

The New York Times**Lens**PHOTOGRAPHY, VIDEO AND VISUAL JOURNALISM

SEPTEMBER 4, 2009, 5:26 PM

Behind the Scenes: To Publish or Not?

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It is a scene from which many of us would naturally recoil, or at least avert our eyes: a grievously injured young man, fallen on a rough patch of earth; his open-mouthed and unseeing stare registering — who can know what? — horror or fear or shock; being tended desperately by two companions in what are the first moments of the final hours of his life.

It is a scene that plays out daily among American troops in Afghanistan and Iraq, but one that has largely been unseen by the American public in eight years of war.

On Friday, after a couple of weeks of intramural debate and over the objections of the young man's father (supported by the defense secretary), The Associated Press released such a photograph, by [Julie Jacobson](#).

It depicts [Lance Cpl. Joshua M. Bernard](#), 21, of New Portland, Me., shortly after he was struck by a rocket-propelled grenade during a Taliban ambush of his squad last month in Dahaneh, Afghanistan. He lost one of his legs in the attack and died later at a Marine compound during surgery. To provide context for this deeply troubling image, the A.P. sent out a series of photos before and after the attack, a news article about the attack, an [article about the decision](#) to distribute the picture, excerpts from Ms. Jacobson's journal and a video that she narrated.

“What it does is show — in a very unequivocal and direct fashion — the real consequences of war, involving in this case a U.S. Marine,” said Santiago Lyon, the director of photography at the A.P. “And that becomes very personal and very direct in some way, because we have a name, we have a home town, we have a shared nationality and we have, to a certain extent, a shared culture and some common values.

“So I think it really becomes a very immediate visual record of warfare that, in and of itself, is compelling, and that becomes more compelling because of its rarity.”

Mr. Lyon attributed that scarcity to the relatively small number of journalists embedded with military units throughout Iraq and Afghanistan, to the declining number of news organization that are in a position to embed their employees with troops overseas and to military rules forbidding the depiction of a casualty until the Defense Department has announced the service member's name.

Corporal Bernard's death was widely reported. Indeed, Ms. Jacobson's photograph of his

[memorial service](#) has been widely seen. But it was not until this week that The Associated Press let it be known publicly that it had a picture taken shortly after the corporal was hit.

His father, John Bernard, a retired Marine first sergeant, was shown the picture and told the A.P. that “by distributing this photograph, we would be dishonoring the memory of his son,” Mr. Lyon said. (Mr. Bernard did not respond to a telephone inquiry left on Friday at his business. An audio interview has been posted on the [Bloviating Hammerhead](#) blog.)

On Thursday, Defense Secretary Robert M. Gates intervened personally. He contacted Tom Curley, the president of The Associated Press, to ask that the A.P. “honor the family’s request to not have the photos published, out of respect for their son,” said Maj. Shawn Turner, a Pentagon spokesman.

In a [letter to Mr. Curley](#), Mr. Gates said: “Why your organization would purposefully defy the family’s wishes knowing full well that it will lead to yet more anguish is beyond me. Your lack of compassion and common sense in choosing to put this image of their maimed and stricken child on the front page of multiple American newspapers is appalling. The issue here is not law, policy or constitutional right — but judgment and common decency.”

The Associated Press, which had already sent out the pictures to member newspapers under an embargo prohibiting their publication until midnight, stood by its decision. “We thought the value of that image was to show the complexity, the sacrifice and the brutality of the war,” said John Daniszewski, a senior managing editor.

Not every news organization agreed. In Maine, [The Portland Press Herald](#) said pointedly on its Web site, “We believe that running the photo would be in poor taste and have chosen not to run it.” [The Washington Post](#)’s Web version of Ms. Jacobson’s slide show on Friday omitted the critical picture, although it later appeared on The Post’s site, along with an [article](#) noting that Post editors had “decided not to publish the image in the newspaper.”

[The St. Petersburg Times](#) featured the photo on its Web site. And [The Commercial Appeal](#) in Memphis carried Ms. Jacobson’s narrated slide show, which included the picture of the stricken corporal.

What remains to be seen is whether the publication of this picture has any effect on the broadening debate over American policy in Afghanistan, by conveying in such an awfully memorable fashion the price being paid by individual marines and soldiers.

Unusual as such images are, this is scarcely the first time the question has arisen whether the public is better served by seeing war in all its grisly manifestations or whether propriety and respect for the privacy of American families ought to trump the journalistic concern. Clark Hoyt, The Times’s public editor, discussed the issue a year ago in “[The Painful Images of War](#).”

One of the most painful was taken in 2007 by Robert Nickelsberg of Getty Images for The Times. Accompanying Damien Cave’s article, “[‘Man Down’: When One Bullet Alters](#)

Everything,” it depicted Staff Sgt. Hector Leija after he had been shot in Baghdad. Gen. Raymond T. Odierno, who is now the top American commander in Iraq, criticized The Times in a **letter**, saying: “What is disturbing to me personally and, more important, to the family of the soldier depicted in the photograph and the video, is that the young man who so valiantly gave his life in the service of others was displayed for the entire world to see in the gravest condition and in such a fashion as to elicit horror at its sight. This photograph will be the last of this man that his family will ever see.”

In the current case, Mr. Lyon of the A.P. said there was a “healthy discussion” within the organization about distributing Ms. Jacobson’s photo. “The decision we came to was that — as a journalistic imperative — the need to tell this story overrode some of the other considerations,” he said. “Of course, we appreciate the anguish of the family of this marine. Of course, we appreciate the sacrifice that he made for his country. At the same time, there’s a compelling reason to show the real effects of this war. Sanitizing does everyone a disservice, in my view. Limiting casualty counts to numbers and names and nothing else; that’s a very incomplete picture of what’s going on.”

A.P. executives took pains to note that they had withheld the picture of the mortally wounded marine until after his burial in Maine and that they had contacted his family in advance. And Ms. Jacobson said she showed the image to other members of his squad. “None of them complained or grew angry about it,” she said in a journal entry that the A.P. transmitted.

The Associated Press made a point of saying that Ms. Jacobson, who was under fire herself, “took the picture from a distance with a long lens and did not interfere with Marines trying to assist Bernard.”

Mr. Lyon said, “We were very careful to respect the letter of the military embed rules.” In the case of the Second Marine Expeditionary Brigade in Afghanistan, they are: “Casualties may be covered by embedded media as long as the service member’s identity and unit identification is protected from disclosure until OASD-PA [Office of the Assistant Secretary of Defense, Public Affairs] has officially released the name. Photography from a respectful distance or from angles at which a casualty cannot be identified is permissible.”

Mr. Lyon said the somewhat blurry quality of Ms. Jacobson’s photo, its dimness and graininess, sufficiently masked the graphic nature of the injuries suffered by Corporal Bernard.

“Our duty is to inform, and sometimes that can be shocking,” he said. “But I think we fail in our duty to inform if we repulse the reader because the image is *too* graphic. If what comes from the picture is total disgust and revulsion, we have not succeeded.”

Michele McNally, an assistant managing editor of The New York Times, said she found the picture acceptable for publication. “It is newsworthy, and is a sensitive interpretation of the event,” she said. “It is not gratuitously graphic. This is what happens in war: people get

mortally wounded and their comrades rush to help them.”

Ms. Jacobson considered these and other questions in a journal entry written five days after the attack, which she subsequently distributed among friends and colleagues: “I shot images that day well aware that those images could very possibly never see the light of day. In fact I was sure of it. But I still found myself recording them. 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. I was recording his pending death, just as I had recorded his life moments before walking the point in the bazaar.” She continued:

Death is a part of life and most certainly a part of war. Isn't that why we're here? To document for now and for history the events of this war? We'd shot everything else thus far and even after, from feature images of a Marine talking on a SAT phone to his girlfriend, all the way to happy meetings between Marines and civilians. So shooting the image was not a question.

To publish or not is the question. The image is not the most technically sound, but his face is visible as are his wounds. Many factors come into play. There's the form we signed agreeing to how and what we would cover while embedded. It says we can photograph casualties from a respectable distance and in such a way that the person is not identifiable. Then you think about the relatives and friends of Bernard. Would you, as a parent, want that image posted for all the world to see? Or even would you want to see how your son died? You'd probably want to remember him another way. Although, it was interesting to watch the Marines from his squad flip through the images from that day on my computer (they asked to see them). They did stop when they came to that moment. But none of them complained or grew angry about it. They understood that it was what it was. They understand, despite that he was their friend, it was the reality of things.

Then there's the journalism side of things, which is what I am and why I'm here. We are allowed to report the name of the casualty as soon as next of kin has been notified. It is necessary and good to recognize those who die in times of war. But to me, a name on a piece of paper barely touches personalizing casualties. 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. It may be shocking to see, and while I'm not trying to force anything down anyone's throat, I think it is necessary for people to see the good, the bad and the ugly in order to reflect upon ourselves as human beings.

It is necessary to be bothered from time to time. It is too easy to sit at Starbuck's far away across the sea and read about the casualty and then move on without much of another thought about it. It's not as easy to see an image of that casualty and *not* think about it. I never expect to change the world or stop war

with one picture, but only hope that I make some people *think* beyond their comfort zones and hope that a few of them will be moved into some kind of action, be it joining a protest, or sending that care package they've put off for weeks, or writing that letter they keep meaning to write, or donating money to some worthy N.G.O., or just remembering to say I love you to someone at home. Something.

I believe that is why I decided to send the photo in to the N.Y. desk despite what the media rules of engagement said, to start some conversation about it and hope that it will move out there. It bothered me too much not to have at least some discussion about it. And with great respect and understanding to all the opposing arguments to publication, I feel that as journalists it is our social responsibility to record *and* publish such images. We have no restrictions to shoot or publish casualties from opposition forces, or even civilian casualties. Are those people less human than American or other NATO soldiers?

So, debate amongst yourselves or maybe just to yourself. Send me your thoughts if you like. Enlighten me if you disagree.

Lens seconds the request and welcomes your comments.