. He warned that would mean loss of over \$100 billion and many jobs in the United States. The president also echoed a Saudi government claim that unidentified "rogue killers" could have murdered Khashoggi.

Many in the U.S. Congress still vowed to impose economic sanctions against Saudi Arabia. In November 2018, the U.S. Central Intelligence Agency (CIA) concluded that, in fact, bin Salman personally ordered the killing of Khashoggi.

Saudi Arabia is the world's largest exporter of petroleum. The Saudis vowed that they would retaliate against sanctions by severely raising petroleum prices. Such a move could push the American and global economies into recession.

Do you think sanctions against Saudi Arabia are worth the risk of global recession? Why or why not? If not, what else could the U.S. do to show support for protection of journalists like Jamal Khashoggi? Does the conclusion of the CIA affect your opinion?



Jamal Khashoggi in March 2018.

Wikimedia Commons/April Brady/POMED
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The Philippines was also the site of the worst mass murder of journalists in history. In 2009, 30 reporters and two media support workers, along with 25 others, travelled in a convoy to a provincial capital. They were going there to cover an opposition candidate for governor. All 57 persons were taken to a nearby hillside and executed. While no one has ever been charged with the crime, observers believe the incumbent governor's son was behind the massacre.

The Russian Federation is another nation where journalists have been attacked and murdered with impunity. From 2001 to 2018, 23 journalists have been murdered. Twenty of those murders were done with impunity. Government officials, including high ranking members of the Kremlin and even President Vladimir Putin himself, are suspected in 10 of these deaths.

As dangerous as Mexico, Brazil, Russia, and the Philippines are for journalists, no region has been as

deadly for journalists as the war-torn nations of Afghanistan, Iraq, and Syria. Three fierce wars have cost the lives of over 350 journalists since 2001. Most of the victims were native journalists killed while covering combat operations. Insurgent forces within the three nations — particularly the Islamic State in Syria — often captured and executed journalists.

Calls for Action

Because of increasing violence against reporters, a number of organizations are working to protect them. The Committee to Protect Journalists (CPJ) maintains an impunity index to track the worst offending nations. Reporters Without Borders has also asked the United Nations to appoint a “special representative of the UN secretary-general for the safety of journalists.”

In areas where criminal organizations and extremist political groups are powerful, national governments may not be able to protect journalists or punish those who harm them. This reality has led some international organizations to focus on the news organizations and journalists themselves. They hope to find ways to insure journalists’ safety.

In 2006, the United Nations (UN) issued Resolution 1738 condemning “intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict.” The UN also issued a plan to work with its member states to improve the safety of journalists. The plan would take effect in non-combat areas where criminal and extremist political groups are the main threats.

The Commissioner of Human Rights for the Council of Europe has urged news organizations to work with their journalists to assess the dangers of assignments. They also urge these organizations to provide

Reporters Behind Bars

Death is not the only danger journalists face when reporting in hostile areas. Many governments in the world imprison journalists for their newsgathering. According to the Committee to Protect Journalists, 262 journalists were imprisoned in 2017. Often, the governments imprisoning them claim their reporting is an “antigovernment” activity. The nations with the most imprisoned journalists are:

Turkey (73)	China (41)	Egypt (20)
Eritrea (15)	Vietnam (10)	Azerbaijan (10)

security equipment, special training, and additional insurance in conflict zones or for dangerous assignments.

The CPJ has issued a “Journalist Security Guide” with specific recommendations to journalists working in dangerous areas. As the guide indicates, many journalists working in countries with criminal organizations or violent political groups work freelance. The guide may help compensate for freelancers’ lack of training and experience while urging them to take precautions to insure their own safety.

WRITING & DISCUSSION

1. In what ways are journalists important in a democracy?
2. Do journalists need additional legal protection within the United States? Why or why not?
3. How should journalists balance the pursuit of news with securing their own safety in nations with a history of violence and impunity? Use at least three examples from the article in your answer.
4. If a United States citizen working as a reporter in a foreign nation is arrested or assaulted, what should the United States government do about it?

ACTIVITY: Protecting U.S. Journalists

You are an elected member of the United States House of Representatives. You are on a committee that is crafting a bill to protect American journalists at home and abroad.

1. Form a small group with three or four other representatives. This is your committee. Discuss the four proposals below.
2. Decide which of these proposals, if any, the new law should include. Are there any other proposals not listed that the new law should include?
3. Jot down the reasons why each proposal should or should not be included. Choose a spokesperson for your committee.
4. Share your proposal with the entire class, the House of Representatives.
5. Optional: After all groups have shared, have the House of Representatives vote on which proposal should now be sent to the Senate for its approval.
6. As a representative, write a 100-word opinion in support of your proposed new law. Use evidence from the article and from your committee discussion.

Four Proposals:

- A. Make it a federal crime for anyone to injure a journalist actively engaged in newsgathering or to injure a journalist in order to impede newsgathering.
- B. Issue a resolution that the Department of State should formally ask the United Nations to appoint a special representative of the UN secretary-general for the safety of journalists.
- C. Provide federal funding for security equipment, special training, and additional insurance for reporters in conflict zones or for dangerous assignments.
- D. Devise a guide for freelance journalists instructing them about the safety precautions to take when reporting in conflict zones abroad.

Standards Addressed

Journalism Under Siege

California History-Social Science Standard 12.10 Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights; liberty and equality; state and national authority in a federal system; civil disobedience and the rule of law; freedom of the press and the right to a fair trial; the relationship of religion and government.

National Civics Standard 3: Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good. Middle School Benchmark 2: Understands how and why the rule of law can be used to restrict the actions of private citizens and government officials. High School Benchmark 2: Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict; regulating social and economic relationships in civil society).

National Civics Standard 21: Understands the formation and implementation of public policy. Middle School Benchmark 3: Understands why conflicts about values, principles, and interests may make agreement difficult or impossible on certain issues of public policy (e.g., affirmative action, gun control, environmental protection, capital punishment, equal rights). High School Benchmark 3: Knows the points at which citizens can monitor or influence the process of public policy formation.

National Civics Standard 22: Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy. High School Benchmark 8: Understands the influence of American constitutional values and principles on American foreign policy (e.g., a commitment to the self-determination of nations), and understands the tensions that might arise among American values, principles, and interests as the nation deals with the practical requirements of international politics (e.g., a commitment to human rights and the requirements of national security).

Common Core State Standards: SL.6-8/11-12.1, SL.6-8/11-12.3, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

The Fugitive Slave Law of 1850

California History-Social Science Standard 8.9 Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence. (4) Discuss the importance on the slavery issue of the annexation of Texas and California's admission to the union as a free state under the Compromise of 1850. (5) Analyze the significance of the States' Rights Doctrine, the Missouri Compromise (1820), the Wilmot Proviso (1846), the Compromise of 1850, Henry Clay's role in the Missouri Compromise and the Compromise of 1850, the Kansas-Nebraska Act (1854), the Dred Scott v. Sandford decision (1857), and the Lincoln-Douglas debates (1858).

National United States History Standard 10: Understands how the industrial revolution, increasing immigration, the rapid expansion of slavery, and the westward movement changed American lives and led to regional tensions. Middle School Benchmark 5: Understands different economic, cultural, and social characteristics of slavery after 1800 (e.g., the influence of the Haitian Revolution and the ending of the Atlantic slave trade, how slaves forged their own culture in the face of oppression, the role of the plantation system in shaping slaveholders and the enslaved, the experiences of escaped slaves).

National United States History Standard 13: Understands the causes of the Civil War. High School Benchmark 2: Understands events that fueled the political and sectional conflicts over slavery and ultimately polarized the North and the South (e.g., the Missouri Compromise, the Wilmot Proviso, the Kansas-Nebraska Act).

Common Core State Standards: SL.6-8/11-12.1, SL.6-8/11-12.3, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

Islamic Science in the Middle Ages

California History-Social Science Standard 7.2 Students analyze the geographic, political, economic, religious, and social structures of civilizations of Islam in the Middle Ages. (6) Understand the intellectual exchanges among Muslim scholars of Eurasia and Africa and the contributions Muslim scholars made to later civilizations in the areas of science, geography, mathematics, philosophy, medicine, art, and literature.

National World History Standard 13: Understands the causes and consequences of the development of Islamic civilization between the 7th and 10th centuries. Middle School Benchmark 3: Understands significant aspects of Abbasid culture (e.g., sources of Abbasid wealth and the economic and political importance of various forms of slavery; why the Abbasid state became a center of Afro-Eurasian commercial exchange; how the Abbasids promoted and preserved Greek learning and contributed to science, mathematics, and medicine; the contributions of specific individuals to the Abbasid advancement of scientific knowledge).

Common Core State Standards: SL.6-8.1, SL.6-8.3, RH.6-8.1, RH.6-8.2, RH.6-8.3, RH.6-8.4, RH.6-8.10, WHST.6-8.1, WHST.6-8.2, WHST.6-8.9, WHST.6-8.10.

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