



## **Worth a Thousand Words: The Associated Press and Lance Corporal Joshua Bernard**

On August 14, 2009, Associated Press (AP) photographer Julie Jacobson accompanied a US Marine squad on patrol in Afghanistan. Jacobson had experience as a war photographer, having twice covered US troops at war in Iraq. That evening, for the second time in her life, she watched a Marine struggle for his life. Lance Corporal Joshua Bernard had been hit by a rocket propelled grenade, and as two of his comrades rushed to stanch the blood pouring from his mangled legs, Jacobson lay in the dirt amid gunfire and took pictures. Bernard died in the hospital later that night.

As an embedded journalist—one who lived, traveled, and experienced combat with US troops—Jacobson had agreed to a set of rules articulated by the Department of Defense as a condition for allowing reporters to document the daily lives of combat troops and enjoy their protection. The embed system, introduced for the 2003 US invasion of Iraq, was the latest iteration of a complex and ever-evolving relationship between journalists and the military.

Images of dead or wounded troops had long been a particularly fraught facet of this relationship, and the embed rules specifically banned publishing photos of identifiable dead or wounded service members pending family notification. After that, it was a judgment call on the part of individual news organizations whether or not to publish such photos. Many opted not to. By 2009, the US had been at war in Afghanistan for eight years and in Iraq for six, with thousands of American troops dead and wounded, but news organizations had published only a handful of images showing an individual American's death or injury. Photographs of civilian casualties were much more common.

Jacobson sent a photograph of the mortally wounded Bernard to AP headquarters in New York a few days after taking it, having waited to be sure that his family had learned of his death. Over the next three weeks, top editors debated what to do with the photo. A cooperative news organization, the Associated Press distributed content to its members and customers—thousands of news organizations worldwide including most major American dailies—who could republish

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the material or not as they chose. The decision, which ultimately fell to Executive Editor Kathleen Carroll, was not a question of publication, but of distribution—whether to send the photo of Bernard’s final moments to AP’s thousands of members and customers, thereby giving them the choice of whether to publish it.

Carroll and other editors felt that the photo had news value in itself as an exceedingly rare image of the costs of a war that had received dwindling media attention after the US invaded Iraq in 2003. Yet they were concerned about the impact the photo might have on Bernard’s family and arranged to have a reporter attend Bernard’s funeral to learn more about him and to warn his parents that AP had a photo of their son suffering from the wound that killed him. Bernard’s father urged AP not to distribute the photo. As did the Department of Defense (DoD). On September 3, Defense Secretary Robert Gates called AP CEO Tom Curley to exhort him to hold the photo back.

Curley and Carroll discussed the call. Both still felt that the photo told an important story. In the past, it had not been unusual for the Defense Department to object to stories or photos that the AP planned to transmit, but it was highly unusual for them to ask that the work be withdrawn after distribution. Was that alone enough to make the AP reconsider? What precedent might it set if AP acceded to DoD’s request?

## **The Press and the Military**

As the United States prepared to invade Iraq in 2003, the Department of Defense issued a set of guidelines that would change the way American news organizations covered war. The new rules established an “embed system,” under which roughly 500 journalists would live, eat, travel, and experience combat with invading US troops.

The system represented the latest attempt to mitigate the tension between transparency and security that had long bedeviled the press’s relationship to the military. During World War I and World War II, the balance tipped toward security—the press for the most part assented to an official policy of censorship that among other things banned images of dead or wounded American soldiers. During the Vietnam War, by contrast, the military exerted little official control over where journalists could go and what they could publish. But as the war dragged on and battlefield photographs, dispatches, and body counts increasingly conflicted with official assurances of imminent victory, the press and the military developed a mutual mistrust that endured far beyond the end of the conflict. During later US wars in Panama and Grenada, members of the press were tethered to military bases until most of the fighting had stopped.

The new embed system was an expansion of a similar system the US military had first tried during its first war in Iraq, in 1991. Then, a handful of journalists were permitted to accompany invading troops and share among participating news organizations reports and

photographs they gathered in the battlefield. Some journalists also operated as what the military called “unilaterals,” traveling about the war zone without military restrictions—or military protection. In theory such independence gave a journalist the opportunity to see and report on what the military might decline to show them. In practice, the work was exceedingly difficult and dangerous, starting with the logistical problems of entering a war zone in the first place. The press and the military achieved similarly ad hoc accommodations in later US engagements in Somalia, Bosnia, Kosovo, and Afghanistan.

## **AP at War**

Covering armed conflict had been central to AP’s mission throughout the organization’s history. Founded in 1846 as a cooperative allowing five New York newspapers to share the cost of covering the Mexican-American War, the AP had been present with the US military during every major war since.<sup>1</sup> AP reporter Mark Kellogg had died alongside General Custer’s troops at the Battle of Little Bighorn in 1876; AP photographer Joe Rosenthal had taken the celebrated World War II photograph of United States Marines raising the American flag over a Japanese garrison on the island of Iwo Jima. Indeed, 26 of the 31 AP staffers who had died on the job were killed in conflict.

War coverage was among the most expensive and risky jobs a news organization could take on, and at the turn of the 21<sup>st</sup> century, more and more American newspapers found themselves ill-equipped to shoulder the financial burden of sending reporters and photographers to war zones. Instead, they increasingly turned to organizations like the AP, which maintained a sprawling global staff of more than 3,700 in 300 locations and supplied images, dispatches, and video to news organizations the world over. Those organizations could then choose which AP material to republish in their own venues.

At the AP as elsewhere, the Pentagon’s new embed policy appeared to hold promise for improved coverage of American troops in combat, particularly for photographers. Explains Associated Press Director of Photography Santiago Lyon, who as a photojournalist had covered wars all over the world, including the 1991 Gulf War:

The nature of your job requires you to be there on the front line and witness it. It’s not like you can pull the pieces together from other people’s accounts, as is sometimes the case with print reporters, who through interviewing people who were there can pull together what happened. In the case of a photographer and the videographer, you must be there first hand, and there’s no two ways about it.<sup>2</sup>

<sup>1</sup> “AP History,” Associated Press, [http://www.ap.org/pages/about/history/history\\_first.html](http://www.ap.org/pages/about/history/history_first.html).

<sup>2</sup> Author’s interview with Santiago Lyon in New York City, on May 10, 2010. All further quotes from Lyon, unless otherwise attributed, are from this interview.

But with access came compromise, the nature of which the Pentagon articulated in a set of embed guidelines released in February 2003. Embedded journalists would be tied to a specific unit, and not permitted to travel between units as they had in Vietnam. They could not have their own vehicles. Photographers and videographers were prohibited from showing identifiable casualties until the family of the wounded or dead soldier had been notified, nor could they publish identifiable images of detainees. The penalty for violating the guidelines could be loss of embed status.

To some, the tradeoffs built into the embed system were not unlike those involved in securing access to any story. Says John Daniszewski, AP vice president and senior managing editor for international news and photos, himself a veteran war correspondent:

I think it's been sort of a consensus that in order to get access to the news, it's a reasonable requirement of the military that you not do anything that puts military forces in danger. And I think generally, as a sort of yardstick, you don't ever want to report anything that's going to cause someone to be killed or injured... just as you would not publish the home address or the home number of someone who's being sought out by the mob or something like that. There is some kind of journalistic restraint that's necessary just out of human decency and care for human life.<sup>3</sup>

For its part, the Department of Defense argued that the increased transparency about military operations offered by the embed system was crucial to its own objectives:

Media coverage of any future operation will, to a large extent, shape public perception of the national security environment now and in the years ahead. This holds true for the U.S. public; the public in allied countries whose opinion can affect the durability of our coalition; and publics in countries where we conduct operations, whose perceptions of us can affect the cost and duration of our involvement... We need to tell the factual story—good or bad—before others seed the media with disinformation and distortions, as they most certainly will continue to do. Our people in the field need to tell our story—only commanders can ensure the media get to the story alongside the troops.<sup>4</sup>

Qualified support for the effort notwithstanding, there remained skepticism within both military and media quarters that the embed system could yield coverage at once responsible and accurate. General Richard B. Myers, who as chairman of the Joint Chiefs of Staff was the highest-

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<sup>3</sup> Author's interview with John Daniszewski in New York City, on June 11, 2010. All further quotes from Daniszewski, unless otherwise attributed, are from this interview.

<sup>4</sup> Department of Defense, "Public Affairs Guidance on Embedding Media During Possible Operations/Deployments in the US Central Commands (CENTCOM) Area of Responsibility (AOR)," February 3, 2009.

ranking officer in the US armed forces, suggested that an embedded journalist would get only a “soda-straw” view of the conflict from the narrow perspective of the one unit with which he or she traveled.<sup>5</sup> Some doubted it was possible to cover war thoroughly no matter what the system. Noted one former war correspondent: “The closer you get to war, the less practical it is to write a balanced story. While traveling with a Marine patrol, you can’t get comments from Iraqi troops... It’s not journalism at its finest.”<sup>6</sup>

## The AP in Iraq

AP had numerous employees already working in Baghdad and Kuwait as the United States prepared to invade Iraq in 2003. In February, AP assigned a number of additional journalists, including photographers and videographers, to embed with US armed forces as they prepared and then began the invasion. Among them was Julie Jacobson, who had joined the AP in 2001. In a photojournalism career spanning more than a decade, Jacobson had photographed all manner of bloody scenes while covering hospitals and police. The Iraq war was her first conflict assignment.

*Jacobson’s first embed.* Jacobson’s job as an embedded photographer was to document the daily lives of soldiers at war. She sought images with an eye toward what would best illustrate the stories AP and its member organizations might wish to tell in prose. A photo editor might suggest particular people, things, or events to photograph, but in general Jacobson herself determined which scenes she found newsworthy. She explains:

AP photographers make their own editorial decisions about what to file every day on every assignment they shoot... That editorial decision starts as soon as I begin observing my surroundings, the things happening around me and what I believe the story to be within that environment. I shoot according to what I think the story at the time is, as well as what I believe others may be writing about in relation to that conflict zone.<sup>7</sup>

Having shot several frames of a given scene, Jacobson next examined them one by one to determine which best conveyed the situation as she had perceived it. She says: “I may shoot 30 frames and find that 10 of them are strong story tellers and worth sending. I may shoot 60 frames and find that only five are needed to tell a story and are worth sending.” She then cropped and toned the selected pictures on her laptop, composed a caption identifying the photos’ subjects,

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<sup>5</sup> Council on Foreign Relations, “Embedded Journalists in Iraq: Reality TV or Desert Mirage?,” July 29, 2003, [http://www.cfr.org/publication/6189/embedded\\_journalists\\_in\\_iraq.html?id=6189](http://www.cfr.org/publication/6189/embedded_journalists_in_iraq.html?id=6189). Via Christopher Paul and James J. Kim, *Reporters on the Battlefield*, Santa Monica, RAND Corporation, 2004, p. 111.

<sup>6</sup> *Miami Herald*’s Glenn Garvin, quoted in Jack Shafer, “Full Metal Junket,” *Slate*, March 5, 2003, <http://www.slate.com/id/2079703>.

<sup>7</sup> Jacobson’s email to author, June 17, 2010. All further quotes from Jacobson, unless otherwise attributed, are from this email.

dates, and locations, and sent them to an AP photo desk, where a photo editor selected which to distribute.<sup>8</sup>

In April 2003, Jacobson was embedded with a medical evacuation helicopter squadron—the military’s paramedics, who removed wounded Americans and Iraqis from the battlefield and tried to stabilize them en route to a hospital, and who also picked up the remains of the dead. Jacobson witnessed a great deal of trauma and death in this capacity, but one casualty in particular was seared into her memory. He was a Marine who had been shot twice, once in the groin and once in the abdomen; he was wearing hardly any clothing and had no identification.<sup>9</sup> Jacobson took photos as the evacuation squadron carried him on a stretcher into the helicopter and continued to take photos onboard, where a Navy corpsman—a paramedic—worked to help the soldier breathe. She recalls:

As we flew to the mobile hospital I focused my attention mainly on the Navy corpsman tending to [the Marine]. I really couldn’t see the wounded Marine well; he had a paper blanket covering him. It was a difficult image to make to convey what was going on because of that, and also the space in which I had to work was limited. It was also just an emotionally difficult situation. But within the 15 or 20 minutes it took us to get to the hospital the corpsman asked me twice to help him. Each time, I put my camera down and did as he requested.

The Marine died before the helicopter reached the hospital. He was the first wounded evacuee the corpsman had lost in his entire career.

That evening, Jacobson sent some of her photos of the day’s events to the headquarters photo desk in New York. One of them she had taken onboard the helicopter, from near the Marine’s feet; his right arm, dangling from beneath his blanket, appeared in the foreground, and in the background was the corpsman working to save his life. The AP distributed the image without naming the wounded Marine, whom Jacobson had not been able to identify. The Department of Defense did not object.

Jacobson’s first embed lasted nine weeks. She returned to Iraq to embed with the Army in Fallujah and Ramadi over January and February 2004. In March, Fallujah became the site of a dangerous turning point in the war when four American security contractors were ambushed and

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<sup>8</sup> AP had four photo desks overseeing the distribution of photographs from different regions of the world. The Mexico City desk handled photos from Latin America and the Caribbean; the London desk handled photos from Europe, the Middle East, and Africa; and the Tokyo desk handled photos from the Asia Pacific. In addition to handling photos from North America, the New York desk was the headquarters of AP’s entire photo operation, and ultimately responsible for all AP photographs.

<sup>9</sup> Jacobson learned over a year later that the Marine was Corporal Mark A. Evnin of Burlington, Vermont.

killed by Iraqi insurgents. The event, says Director of Photography Lyon, marked a “sea change” in the war—and in AP’s perception of the danger involved in covering it. He says:

Suddenly the situation changed dramatically, and it was no longer safe... for westerners to be moving about the country. So at that point the tactic changed, and we began to use more Iraqi photographers and Iraqi camera people, because it was safer for them to move around the country.

*Bilal Hussein.* In particular, AP relied on its roughly six Iraqi photographers to document the war from the insurgents’ perspective. This practice yielded often controversial images of Iraqi and foreign fighters posing with weapons or attacking US troops and their allies. Some viewed such images as propaganda for the insurgents that undermined the American-led mission in Iraq. Further, insurgents often employed their own photographers to disseminate images of their activities, and the US military often detained Iraqi photographers on suspicion of collusion with the enemy. Explained AP Afghan-Pakistan News Director Bob Reid, who spent more than six years leading AP news coverage in Iraq:

Just about every news organization has had people picked up at one time or another... They put pictures on the Web. And soldiers are told to beware of people out posing as cameramen, so they tend to view with suspicion Iraqis who show up with cameras at bomb sites.<sup>10</sup>

In April 2006, the US military arrested AP photographer Bilal Hussein, a native of Fallujah who had the previous year been part of a team of AP combat photographers that won a Pulitzer for breaking news photography. As his detention stretched on for months with no formal trial in sight, AP lobbied the DoD fiercely behind the scenes to have him released or officially charged with a crime. Five months after Hussein’s arrest, AP made public the results of its own investigation, which concluded that the Pentagon had made up or exaggerated its case against Hussein. Said AP President and CEO Tom Curley: “I have no problem saying the Pentagon lied to us more than once.”<sup>11</sup> Hussein was released from military custody in 2008, two years after his arrest. A military press release said he no longer represented an immediate threat.

By 2009, five AP correspondents—all of them Iraqi—had died covering the conflict.<sup>12</sup> In total, 140 journalists had been killed in Iraq since the start of the war, 117 of them Iraqi.<sup>13</sup>

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<sup>10</sup> Charles Layton, “Behind Bars,” *American Journalism Review*, December 2006/January 2007, <http://www.ajr.org/article.asp?id=4225>.

<sup>11</sup> Charles Layton, “Behind Bars.”

<sup>12</sup> Author’s interview with John Daniszewski.

<sup>13</sup> Committee to Protect Journalists, “Iraq: Journalists in Danger,” October 2009, <http://cpj.org/reports/2008/07/journalists-killed-in-iraq.php>.

## Afghanistan

Over the same period, the United States military had maintained a presence in Afghanistan. Since the US and allies had toppled the Taliban in 2001, their mission there had been conceived and covered primarily as one of peacekeeping and reconstruction. But by 2009, swathes of the country had fallen back under Taliban control, and a western military victory in Afghanistan seemed newly doubtful. Recently inaugurated President Barack Obama had organized a strategy review and was considering sending tens of thousands more troops to Afghanistan while preparing to withdraw from Iraq. An increasingly violent conflict and a subject of renewed public debate, the US war in Afghanistan was returning to the front pages.

Obama had by then made his own changes to the rules governing media access to the military by lifting an 18-year ban on photographing the flag-draped caskets of fallen soldiers returning to the United States. The ban had been enforced with few exceptions—some accidental—since the 1991 Gulf War. Under the new policy, a family member designated by the soldier prior to his or her deployment would determine, in the event of the soldier's death, whether or not to allow the members of the media to be present when his or her casket arrived. On April 5, 2009, Air Force Staff Sergeant Philip Myers, killed by a roadside bomb in Afghanistan, was the first soldier killed in action to have his remains' arrival covered by the media under the new policy. The AP covered his return, as well as every one thereafter in which the family consented to the presence of media.

In the Afghanistan war's eighth year, the number of American dead was nearing 1,000. Over 4,000 more US soldiers had died in Iraq. Barely any images of dead or wounded service members on the battlefield had appeared in US media. It was much more common to see pictures of enemy casualties—the AP itself frequently distributed them and had won its 29<sup>th</sup> photography Pulitzer in 2005 for a series on the Iraq war that included several images of dead Iraqis, both civilian and combatant, a few of them children. The same series did, however, include a rare image of medics trying to resuscitate Army Specialist Travis Babbit, who later died of his wounds.<sup>14</sup>

In Afghanistan as well as in Iraq, the Pentagon allowed journalists to embed with US troops. On August 7, 2009, Jacobson began an embed with Golf Company, 2<sup>nd</sup> Battalion, 3<sup>rd</sup> Marines (Golf 2/3) in Helmand Province, in southern Afghanistan. Shortly after she arrived, two other AP staffers, photographer Emilio Morenatti and videographer Andi Jatmiko, were severely wounded by an improvised explosive device (IED) while embedded in the neighboring province of Kandahar. Field surgeons amputated much of Morenatti's left leg below the knee.

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<sup>14</sup> Associated Press, "Pulitzer Prize-Winning Photos," 2005, <http://www.ap.org/media/flash/pulit.swf>.



## Ambushed

Jacobson learned of her colleagues' injuries on Wednesday, August 12, while she herself was documenting a Marine and Afghan National Army (ANA) patrol in the Taliban-controlled town of Dahaneh. Also accompanying that patrol were AP writer Alfred de Montesquiou and AP Television News cameraman Ken Teh.<sup>15</sup> The news made it difficult for Jacobson to concentrate. She and her colleagues in Dahaneh had so far managed to avoid injury themselves, but they, too, were under frequent attack. Jacobson recalls:

We came under fire daily, even if for just short 20-second hit and run attacks by the Taliban with RPG's [rocket-propelled grenades] and AK-47's or mortars from varying directions... Any time you go out on patrol or even ride in an armored vehicle, you are exposed to the threat of attack. You can come under fire any time or risk hitting or stepping on an improvised explosive device.

As the sun set on Friday, August 14, Jacobson was crouched behind a squat wall next to a Marine with his gun trained on a stand of pomegranate trees. The Marine had orders to shoot at anything that moved from that direction. In Jacobson's recollection, he warned her, "If you see me drop to a knee, that's a clue that I'm going to start shooting." Jacobson later wrote in a journal she kept for herself and a few friends:

Not 30 seconds after he said that, the Taliban attacked with RPG and then with gunfire. The explosion which felt close by startled us both. [The Marine] looked at me, I said I was OK, and then we noticed the grass to my right begin to catch fire from the sparks from the explosion. I bolted to his left and then all hell broke loose with M16, 50-Cal [50-caliber machine gun], AK-47 fire all over. The Marine next to me started to run back in the direction the explosion was. I didn't want to stay in that spot because there were Afghan soldiers there and they aren't very good, so I followed the Marine. That's when I realized there was a casualty and saw the injured Marine, about 10 yards from where I'd stood, with his legs just hanging on by skin.<sup>16</sup>

Jacobson dropped to the ground, where she lay as flat as she could in a hail of gunfire. Two Marines were tending to their wounded comrade, whom she could hear saying: "I can't breathe. I

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<sup>15</sup> Also embedded with Golf 2/3 were reporters from National Public Radio, Armed Forces Network, and Fox News, who left the morning of August 14.

<sup>16</sup> Julie Jacobson, "Journal entries of AP photographer embedded with Marines in Afghanistan," September 3, 2009, [http://www.ap.org/fallen\\_marine/jacobson.html](http://www.ap.org/fallen_marine/jacobson.html).

can't breathe.”<sup>17</sup> Jacobson briefly hesitated, unsure whether to try to help. She had faced the issue many times in her career and over time had forged personal guidelines for how to handle it:

If I come across a casualty and there are no medical or emergency personnel around to help or that need help, then I will do what I can to assist an injured person or person in trouble until the proper help comes. If there are emergency or medical personnel around to tend to the wounded or endangered, and my assistance is not or no longer needed, I will step back and do my job.

Ultimately, she thought that given the severity of the Marine's wounds, she was likely to make matters worse by stepping in. Instead, she steadied her camera with difficulty amid the flying bullets. She doubted she would be able to use the photos due to the embed rules, but felt, she later wrote in her journal: “To ignore a moment like that simply because of a phrase in section 8, paragraph 1 of some 10-page form would have been wrong.”<sup>18</sup>

She took nine pictures over the course of about two minutes before another RPG fell nearby. Jacobson was momentarily stunned and briefly wondered as rubble fell around her whether she was still alive. Then, on instructions from a Marine, she ran for the cover of an armored vehicle. She continued to take photos of the firefight from behind it. She could no longer see the wounded Marine.

*Lance Corporal Joshua Bernard.* The injured Marine was successfully evacuated, but died of his wounds in the hospital later that evening. Jacobson, who had never formally met the young man, learned that his name was Joshua Bernard. He was a lance corporal from New Portland, Maine. He was 21.

Back on base that evening, Jacobson considered filing her photographs of the mortally wounded Bernard with instructions to hold for review, but worried that the images might accidentally be released before his family had learned of his death. Instead, she transmitted other images of that day's firefight. In accordance with the Pentagon ground rules that prohibited naming casualties prior to family notification, she did not mention in her captions that a soldier had died in the battle depicted. Nor did she file an image she had taken earlier in the day of Bernard walking through a bazaar. She explains:

My reasoning was that images hit the Internet almost instantaneously these days. That image in the bazaar could also show up in his hometown paper on Saturday morning, the next day, or even on its website in a few minutes. What if Bernard's family saw the bazaar photo on the Internet or in the paper before the military could notify them of his death? What a

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<sup>17</sup> Julie Jacobson, “Journal entries of AP photographer embedded with Marines in Afghanistan.”

<sup>18</sup> Julie Jacobson, “Journal entries of AP photographer embedded with Marines in Afghanistan.”

conflicting shock that might be for them to be happily staring at the image of their son, alive and well one second, and in the next, the doorbell is ringing with bad news.

AP reporter de Montesquiou began writing a detailed story about the August 14 battle, and over the weekend he learned and told Jacobson that the Department of Defense had notified Bernard's parents of their son's death. Releasing photos of him wounded would not violate embed rules. But rules aside, Jacobson worried for Bernard's family and friends and wondered how his parents would feel if their son's gruesome final moments were made public, or whether they could bear knowing exactly how their son died.

Meanwhile, names of dead American soldiers were listed in newspapers practically every day. Battle, injury, and death were the subject of frequent written accounts. A picture was a different way of telling a familiar story. Jacobson felt that in this instance, it was a better way. "A name on a piece of paper barely touches personalizing casualties," she wrote. "An image brings it home so much closer. An image personalizes that death and makes people see what it really means to have young men die in combat."

Of the nine photos Jacobson had taken of the scene, Jacobson selected the clearest. Her own conclusion was that the AP should distribute the photo. But she knew that the ultimate decision required high-level input from AP headquarters.

She waited until the evening of Monday, August 17, to send headquarters her photo. She wanted to be sure it would be personally reviewed by Headquarters Photo Desk Supervisor Jim Collins.

### **At Headquarters**

It was Monday morning in New York, and the photo department was in crisis mode. Days earlier, Director of Photography Lyon had taken an emergency trip to Dubai, where photographer Morenatti was recovering from the amputation of his lower leg. Much of the New York office was on edge awaiting news of Morenatti's condition, which remained precarious. Photo Desk Supervisor Collins, meanwhile, was at his desk when he received an instant message from Jacobson. "There was a picture that she was concerned about, that she felt like people here were going to need to make a decision about whether to move it or not," Collins recalls. Jacobson also explained that writer de Montesquiou was working on a story to accompany it.

Collins viewed the photograph alongside another photo editor. They had the same first reaction—that it was extremely rare to see an image of a Marine dying on a battlefield, and that the photo was important for that reason. Yet on a basic level, it had technical problems. The scene was poorly lit by the setting sun, and the soldiers' hurried movements had left blurry traces in the

frame. Jacobson had taken the picture from several yards away. Those factors in combination made it difficult to see immediately what the picture showed. Collins says: “It’s kind of difficult to read, at first, that picture.”

Yet there was blood visible and, on closer examination, what looked like bone. The photograph was murky and graphic all at once. Explains Collins:

One of the things that we look at in a picture that has any kind of bodily injury, any sort of person wounded or something like that, we think, OK, is there gore? Is this picture graphic in its depiction of somebody wounded? And does the graphic nature of the picture take over in a way that that’s all you see, and it kind of distorts the meaning of the picture?<sup>19</sup>

Collins recalled that shortly after the 2003 invasion of Iraq, a freelance photographer had sent the desk a number of close-up images of wounded or dead Iraqis. Collins opted not to distribute them; in his mind, the photographs were simply disturbing without offering any broader context or narrative. He explains:

You’re looking at it, and you’re [thinking] OK, well, it shows some gore, but what’s happening here? There are no other elements in the picture to construct a story out of. And when we passed on them, I remember the photographer accused us of censoring. And we weren’t censoring. We were editing. We were making a decision that this picture just is not a picture. We use that phrase a lot—“it’s not a picture.” And we mean... that it’s not telling a story or accurately reflecting a scene in a way that conveys information that we need.

On the other hand, Collins had had a hand in distributing many disturbing images—one of the most affecting of which involved no blood at all. It was an image of a man plummeting headfirst from one of the World Trade Center towers shortly after it had been hit by a hijacked airplane on the morning of September 11, 2001. “Sometimes a strong picture that has some content that’s difficult to view is important to the whole story,” Collins says. “I think there is no way of making a picture sometimes not horrifying, and that’s because the situation is horrifying... If you’re really being accurate and telling a story in a truthful way, that’s what viewers need to see.”

As desk supervisor, Collins himself typically decided whether or not to distribute—or “move”—any given photo. But this photo was not typical.

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<sup>19</sup> Author’s interview with Jim Collins in New York City, on May 27, 2010. All further quotes from Collins, unless otherwise attributed, are from this interview.

## Debate

In Lyon's absence, Collins' first stop for a second opinion was Daniszewski, who as senior managing editor and vice president for international news and photos was Lyon's boss. Daniszewski was struck by the emotion of the scene of two Marines tending to a fallen comrade, framed by trees and a ditch wall in the fading light. Its fuzzy quality to him made it look almost like a painting. On an aesthetic level, Daniszewski felt that the picture wasn't especially gory and that taste alone didn't argue against its distribution. On a news value level, moreover, he says, "I do remember having the reaction that this picture really does tell a story." It was a timely story, at that. Daniszewski explains:

It was... at a point in the war where the Obama administration had decided to escalate in terms of sending more troops and making a real bid to turn the tide of the war in Afghanistan after it had been somewhat ignored for a long time. And as a consequence, US casualties were rising pretty rapidly... So in my mind, these were other elements that in Afghanistan clearly had become much more perilous, even for our reporters and photographers, obviously, and for the US troops. And that the real cost of the escalation, whether you agreed with it or disagreed with it, should be reported—that it would mean... more fighting, and as a consequence more casualties.

The photo soon became the subject of much interoffice debate, and over the next few days several editors visited Collins' desk to view it. The ultimate decision on whether or not to distribute it, however, belonged to Kathleen Carroll, who as executive editor was responsible for all of AP's content in all its formats. She examined the photo soon after Daniszewski. She and Collins blew it up on a big screen and adjusted the lighting several different ways, she explains, "not to produce it that way, but because you want to make sure that you're seeing everything that the picture shows."<sup>20</sup> She was focused on determining how much blood there was, whether Bernard's face was clear, and how intimate—or intrusive—the photograph felt.

Aside from the question of whether to move the photograph, Carroll also considered what would be the best way to do it—what other kinds of journalism should accompany it. If the AP did distribute the photo, she did not want it to stand by itself simply with a caption identifying Bernard. She explains:

I think we were all leaning toward moving the picture, but I felt that we wanted to not just fling the picture out there. And so I asked [news editors] to make this young man a person, to find out who he was, to have

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<sup>20</sup> Author's interview with Kathleen Carroll in New York City, on June 24, 2010. All further quotes from Carroll, unless otherwise attributed, are from this interview.

more reporting on the circumstances under which he was wounded and killed... People should understand; the picture is so rare they should understand something about the man whose mortal wounding they are viewing.

Daniszewski assigned a reporter to attend Bernard's funeral and interview his family. De Montesquiou would gather more background on Bernard from other members of Golf 2/3. In the meantime, Carroll felt it wise to set the final decision on distribution aside while editors awaited news about photographer Morenatti. She says: "I don't want us to make a decision while we are in the throes of some fairly strong emotions about our own guy who had his leg blown off."

### **A Request from the Bernards**

A week later on Monday, August 24, the Bernard family buried Joshua near his home in rural Maine. A few days later, AP reporter Glenn Adams went to visit and interview Joshua's parents, John and Sharon. Adams had also, on instructions from editors, brought with him the photograph of Bernard's final moments. It was unusual for AP to show photos to affected parties before publication, but Carroll felt strongly that the Bernards should know beforehand that AP was considering publishing a photo of their son after he was mortally wounded. She made it clear, however, that the purpose of showing the photo to the Bernards was not to secure permission for publication. She explains:

We hadn't made a final decision yet because we wanted to get all the information... We certainly didn't want them to know about the picture or see it for the first time when it was published. We felt it was a courtesy to them and allowed them to have a lot of what were clearly going to be strong reactions in private... [but] I would be abdicating my responsibility if I asked them permission.

Bernard's parents did not immediately raise objections to the photograph. Days later, however, John Bernard, himself a former Marine first sergeant and Gulf War veteran, called Adams to request that AP not distribute the photo. Doing so, he said, would cause his family additional anguish. Adams conveyed the objection to Daniszewski.

He, Carroll, and several other editors—including Photo Director Lyon, who had returned to New York on August 25 after photographer Morenatti had been stabilized—discussed the Bernard family's objections to the photo. On the one hand, many of the editors were themselves parents, including Carroll; they were sensitive to the fact that the Bernard family was undergoing, in Carroll's words, "one of the worst possible times in their existence on the planet." But in their view, Bernard's death was not only a private family tragedy. Carroll reasoned:

War is a public act. And this young man was acting on behalf of the government that he represented and the people that government represents, it's a very public act, and you'd like dying to be a private act, but it isn't in wartime.

But there were other reasons to refrain from distributing the photo. Doing so over the family's objections could jeopardize AP's relationship to the military and by extension its ability to secure DoD permission for embeds, which had become a crucial tool in its coverage of Iraq and Afghanistan. Did the AP risk depriving itself of access to two of its most important coverage areas?

The decision Carroll faced was ultimately not whether to publish the photo in a newspaper or online—that decision belonged to editors at AP's hundreds of member news organizations. Carroll had to decide whether to give them the option.

By Thursday morning, September 3, editors had assembled a multimedia package of several elements to tell the story of the August 14 firefight in which Lance Corporal Bernard had lost his life. It included a slideshow of the day's events, narrated by Jacobson; a written account by Jacobson, de Montesquiou, and Glenn describing the day's battle and Bernard's life; excerpts from Jacobson's journal; and a detailed explanation of how AP had reached the decision to publish the photograph of the mortally wounded Bernard. AP planned to distribute it that morning to news organizations with an embargo against publication until the next day, Friday, September 4. Carroll wanted to be sure news organizations had ample time to consider whether and how to use the package. News organizations would have the option of using any part of it while omitting the controversial image of Bernard.

About an hour before distributing the package, AP sent it to the Defense Department. Carroll again made it clear that the AP was not asking permission to distribute the Bernard photograph, but was instead giving the department advance warning of material that might become controversial. By 10 a.m., the package was in the hands of AP's members.

## **A Phone Call**

AP CEO Tom Curley was in his office at about 3:30 p.m. when the phone rang. Curley rarely got involved in AP editorial decisions, though he knew that the news department had wrestled with the question of the Bernard photo over the preceding weeks. But he was about to get pulled in more deeply. The secretary of defense himself, Robert Gates was calling to ask Curley to kill the photo. Although AP had already sent it to thousands of news organizations, it was still under embargo. Recalls Curley: "He made a pitch not to release the picture and talked about his concern for the family."

Curley's own opinion was that the photo was a long-overdue illustration of US tactics in Afghanistan, and the news department, by sending out the package, seemed to him to have reached the same conclusion. Says Curley:

For months I had seen what was happening in Afghanistan, what the policy was, and I had talked to military people and the policy was to put these fellows out on point, so, eight years, almost nine years after the war had been started, our way of fighting the war was to send people out on point to draw fire. And to me, Joshua Bernard walked into history. In the then-deadliest month of the war, he was a fellow who... knew what he was doing, volunteered to go out on point, and ultimately sacrificed his life to carry out a strategy. To me, the American people needed to know what the strategy was, and we had been looking for some time to illustrate it. And the way you illustrate it is with the personalized version: This is what happened to this fellow—there is no braver American than Joshua Bernard.<sup>21</sup>

Curley did not argue with Gates; he believed the defense secretary was making a legitimate argument, though he disagreed. Curley instead told Gates he would reopen discussion with the news department. The phone conversation lasted about five minutes.

AP's Washington bureau regularly fielded phone calls from high-ranking political officials seeking to change or kill certain material, but Curley himself was seldom the recipient of such pressure. He called Executive Editor Carroll to discuss Gates' objection. They agreed that the facts of the case remained substantially the same as before Gates' call. "State secrets were not in play," says Curley. "Nobody was lying. Nobody disputed the facts. Nobody saw anything differently. It was pretty clear."

Yet perhaps the Gates call had changed the equation. Though editors felt the package they had assembled was a respectful testament to Bernard's sacrifice, the Department of Defense clearly disagreed. Was it AP's job to memorialize a fallen soldier against the wishes of his family? Could the AP tell the same story about war's costs without using this specific picture? On the other hand, was it now AP's job to take a stand in the face of pressure from the military? How, ultimately, should the AP cover the war, and what boundaries should the organization observe in doing so?

Curley personally felt that the picture should run. But the decision, he concluded, ultimately belonged to the newsroom. There was still time for the news agency to inform its members that the embargo would not be lifted; that the photograph had been pulled from the wire. He told Carroll it was her call.

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<sup>21</sup> Author's interview with Tom Curley, on June 24, 2010, in New York City. All further quotes from Curley, unless otherwise attributed, are from this interview.