

Keynote Remarks: *ProPublica* and Journalism in the Public Interest

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I want to talk this afternoon about the promise of non-profit journalism. For the first twenty-one years after I finally completed my schooling, I worked in the private sector at two law firms and then at a publishing company, all with missions to make money for partners or shareholders. However, there was a broader purpose to the work, and much satisfaction when that work overlapped with the public interest, as it often did, I think. But those were byproducts, not the reason we were in business.

For the last seven years, I have worked in the non-profit sector at a fledgling museum, a large foundation, and now at a new kind of entity—a non-profit newsroom created to produce investigative journalism in the public interest. These are mission-based organizations, just as is a university, but, as in business, some are more successful and some less so.

The International Freedom Center,¹ the museum intended for Ground Zero, failed about a year after I joined it as president. It failed despite our good intentions, notwithstanding our great plans, and even though we were blessed with ample funding. It failed because political courage was then in very short supply in New York, and because it is much easier, when thinking about September 11, to focus on the losses of the past than to think boldly about the lessons for the future.

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¹ International Freedom Center, *International Freedom Center Fact Sheet*, http://www.renewnyc.com/content/pdfs/Freedom_Center_Fact_Sheet_final.pdf (accessed January 23, 2013).

I mention this failure before moving on to talk about what I think is the emerging success of *ProPublica*² because I think it is critical that mission-based organizations hold themselves to standards just as rigorous as those we apply to businesses that seek profits. Good intentions are not enough. Eloquence is not enough. Even hard work is not enough.

What then do I think we are building at *ProPublica*, and why do I believe we are succeeding?

I think we are building a bulwark against the collapse of the business model that supplied almost all quality enterprise journalism in this country over the last century. That problem was very ably discussed in the report Professor Peter Shane helped write for the Knight Commission on the Information Needs of Communities in a Democracy.³ Indeed, we like to think that *ProPublica* is directly responsive to that report's call for "new thinking and aggressive action to ensure the information opportunities of America's people, the information health of its communities, and the information vitality of our democracy."⁴

In our own area of accountability reporting, commonly called investigative reporting—the sort of reporting that provides such an important check on government that it earned the press special protection under the Constitution—the general story across the country is even more bleak. The vast bulk of important investigative reporting was done by newspapers. Nearly every newspaper in this country has now retreated from this work, devoting fewer staff and fewer pages, squeezing investigations down and out of the paper, taking fewer risks, and spending less money as revenues from both circulation and advertising fall.⁵ Television did some investigative journalism, especially during "sweeps weeks," but it too has retreated at both the local and national levels.⁶

² *ProPublica*, <http://www.propublica.org> (accessed January 23, 2013).

³ The Knight Commission on the Information Needs of Communities in a Democracy, *Informing Communities: Strengthening Democracy in the Digital Age*, Aspen Institute, 2009, 23–63.

⁴ *Ibid.*, 1.

⁵ Steven Waldman and the Working Group on Information Needs of Communities, *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, 53, Federal Communications Commission, July 2011, <http://www.fcc.gov/info-needs-communities> (accessed January 23, 2013).

⁶ *Ibid.*, 87–88.

Having fewer investigative reporters, I would submit, is the equivalent of the government announcing that the state police will no longer traverse our highways. The speed limit may be the same, but we all know what will happen: people will drive faster, some will do so recklessly, there will be more accidents, and more people will get killed. So it will be with public corruption and abuse of power when the watchdogs of the press are no longer on patrol.

We, and *ProPublica*'s founding funders, Herbert and Marion Sandler, saw this in 2007—even before the acute stage of the economic crisis—and sought to do something about it. We created a non-profit that would do investigative journalism and provide our most important stories, free of charge, to leading news organizations on an exclusive basis. This sort of focus on creative partnerships is critical, I think, to building successful new organizations in a digital world.

We at *ProPublica* also publish all of our content on our own website, on apps for your tablet or smartphone, and through a free, daily e-mail newsletter that now reaches 57,000 subscribers. We also have a robust and fast-growing presence on Twitter, where *ProPublica* has a remarkable 133,000 followers, and Facebook, where we have a more modest but still meaningful 34,000 fans.⁷

We decided we would aim for *impact*—that is, we gave ourselves the mission of spurring reform, of doing journalism in aid of change.

So we do not judge ourselves based on web page views, although more page views are better than fewer. And we do not live to sell more sponsorships, although I would like to sell more. We do not steer our coverage by the light of journalism prize competitions, although I would be lying to you if I said that two Pulitzer Prizes, three George Polk Awards, a National Magazine Award, and an Online Journalism Award for general excellence did not make us feel proud.

Instead, we count our successes this way:

- In 2008, we started a trend in news coverage to look hard at the risks of new drilling for natural gas to the nation's water supplies.⁸ Three years and 160 stories later, we are still on it, there has

⁷ Social media numbers as of late June 2012.

⁸ "Focusing Public Attention—and Staying with a Story Relentlessly," *ProPublica*, <http://www.propublica.org/about/focusing-public-attention-and-staying-with-a-story-relentlessly> (accessed January 23, 2013).

been an Oscar-nominated documentary,⁹ and lately even the largest newspapers have recognized the importance of the story. The issue is now one of widespread public concern, with the beginnings of positive action by both industry and government.

- In 2009, a series of stories we did in partnership with the *Los Angeles Times* led to the overhaul of nursing regulation in California, where dangerous nurses had continued to practice for years after their bad deeds were uncovered.¹⁰
- In 2010, coverage we initiated of the widespread nature of police violence in New Orleans after Hurricane Katrina led to federal oversight of the city's police department, with the consent and encouragement of a new mayor. There have now been trials, and convictions, of law-breaking police officers.¹¹
- In 2011, our reporting on brain injuries to our troops, and the Army's record of denial in treating them, led the Defense Department to reverse itself and award well-deserved Purple Hearts for this signature wound of our current

⁹ *Gasland*, directed by Josh Fox (New York, NY: New Video Group, 2010), DVD.

¹⁰ Charles Ornstein and Tracy Weber, "When Caregivers Harm: Problem Nurses Stay on the Job as Patients Suffer," *ProPublica*, July 10, 2009, <http://www.propublica.org/article/when-caregivers-harm-california-problem-nurses-stay-on-job-710> (accessed January 23, 2013).

¹¹ Sabrina Shankman, Tom Jennings, Brendan McCarthy, Laura Maggi and A.C. Thompson, "After Katrina, New Orleans Cops Were Told They Could Shoot Looters," *ProPublica*, August 24, 2010, <http://www.propublica.org/nola/story/nopd-order-to-shoot-looters-hurricane-katrina> (accessed January 23, 2013); A.C. Thompson, "Former New Orleans Cop Sentenced in Perjury Case," *ProPublica*, April 11, 2012, <http://www.propublica.org/nola/story/former-new-orleans-cop-sentenced-in-perjury-case> (accessed January 23, 2013).

conflicts,¹² while our reporting on Wall Street self-dealing before the Crash resulted in hundreds of millions of dollars in fines.¹³

- This year, reporting we did on the problems of death investigations, especially in cases involving children, has already helped lead to a man named Ernie Lopez, sentenced to sixty years in jail in Texas for a crime he almost certainly did not commit, being granted a new trial and released to his family pending that new trial.¹⁴

I could go on, but I hope you get the idea. Each of these stories, each of these reforms, was achieved as a result of great patience—*ProPublica* stories usually take months, sometimes years, to report; persistence—we follow up relentlessly on our own work, and that of others—and at considerable cost. How can we do this? How can we advance when others are retreating? The bottom line is that we are building a civic coalition. In an even broader sense, we are building a new sort of cultural institution.

Just as it is well understood in this country that communities are responsible for maintaining their own civic life—and that communities of interest are responsible for our leading national institutions—in such fields as symphonies, theater companies, art museums, history museums, universities, private hospitals and clinics, ballet companies, opera, and more, so we need it to be understood that we can sustain quality journalism in this country only if those who value it most highly—and are fortunate in their circumstances—will step forward.

I think people with means in this country understand, for instance, that if you truly love opera or ballet, you cannot merely buy a

¹² “Brain Wars: How the Military Is Failing Its Wounded,” *ProPublica*, <http://www.propublica.org/series/brain-wars> (accessed January 23, 2013).

¹³ “The Wall Street Money Machine,” *ProPublica*, <http://www.propublica.org/series/the-wall-street-money-machine> (accessed January 23, 2013).

¹⁴ A.C. Thompson, “Texas Court Voids Conviction in Child Death Case,” *ProPublica*, January 25, 2012, <http://www.propublica.org/article/texas-court-voids-conviction-in-child-death-case> (accessed January 23, 2013).

ticket. You need to support your local company. What *ProPublica* and the movement of which we are a part is contending, is that people who particularly value journalism, and cherish its role in democratic governance, need similarly to step up.

In economic terms, what this means is that some kinds of quality journalism, certainly including investigative journalism, have become what is called a “public good,” which is to say that it will no longer be adequately supplied by the profit motive and the free market. We can sell advertising and sponsorships, and we will. We can sell content in some cases, to publishing partners and through eBooks, and we will where we can. But it is critical that we do not fool ourselves into thinking that investigative journalism can break even as a business in the digital world. It cannot. In fact, *ProPublica* exists precisely because publishers see that investigative journalism, as a business, is a losing proposition.

Perhaps other sorts of non-profits, such as those focused on general news and opinion, especially in communities that are both wealthier and historically poorly served, can garner substantial earned revenue. I hope so. But it is simply a fact that the number of original, digital news content creators who are making profits, seventeen years after the dawn of the consumer Internet, approaches zero.¹⁵ There are reasons for that, both with respect to charging advertisers and charging readers—and, if you like, I am happy to discuss them when we come to questions, and perhaps the code will yet be cracked here. But, it has not been yet.

Instead, the bulk of what we need and will continue to need has come and will come, from philanthropy—in small amounts and large. That means that our innovative work in journalism is accompanied by tried and true techniques of fund raising, many of them the same sorts of tactics employed successfully at universities such as this one.

Here are the early results: in 2009, we raised \$1 million from sources other than our founding donors. In 2010, that amount rose to \$3.8 million, or thirty-nine percent of our revenue. In 2011, it was more than \$5 million, more than half of what we raised. This year we are aiming for \$6 million, about sixty percent of what we’ll raise and spend. In 2009 we had 100 donors, in 2010, 1,300 donors, in 2011, 2,600 donors.

So, I think we are succeeding on every dimension at *ProPublica*: we are publishing great work, we are attracting a growing audience,

¹⁵ Waldman, 123–26.

we are making considerable progress toward financial sustainability—that is, toward a model of fund raising that can support great work year after year, decade after decade—and finally, and by far most important, we are having impact with our reporting, making a difference with our journalism, which is, after all, our mission.

Beyond that, I am most proud of the fact that I think we are leading a growing movement, a disparate assembly of people around this country who are determined to prove that the collapse of journalism's business model will not mean the collapse of journalism itself, to show that investigative reporting has a robust future in this country.

For our own part, we are doing everything we can to promote the growth of this field through what we hope is a rigorous and pervasive culture of sharing:

- As I have noted, we offer our most important stories free of charge to partner newsrooms. We have had ninety such partners thus far, and have added *Foreign Policy* and the Poynter Institute as new partners already this year;
- We also offer almost all of our stories free of charge to anybody who cares to reprint them. We have somewhat refined the standard Creative Commons license,¹⁶ and invented a system that helps us track use. Creative Commons recognized us as leading the industry in our use of a CC license;
- We have released substantial pieces of open source software for use in creating databases and displaying information;
- We offer free conference calls for reporters looking to better understand and use our news applications: large databases that tell important stories;

¹⁶ "Steal Our Stories," *ProPublica*, <http://www.propublica.org/about/steal-our-stories> (accessed January 23, 2013).

- We offer reporting recipes, tip sheets, and coding tutorials so people can reproduce our work and use our techniques in their own local reporting. Our “Dollars for Docs” database on pharmaceutical company payments to doctors, for instance, has now spawned original local stories from more than 125 news organizations;¹⁷ and, finally
- We often offer the data behind the news applications to people and organizations who request it, again free of charge.

Nor, of course, are we alone in this movement. The signs are encouraging elsewhere. In California, the old *Center for Investigative Reporting*, its new creation *California Watch*,¹⁸ and the local *Bay Citizen* discuss consolidation. What I see—admittedly from some distance—is the acknowledgment of the centrality of investigative journalism and the partnership model to the emerging combination. At the *Texas Tribune*,¹⁹ which has the largest web traffic and has achieved the most earned revenue of the new non-profits, the focus on data dissemination and the new sorts of journalism that data can drive seems to me rooted in an investigative sensibility. Efforts such as these at the local and regional level must fish in smaller ponds of possible funding, but they benefit from larger existing networks of community funders, a strong sense of community needs in many places, and frankly, of weakening alternative sources of original news. Moreover, many smaller and more experimental local start-ups have banded together in the *Investigative News Network*,²⁰ of which we are a member. Even in Great Britain, a committee of the House of Lords has responded to the scandals surrounding rampant law-breaking by the dominant Murdoch-owned newspapers by calling for

¹⁷ Dan Nguyen, Charles Ornstein and Tracy Weber, “Dollars for Docs: How Industry Dollars Reach Your Doctors,” *ProPublica*, September 7, 2011, <http://projects.propublica.org/docdollars> (accessed January 23, 2013).

¹⁸ See *California Watch*, “Building a new model for investigative reporting,” <http://californiawatch.org/about> (accessed January 23, 2013).

¹⁹ See *Texas Tribune*, <http://www.texastribune.org> (accessed January 23, 2013).

²⁰ See *Investigative News Network*, “Members,” <http://www.investigativenewsnetwork.org/members> (accessed January 23, 2013).

a reinvigoration of investigative reporting, with *ProPublica* as a possible model.²¹

Of course, the new non-profits are starting to experience setbacks as well as successes. The Chicago News Cooperative failed. There have been layoffs at non-profits on both coasts, and as I noted, some talk of consolidation. But none of this should be surprising. First, as I hope I made clear by starting with my own International Freedom Center experience, not seeking profits is no guarantee of business success. As non-profit journalism matures in this country, there will be a shakeout. Stronger players with more distinctive and valuable content, and yes, better business management will have an advantage over others. But these should be signs of a field taking root, not of some failed promise of a new publishing nirvana. No such promise was ever offered.

Instead, what we have said is that where markets have failed—as with investigative reporting (and probably also with international reporting and state house reporting as well)—non-profit journalism can make a critical contribution.

Last year, Steve Waldman's terrific staff report for the FCC pointed out that one percent of the charitable giving in this country, if directed to non-profit media, would produce \$2.7 billion each year.²² The total cost of public radio and public television—the stations themselves and all of the programming, from NPR to the *NewsHour* to *Frontline* and including all of the public broadcasting entertainment programming, comes to perhaps \$1.7 billion.²³ That would leave enough—from just one percent of what we all give each year—to fund one hundred *ProPublicas*.

That, it seems to me, is a worthy goal for us as a society. And I think we have made significant strides in that direction in the last four and a half years since *ProPublica*'s creation was announced. I think we are demonstrating that concerned citizens, knowing the value of investigative reporting for our democracy, will chip in to make sure it continues to be published. Someone in the news business could offer you no better news than that.

²¹ House of Lords, Select Committee on Communications, *The Future of Investigative Journalism*, 2010–12, H.L. 256, 53.

²² Waldman, 355.

²³ Author's estimate.

