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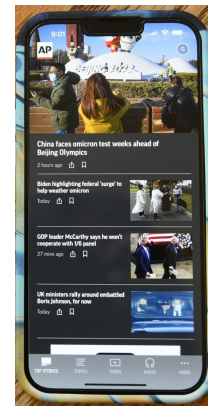
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Connecting

Aug. 18, 2023

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Good Friday, Aug. 18, 2023:

Today's Connecting brings analyses on recent news items: How the Marion, Kansas, newspaper raid should never have happened because of a state shield law, and differences in the AI media landscape.

Have a great day!

Peg

Kansas Reporters' Shield Law, passed by huge majorities, should have prevented raid on Marion paper

(Kansas Reflector)

By DOUG ANSTAETT

By now, you've likely read or heard about the police raid on the Marion County Record this past Friday. It's all over the news, here in Kansas, across the nation and even internationally.

I've just retired from a 50-year career in the newspaper industry, spent as a reporter, editor and publisher at five daily newspapers in Kansas, Missouri, Nebraska and South Dakota, and capped off by 14 years as executive director of the Kansas Press Association.

Nothing I've experienced in those five decades even closely parallels what happened last week in Marion. While the newspaper's equipment was rightfully returned on Wednesday, I am absolutely dumbfounded by what transpired there.

We don't live in Cuba, North Korea or Russia, but the tactics used in Marion — purportedly in an identity theft case — are evocative of how armed thugs in those countries operate when they are trying to suppress alternative voices to the government.

We still don't know all the facts in this case here in Kansas, but I can tell you this: a Kansas law passed in 2010 was specifically designed to protect journalists — and therefore the people's right to know — from such intrusions.

The Kansas Press Association and the Kansas Association of Broadcasters worked closely with then-Senate Majority Leader Derek Schmidt, then-Hutchinson area Sen. and former assistant Reno County attorney Terry Bruce, University of Kansas law professor Mike Kautsch and a host of other supporters to write, propose and pass a new law to protect the state's journalists from such ham-handed intrusion into their First Amendment-protected news operations.

The law, which we in the industry refer to as the Kansas Reporters' Shield Law, was designed to place appropriate legal obstacles to such encroachments between practicing journalists and law enforcement and the courts. It passed almost unanimously in both the Kansas Senate (39-1) and House (116-3).

Why this is important right now is the safeguards provided by that 2010 law were ignored in the Marion County Record case. Rather than follow that law, written specifically for such situations, Marion County authorities kicked it to the side of the road, essentially going rogue.

Had they followed the law as written, they would have issued a subpoena for any documents and other information they needed. Next, a court would have scheduled a hearing to listen to law enforcement's argument and allow the newspaper to seek counsel and present its case for not divulging the information.

In essentially breaking into the newspaper's operation without warning — confiscating computers, servers, cellphones and other records — they decided their own interpretation of Kansas law was more valid.

I believe they are dead wrong.

Under the shield law, those who wish to subpoena interview recordings, unpublished notes and other information gained through the newsgathering process must allow

those being subpoenaed to have their day in court before proceeding.

At that hearing, parties seeking such information must establish by a preponderance of the evidence (my emphasis) in district court that the disclosure:

Is material and relevant to the controversy for which the disclosure is sought;
Could not, after exercising due diligence, be obtained by alternative means;
Is of a compelling interest, defined as likely to be admissible in court and have probative value likely to outweigh any harm done to the free dissemination of information to the public.

The law has worked well for the past 13 years. Why was it ignored in this case?

If this unlawful intrusion on the rights of journalists stands, what source will step forward with information about political corruption if their identity can be revealed and their livelihood put in jeopardy? What journalist will feel safe receiving such information, knowing that they can no longer guarantee their sources confidentiality? What small town newspaper publisher will take a chance that his or her livelihood can disappear in a heartbeat?

This was a wakeup call for Kansas. Let's hope we have the intestinal fortitude to get this one right, and right now.

Doug Anstaett was a working journalist from 1973 to 2004, when he joined the Kansas Press Association as executive director. Following his retirement in 2018, he served five more years as a consultant to KPA.

CMCI expert assesses media landscape as The New York Times, AP chart different courses on generative A.I. (University of Colorado Boulder)

By JOE ARNEY

If you're like most people, when you saw an update to the terms and conditions to use The New York Times' website last week, you just accepted them and moved on. But there was something unusual in this particular update—a prohibition on artificial intelligence.

"A lot of folks who are creating content—reporters and writers, but also artists and others—are discovering that their work is essential for these models to function," said Robin Burke, professor and chair of the information science department at CU Boulder's College of Media, Communication and Information. "And yet there's this business model for which this is the input, but there's no compensation for it."

Generative A.I. platforms like ChatGPT create content based on user input. If you ask it to write a thank-you note to your grandmother for the sweater she knitted for your

birthday, it draws upon all the text it has “read” online and generates a fairly convincing note. But there is no recognition for the writers whose prose generated the source material that make the A.I.’s output possible.

The Times’ action forbids A.I. systems from scraping its content to train machine learning systems. So far, it’s the most influential shot fired as A.I.’s perceived impact looms in newsrooms, creative fields and beyond.

“The first round with A.I. has kind of been a free ride, because nobody was paying attention to what they were doing,” Burke said. “Now, I think it makes sense that the organizations producing content are thinking, ‘Do I really agree with this as a usage of my work?’”

Burke has unique expertise in this arena. He’s the son of a newspaper publisher and a scholar who is part of a team that’s creating tools for the close study of news recommender systems and their impacts on users, including journalists and editors.

The Times is facing the same challenges as other papers in this new chapter of the digital age. But with a very robust subscriber base and a global audience, it is not really in the same category of daily newspapers that have been constricted by technologies that have moved audiences online and siphoned away significant advertising revenue. It’s easy to read journalists’ concerns over A.I. as a chance to correct what the industry got wrong at the dawn of the internet—when publishers made their news free to everyone online, counting on the new technology of digital advertising to pay the bills.

“In the early days of the Internet, people had a lot of different crazy ideas,” Burke said. “And certain models came out of that—some thrived, some failed—but as it relates to A.I., we’re not far enough along to understand who the winners are.”

Need proof? A month before the Times changed its terms, The Associated Press signed a deal to allow ChatGPT to scrape its archive going back to 1985.

“AP is a little different, in that their model is very different from the Times—they get their money mostly from publishers for using their content,” Burke said. “It might also be the case that OpenAI saw the writing on the wall and looked to AP as a reliable source, especially in case other publishers start to lock them out.”

It’s something Burke feels is worth watching as he continues his research, particularly as those smaller papers face the choice of whether to restrict access to their reporting or consider A.I.’s role in a newsroom. If you’ll task A.I. with analyzing government records in search of scandal, it’s not a far leap to just ask an algorithm to write the story, leaving out human judgment altogether.

“Part of that recommendation equation is this question of credibility,” Burke said. “So when an article is recommended to you, what does the system need to do to ensure it’s credible—even if I might prefer some version of the news that suits my ideal ideological inclinations better?”

“It’s why I think it’s such an important research goal to explore more of this space.”

Shared by Paul Albright.



Stories of interest

For an Atlanta reporter, a Trump scoop long in the making

By ROBERT DRAPER
The New York Times

The scoop of a lifetime for George Chidi, a freelance journalist in Georgia, began at the State Capitol on the morning of Dec. 14, 2020, when a longtime source walked briskly past, eyes averted as if he didn't know him, then disappeared into Room 216.

Mr. Chidi, concluding that something odd was taking place on the other side of the door, turned the knob and stepped into history.

What he saw, and simultaneously live-streamed from his phone, were six to 10 people who reacted with alarm to his presence. As the source, an 18-year-old Republican activist named CJ Pearson, bustled wordlessly out of the room, Mr. Chidi asked what was going on.

"Education," one of the people said.

Mr. Chidi was soon escorted out of the meeting, but once in the corridor he asked who had reserved the room. Eventually, a clerk informed him that it was the House speaker, David Ralston, a Republican, who had done so at the behest of one of President Donald J. Trump's lawyers, Ray Smith. An hour or so later, the state's Republican chairman, David Shafer, stepped out and told a gathering crowd of reporters that he and the others in the room were providing an "alternate" slate of

electors favoring Mr. Trump as a means of challenging Georgia's official 2020 election results.

As of this week, that challenge is characterized as important evidence of a criminal enterprise in a 98-page indictment, the State of Georgia v. Donald John Trump and 18 other conspirators. It appears on Page 17 under the heading, "Creation and Distribution of False Electoral College Documents."

Recounting the tableau at a coffee shop in Decatur, Ga., on Tuesday morning, only hours after the indictment was made public at the Fulton County courthouse, Mr. Chidi said he wanted to dispel any notion that his achievement had been a fluke, like a journalistic equivalent of scratching a winning lottery ticket.

"It's not like I just wandered into the Capitol that day," Mr. Chidi said. "This was years of reporting."

Bald, voluble and insomnia-prone, Mr. Chidi, 50, has a nonlinear but relentless career trajectory that offers an object lesson in how local journalism, imperiled though it may be, can achieve national significance.

Read more [here](#)

Shared by Dennis Conrad, Len Iwanski and Michael Rubin.

For the first time, cable and broadcast make up less than half of TV viewing

By **JORDAN VALINSKY**
CNN Business

The decline in traditional broadcast and cable television viewership is accelerating, falling below a major milestone for the first time.

In July, linear TV made up less than half of all TV viewing, according to Nielsen. Both broadcast and cable "each represented record low shares" of total viewership, the firm's report said, making up just 49.6% combined. Meanwhile streaming services, such as Netflix and YouTube, grew last month to a record high of 38.7% of all total TV watching.

Broadcast viewership dropped 3.6% in July, making up just 20% of all TV viewership, and cable viewing dropped 2.9%, making up 29.6%. Year-over-year, broadcast viewership slid 5.4% and cable TV dropped 12.5%.

But streaming jumped 25.3% year over year in July, with three services hitting record highs in shares: YouTube, Netflix and Amazon Prime Video. YouTube is the most popular streaming option, making up 9.2% of the category, followed by Netflix (8.5%) and Hulu, at 3.6%.

Read more [here](#).

'I was given six days to wrap up my life': Russia expels Politico reporter *(Al Jazeera)*

Eva Hartog, a Dutch citizen, says she is the latest victim of Russia's crackdown on foreign journalists.

Russia, which has cracked down on Western journalists since its full-scale invasion of Ukraine began last year, has expelled a Politico reporter, allegedly without providing a clear reason.

Eva Hartog, a Dutch citizen who is also a columnist for the Dutch magazine De Groene Amsterdammer, announced the development on Wednesday.

"I was informed by the Russian Ministry of Foreign Affairs that for the first time in ten years, my visa will not be renewed. The decision was taken by the 'competent authorities', a term often used for the security services. Under international law, no reason or explanation was owed to me," Hartog wrote in a column for De Groene Amsterdammer.

"I was given six days to wrap up my life."

Jamil Anderlini, editor of Politico Europe, said in a statement that Hartog "has safely departed Moscow after the renewal of her visa and transfer of her press accreditation to Politico were rejected by the Russian authorities."

"We are extremely disappointed by these actions, but they do not diminish Politico's unwavering commitment to covering the Russian government and its war in Ukraine. We hope that Eva and Politico will return to Moscow in the near future to continue our factual and nonpartisan coverage of Russian politics," he said.

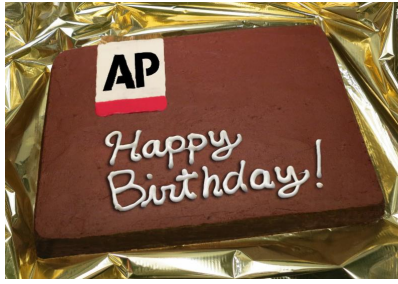
Hartog was formerly the editor of The Moscow Times, a Russian news outlet which is often critical of the Kremlin and left Russia soon after the Ukraine war started. Last year, Kremlin authorities toughened censorship laws and heightened a crackdown on local and foreign media.

A month after invading Ukraine, Russian President Vladimir Putin signed a law ordering the imprisonment of anyone who spreads "fake information" about the Russian military.

According to the Committee to Protect Journalists, 19 journalists are currently languishing in Russian jails, while seven are missing.

Shared by Richard Chady.

Connecting wishes Happy Birthday



[Tori Ekstrand](#)

On Saturday to...

[Tom Eblen](#)

[Skip Foreman](#)

On Sunday to...

[John Flesher](#)

Today in History - Aug. 18, 2023



By The Associated Press

Today is Friday, Aug. 18, the 230th day of 2023. There are 135 days left in the year.

Today's Highlight in History:

On Aug. 18, 1587, Virginia Dare became the first child of English parents to be born in present-day America, on what is now Roanoke Island in North Carolina.

On this date:

In 1894, Congress established the Bureau of Immigration.

In 1914, President Woodrow Wilson issued his Proclamation of Neutrality, aimed at keeping the United States out of World War I.

In 1920, the 19th Amendment to the Constitution, guaranteeing American women's right to vote, was ratified as Tennessee became the 36th state to approve it.

In 1963, James Meredith became the first Black student to graduate from the University of Mississippi.

In 1969, the Woodstock Music and Art Fair in Bethel, New York, wound to a close after three nights with a mid-morning set by Jimi Hendrix.

In 1983, Hurricane Alicia slammed into the Texas coast, leaving 21 dead and causing more than a billion dollars' worth of damage.

In 1993, a judge in Sarasota, Florida, ruled that Kimberly Mays, the 14-year-old girl who had been switched at birth with another baby, need never again see her biological parents, Ernest and Regina Twigg, in accordance with her stated wishes. (However, Kimberly later moved in with the Twiggs.)

In 2004, in Athens, Paul Hamm (hahm) won the men's gymnastics all-around Olympic gold medal by the closest margin ever in the event; controversy followed after it was discovered a scoring error cost Yang Tae-young of South Korea the title.

In 2005, a judge in Wichita, Kansas, sentenced BTK serial killer Dennis Rader to 10 consecutive life terms, the maximum the law would allow.

In 2011, Vice President Joe Biden met with Chinese Vice President Xi Jinping in Beijing.

In 2014, Missouri Gov. Jay Nixon ordered the National Guard to Ferguson, a suburb of St. Louis convulsed by protests over the fatal shooting of a Black 18-year-old, Michael Brown.

In 2020, Democrats formally made Joe Biden their 2020 presidential nominee at their all-virtual national convention.

Ten years ago: David Miranda, partner of Guardian reporter Glenn Greenwald, who'd received leaks from former National Security Agency contractor Edward Snowden, was detained for nearly nine hours at London's Heathrow airport, triggering claims authorities were trying to interfere with reporting on the issue. Usain Bolt won his third gold medal of the world championships held in Moscow, anchoring Jamaica to victory in the 4 x 100-meter relay.

Five years ago: Kofi Annan (KOH'-fee AN'-nan), the first Black African to become United Nations secretary-general, died at the age of 80. Pakistan's cricket-star-turned-politician Imran Khan was sworn in as the country's prime minister despite protests by

opposition parties, which accused the security services of intervening on his behalf in the July elections.

One year ago: A federal judge ordered the Justice Department to put forward proposed redactions as he committed to making public at least part of the affidavit supporting the search warrant for former President Donald Trump's estate in Florida. Cleveland Browns quarterback Deshaun Watson was ordered to serve an 11-game unpaid suspension, pay a \$5 million fine and undergo required professional evaluation and counseling following accusations of sexual misconduct by two dozen women. Three men, including a Mafia hitman, were charged in the killing of notorious Boston crime boss James "Whitey" Bulger in a West Virginia prison.

Today's Birthdays: Former first lady Rosalynn Carter is 96. Actor-director Robert Redford is 87. Actor Henry G. Sanders is 81. Actor-comedian Martin Mull is 80. Rock musician Dennis Elliott is 73. Comedian Elayne Boosler is 71. Actor Denis Leary is 66. Actor Madeleine Stowe is 65. Former Treasury Secretary Timothy Geithner (GYT'-nur) is 62. ABC News reporter Bob Woodruff is 62. The former president of Mexico, Felipe Calderon, is 61. Actor Adam Storke is 61. Actor Craig Bierko (BEER'-koh) is 59. Rock singer-musician Zac Maloy (The Nixons) is 55. Rock singer and hip-hop artist Everlast is 54. Rapper Masta Killa (Wu-Tang Clan) is 54. Actor Christian Slater is 54. Actor Edward Norton is 54. Actor Malcolm-Jamal Warner is 53. Actor Kaitlin Olson is 48. Rock musician Dirk Lance is 47. Actor-comedian Andy Samberg (TV: "Saturday Night Live") is 45. Country musician Brad Tursi (Old Dominion) is 44. Actor Mika Boorem is 36. Actor Maia Mitchell is 30. Actor Madelaine Petsch is 29. Actor Parker McKenna Posey is 28.

Got a story or photos to share?

Connecting is a daily newsletter published Monday through Friday that reaches more than 1,800 retired and former Associated Press employees, present-day employees, and news industry and journalism school colleagues. It began in 2013. Past issues can be found by clicking Connecting Archive in the masthead. Its author, Paul Stevens, retired from the AP in 2009 after a 36-year career as a newsman in Albany and St. Louis, correspondent in Wichita, chief of bureau in Albuquerque, Indianapolis and Kansas City, and Central Region vice president based in Kansas City.

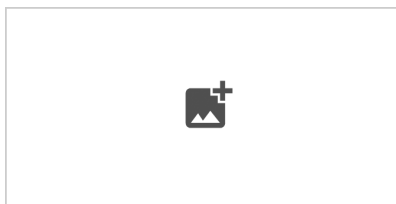
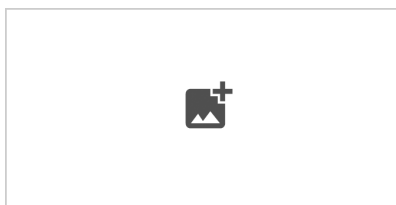
Got a story to share? A favorite memory of your AP days? Don't keep them to yourself. Share with your colleagues by sending to Ye Olde Connecting Editor. And don't forget to include photos!

Here are some suggestions:



- **Connecting "selfies"** - a word and photo self-profile of you and your career, and what you are doing today. Both for new members and those who have been with us a while.
- **Second chapters** - You finished a great career. Now tell us about your second (and third and fourth?) chapters of life.
- **Spousal support** - How your spouse helped in supporting your work during your AP career.
- **My most unusual story** - tell us about an unusual, off the wall story that you covered.
- **"A silly mistake that you make"**- a chance to 'fess up with a memorable mistake in your journalistic career.
- **Multigenerational AP families** - profiles of families whose service spanned two or more generations.
- **Volunteering** - benefit your colleagues by sharing volunteer stories - with ideas on such work they can do themselves.
- **First job** - How did you get your first job in journalism?
- **Most unusual** place a story assignment took you.

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