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*Office of the General Counsel
Freedom of Information and Privacy Act Office*

June 15, 2017

RE: Request Pursuant to the Freedom of Information Act – FOIA #17-033

This letter is in response to your Freedom of Information Act (FOIA) request dated January 24, 2017 to the Broadcasting Board of Governors (BBG), which the Agency received on February 6, 2017. In your request, you seek an electronic copy of the following documents from the VOA Employee Orientation section of BBG Intranet:

1. Conflicts of Interest – What to Watch For, Who to Ask;
2. What do VOA's Audiences Have a Right to Expect;
3. An Editor Checklist; and
4. BBG Copyright Guide.

The Agency has completed the search for and review of documents responsive to your request, which are provided on the enclosed CD-ROM. No information was redacted or withheld, and all responsive documents have been provided to you. No fees were incurred in processing your request and the enclosed documents are provided to you at no charge.

This concludes the Agency's response to your request and it is now closed. If you have any questions regarding your request, please contact me at 202-203-4550 or the Office of the General Counsel at the above address. You may also contact the Agency's FOIA Public Liaison at 202-203-4550 or the same address for additional assistance or to discuss any aspect of your request.

Sincerely,



Andrew T. Krog
FOIA and Privacy Act Officer





CONFLICTS OF INTEREST: WHAT TO WATCH FOR, WHO TO ASK

As it states in the VOA Journalistic Code, “VOA employees recognize that their conduct both on and off the job can reflect on the work of the Voice of America community. They adhere to the highest standards of journalistic professionalism and integrity.”

VOA recognizes that staff members should be free to engage in creative, civic and personal activities, paid and unpaid, that are separate from their work in our organization. However, before engaging in such outside activities, staff members need to consider whether possible conflicts of interest might arise and consult as needed with supervisors. In all cases, VOA journalists should ensure that any outside activities do not conflict with nor compromise their VOA obligations or the reputation of VOA.

For example, before taking freelance journalistic work, paid or unpaid, VOA journalists should make sure that the tone and content of the publication, web site or program are in keeping with the standards of VOA. In general, they should not say or write anything they would not say or write for VOA itself.

VOA journalists are also reminded they should not use their professional affiliation with VOA to advocate for political or social causes and when speaking to outside groups, they should refrain from taking sides on public issues.

Official approval is needed *in advance* for:

- Teaching, speaking, or writing on matters of official concern;
- Outside media or other activities that may constitute a conflict of interest.

For the purposes of this directive, “matters of official concern” are defined as anything to do specifically with VOA, the IBB, the BBG and their policies and programs; in addition “matters of official concern” include any and all topics which VOA journalists may report on in their daily professional activities.

Employees are also reminded of several core concepts of federal ethics laws and regulations:

- 1) Employees shall not use public office for private gain;
- 2) Employees shall act impartially and not give preferential treatment to any private organization or individual; and
- 3) Employees must strive to avoid any action that would create even the appearance that they have lost impartiality or are violating the law or ethical standards.

Outside Media and Related Activities

Employees who intend to engage in outside media activities must obtain approval from the Director of Public Affairs, who will consult with an agency ethics officer if necessary before advising the employee.

Outside media work will not be approved if it:

- Constitutes a conflict of interest or the appearance of a conflict of interest,
- Involves use of agency materials, time, or facilities,
- Is likely to adversely affect the agency’s ability to fulfill its mission, or
- Would involve working for outlets that broadcast to or publish in the same target area as the employee’s VOA language service.





Pertinent regulations concerning outside employment can be found in the Standards of Ethical Conduct for Employees of the Executive Branch (which among other things prohibits federal employees from using the public office for private gain), and Part V of the Manual of Administration (MOA). The MOA is accessible on the BBG intranet site. T

he Standards of Ethical Conduct are available in hard copy from the Office of Personnel or the Office of General Counsel, or online at:

http://www.usoge.gov/pages/forms_pubs_otherdocs/fpo_files/reference/rfsoc_02.pdf.

Teaching, Speaking and Writing

A related and special area of interest to the Agency is any outside **teaching, speaking or writing on matters of official concern**. This might include, among other activities, authoring an op-ed piece, addressing a service organization, authoring or posting to a blog, teaching a course at a college or university. In such instances, in addition to informing their supervisors, employees are required to submit a text, syllabus, or other physical copy to Public Affairs.

The operative word in these instances is not "approval" but "clearance," which means a heads-up for management. Additionally, if an employee is identified as an agency employee in connection with the publication, he or she is *required* to include a disclaimer that the views expressed are their own and not that of the BBG (or VOA, IBB, OCB as appropriate) or the U.S. Government.

Recommendations

Above and beyond these VOA requirements, we recommend VOA journalists observe the following guidelines in place at other major U.S. news organizations:

VOA journalists should not perform public relations work, paid or unpaid. Staff members should not counsel individuals or organizations, foreign or domestic, on how to deal successfully with the news media. They should not advise government officials or candidates for public office, whether in the United States or abroad.

VOA journalists should not themselves give money to any political candidate or election cause or raise money for one in this country or elsewhere. Because of the ease of computer access to public records of campaign contributions, any political giving by a staff member could suggest the employee or VOA are taking sides.

Staff members should not march or rally in support of public causes or movements or sign advertisements or petitions taking a position on public issues, domestic or foreign. They should not lend their names to campaigns, benefit dinners or similar events if doing so might reasonably raise doubts about their ability or VOA's ability to remain neutral in covering the news.

Staff members should not serve on boards or commissions, paid or unpaid, here or abroad. They should not join advisory committees or similar groups.





The recommendation on not joining boards or advisory committees applies to émigré groups but does not apply to local or neighborhood organizations including residential organizations, houses of worship, community charities, hobby groups, sports leagues, etc. Educational institutions and alumni groups are also excluded. However, in no case should a staff member's affiliation with VOA be used to further the goals of any nonprofit, volunteer or other organization.

If in doubt about your affiliation or activities with any group, consult with a supervisor. Similarly, the activities of a staff employee's family members can create conflicts of interest or the appearance of conflicts. ***Any staff member who sees a potential for a conflict of interest in the activities of spouse or relatives must discuss the situation with a supervisor.***

Contractors/Purchase Order Vendors

Although not bound by the same regulations as employees, Contractors and Purchase Order Vendors should check with their supervisors regarding outside activities that may potentially conflict with their obligations and responsibilities to the Agency, as real or apparent conflicts may affect their continued relationship with the government.

Honoraria

Executive branch employees generally may accept honoraria for an appearance, speech or article, provided that the activity does not relate to the employee's official duties.

Contact Information

If you have a question regarding outside media work, or teaching, speaking or writing, you should contact Letita King in Public Affairs (lking@bbg.gov) or (202) 203-4510 . For other ethics questions, ethics officer Martha Diaz-Ortiz should be consulted (mdiazort@ibb.gov or (202) 203-4550.) The Agency also maintains an Ethics web page that contains a wealth of information on ethics and conduct topics. In many cases, answers to your ethics questions may be found on the Ethics web page at: <http://inside.bbg.gov/> located under BBG.





WHAT DO VOA'S AUDIENCES HAVE A RIGHT TO EXPECT?

(The following is adapted from work by the Committee of Concerned Journalists, a U.S. consortium of reporters, editors, producers, publishers, owners and academics worried about the future of the profession. This modified version is intended to remind VOA journalists of their responsibilities to their audiences as well as to themselves and their managers.)

What do VOA's audiences have a right to expect from journalists?

Based on research conducted by journalists to define the common principles of the profession, the following constitute a consensus about what journalists must offer and what audiences should expect.

Audiences' Bill of Journalism Rights

1. Truthfulness
2. Proof that the journalists' first loyalty is to citizens
3. That journalists maintain independence from those they cover
4. That journalists will monitor power and give voice to the voiceless
5. A forum for public criticism and problem solving
6. News that is proportional and relevant

1. Our audiences should expect, above all, truthfulness:

The integrity of the reporting should be obvious. The process of verification - how news people made their decisions and why-should be transparent in the work so we can judge the value and fairness of the information for ourselves.

Stories should make clear the sources of information, the basis of their knowledge, and why the information is believable and relevant. With anonymous sources, as much identifying information as possible should be given so readers can judge the source's reliability and potential biases.

The story's relevance should be clearly stated.

Important unanswered questions should be noted.

If the story raises a point of controversy we should expect follow up.

2. We should expect proof that the journalists' first loyalty is to audiences:

This means stories should answer our needs as audiences, not just the interests of insiders, or the political or economic system.

There should be a demonstrated effort to understand and reflect the whole community.





3. We should expect journalists to maintain independence from those they cover:

It should be clear that journalists are serving the citizen debate rather than the narrow interests of a faction or a particular outcome.

Journalists' work should display evidence of independent thinking--not always criticism of one side and praise of the other.

4. We have the right to expect that journalists will monitor power and give voice to the voiceless:

The press should use its watchdog power to uncover things that are important and new and that change community thinking. The news media should not squander this constitutional freedom on sideshow or pseudo scandals that research shows may build an audience.

The press should monitor all the key centers of power in the community-including but not limited to government.

5. We have a right to a forum for public criticism and problem solving:

News providers should offer several channels for public interaction--be it letters, e-mail, phone contacts, or public forums--including mechanisms for readers and viewers to make story suggestions or raise criticisms.

Over time, audiences should expect to see a broad representation of views and values reflected in the news coverage--and not just those of the extreme positions that leave no room for compromise or problem solving.

6. Audiences have a right to expect news that is proportional and relevant:

Journalists should be aware of our basic dilemma as audiences: that we have a need for timely and deep knowledge of important issues and trends--but we lack the time and means to access most of this crucial information.

Thus journalists should use their special access to put the material they gather in a context that will engage our attention and also allow us to see trends and events in proportion to their true significance in our lives.



AN EDITOR'S CHECKLIST:

A distinguished California journalist developed this accuracy checklist. As they move through stories, editors have to answer the following questions among others:

1. Is the lead of the story sufficiently supported?
2. Has someone double-checked, called or visited all the phone numbers, addresses, or Web addresses in the story? What about the names and titles?
3. Is the background material required to understand the story complete?
4. Are all the stakeholders in the story identified and have representatives from that side been contacted and given a choice to talk?
5. Does the story pick sides or make subtle value judgments? Will some people like this story more than they should?
6. Is something missing?
7. Are all the quotes accurate and properly attributed, and do they capture what the person really meant?

MORE QUESTIONS FOR JOURNALISTS TO ASK:

These thoughts come from the American Press Institute, "How to Edit Skeptically", July 29, 2006

Ask your source:

How do you know that?

Ask yourself:

What is my story about?

So what?

Why does this matter?

Is the main point of the story supported? How many sources did I go to?

Do any of my sources have an agenda? Are all sides represented?

Is there more reporting to be done? Is the story fair?

How important is my story? Is it timely?

Is there anything in the story I'm unsure of or have questions about?

Are all the names spelled correctly?

Did I do the math?

Is my story in perspective?

Does this story stand on its own?

INTERVIEWING: BEST PRACTICES

Whether anchor or reporter, no technique is more commonplace and important for eliciting information than the interview. The Poynter Institute is a school for journalists, future journalists, and teachers of journalists. On its website, Les Zaitz, senior investigative reporter at *The Oregonian* newspaper, is quoted as saying:

The art of interviewing is as personal as the art of writing. Every reporter brings a different demeanor and skill to the job of interviewing ... But all interviews are designed to accomplish one mission: Get information to advance a story. This is best achieved with organization and preparation, whether it's a five-minute phone interview or a two-hour confrontational affair.

ORGANIZATION AND PREPARATION are the keys to conducting a good and productive interview, whether in a live, on-air context or for a report you are preparing.

You must know in advance not only who you are interviewing but what group or interests they represent and what views they are likely to espouse. More than that, you should also be able to anticipate the answers they are likely to give you in response to your questions.

But preparation does not stop there. Knowing what the interview subject stands for, what views they have and what they are likely to say is only part of your challenge. You should also gather information on opposing points of view so that you can confront the interview subject with alternate opinions. This not only enables you to give balance and perspective to your interview, it also has the advantage of possibly provoking sharper, more vivid responses.

LISTENING is the next key to success. Most interviewers prepare lists of questions in advance. And when the interview begins, they plow through the list, in order, seemingly oblivious to what the interview subject has just said and thus ignoring possible follow-ups dictated by the answers.

You should prepare questions. But you **MUST** listen to what the interview subject says in response to your first one. Has the subject said something controversial that needs a follow-up? Has the subject said something so one-sided and opinionated that you must

provide immediate balance or perspective by challenging him or her with a follow-up that might, for example, quote someone else or a government statement or policy. This is absolutely essential: we are not here to open our microphones to anyone to use for their personal agendas. To do so is neither balanced nor responsible.

AVOID CERTAIN KINDS OF QUESTIONS

Unless you are running short of time and make clear you want a “yes” or “no” answer, you should avoid asking what are considered “dead-end” questions. The point is to keep the interviewees talking.

Also avoid what are considered “leading questions” --- ones that try to guide the interview subject’s answers. Don’t ask, for example, “How much will prices go up next year?” This assumes they will. Instead ask, “What do you think will happen to prices next year?”

ESPECIALLY FOR TELEVISION

As a TV host, especially for a daily show, you should know where you want to go with the next question, but with a daily show, you can't always do all the prep work that you'd prefer. You've got directors talking in your ear, floor directors pointing at cameras. A lot is going on. **But you have to listen to the guest**, and not be afraid to follow-up. Do not feel obligated to ask a question you may have planned to ask. Search for any news, any advancement, any revelation/disclosure, new information. That's what will make this interview interesting.

Some TV hosts may find it helpful to prepare for an interview by writing ONLY talking points, NOT full questions. It's very hard -- and not particularly attractive or camera-friendly -- to look down while on camera and read a full question to a guest. It looks stilted and sounds that way. Two-word talking points allow you to simply gaze down momentarily at notes and then ask the guest the question in a conversational tone.

Always be prepared to offer the OTHER SIDE. If there's no one else to do that, it's your responsibility. i.e. “But the President says...why isn't that a better idea?” Sometimes you can avoid any feeling of confrontation by pointing out -- “Dr. so-and-so, as you know, it's my job to be fair, so in that spirit, I need to point out that ... (the other side)” or you can say, “Dr., with all due respect, why ...” This minimizes any perception that you are an advocate of any one position/policy. An interview -- for the guest -- is an opportunity to get out THEIR point of view, and YOU must be aware of that.

Always PRE-interview, if possible. Some hosts make time to introduce themselves to the guests waiting in the green room and use the opportunity to tell them what they might ask, to tell them HOW MUCH TIME they have in the show (really important to talkative types who might take the first question and go on forever), to explain about the procedures for the appearance and what to expect on the set etc. As you do this, you can assess the interview subject’s comfort level, their speaking ability etc. It may also be useful to try to connect with them in some personal/professional way to establish

a comfort level -- "Oh, I know Dr. so-and-so over at Brookings!" or "yes, I've covered a number of stories about..." This helps put the subject at ease when they walk on to the set, which even to some veterans find tough given the bright lights, IFB's in ears, camera-people etc.

ONE FINAL THOUGHT

Keep the audience in mind at all times. Imagine yourself watching or listening to the interview and keep in mind when you need to explain something, politely challenge someone or gently try to get them to focus on what you asked, not necessarily what they want to go on and on about. But always do this respectfully.

...

Here are some additional pointers, taken from **MediaCollege.com**, a free educational website containing tutorials, reference and other resource material in all areas of electronic media production:

Interview Questions

Most interviews seek to achieve one or more of the following goals:

1. Obtain the interviewee's knowledge about the topic
2. Obtain the interviewee's opinion and/or feelings about the topic
3. Feature the interviewee as the subject

It's important that you know exactly why you are conducting an interview and which goal(s) you are aiming for. Stay focused on questions and techniques which will achieve them.

Do your homework. You will be expected to have a basic knowledge of your subject. Do not roll up to an interview with a band and ask them how many albums they have released — you should know this already. If you show your ignorance, you lose credibility and risk being ridiculed. At the very least, the subject is less likely to open up to you.

Have a list of questions. It seems obvious but some people don't think of it. While you should be prepared to improvise and adapt, it makes sense to have a firm list of questions which need to be asked.

Of course many interviewees will ask for a list of questions before hand, or you might decide to provide one to help them prepare. Whether or not this is a good idea depends on the situation. For example, if you will be asking technical questions which might need a researched answer, then it helps to give the subject some warning. On the other hand, if you are looking for spontaneous answers then it's best to wait until the interview.

Try to avoid being pinned down to a preset list of questions as this could inhibit the interview. However, if you do agree to such a list before the interview, stick to it.

Ask the subject if there are any particular questions they would like you to ask.

Back-cut questions may be shot at the end of a video interview. Make sure you ask the back-cut questions with the same wording as the interview — even varying the wording slightly can sometimes make the edit unworkable. You might want to make notes of any

unscripted questions as the interview progresses, so you remember to include them in the back-cuts.

Listen. A common mistake is to be thinking about the next question while the subject is answering the previous one, to the point that the interviewer misses some important information. This can lead to all sorts of embarrassing outcomes.

Open-Ended Questions

The ability to ask *open-ended questions* is very important in many vocations, including education, counselling, mediation, sales, investigative work and journalism.

An open-ended question is designed to encourage a full, meaningful answer using the subject's own knowledge and/or feelings. It is the opposite of a *closed-ended question*, which encourages a short or single-word answer. Open-ended questions also tend to be more objective and less leading than closed-ended questions (see next page).

Open-ended questions typically begin with words such as "Why" and "How", or phrases such as "Tell me about...". Often they are not technically a question, but a statement which implicitly asks for a response.

Examples

Closed-Ended Question

Do you get on well with your boss?

Who will you vote for this election?

What colour shirt are you wearing?

Open-Ended Question

Tell me about your relationship with your boss.

What do you think about the two candidates in this election?

That's an interesting coloured shirt you're wearing.

How do you feel?

Perhaps the most famous (or infamous) open-ended question is "How does this make you feel?" or some variation thereof. This has become a cliché in both journalism and therapy. The reason it is so widely used is that it's so effective.

In journalism, stories are all about people and how they are affected by events. Audiences want to experience the emotion. Even though modern audiences tend to cringe at this question, it's so useful that it continues to be a standard tool.

In psychology, feelings and emotions are central to human behaviour. Therapists are naturally keen to ask questions about feelings.

Leading Questions

A *leading question* is a question which subtly prompts the respondent to answer in a particular way. Leading questions are generally undesirable as they result in false or slanted information. For example:

Do you get on well with your boss?

This question prompts the person to question their employment relationship. In a very subtle way it raises the prospect that maybe they don't get on with their boss.

Tell me about your relationship with your boss.

This question does not seek any

judgment and there is less implication that there might be something wrong with the relationship.

The difference in the above example is minor but in some situations it can be more important. For example, in a court case:

How fast was the red car going when it smashed into the blue car?

This question implies that the red car was at fault, and the word "smashed" implies a high speed.

How fast was each car going when the accident happened?

This question does not assign any blame or pre-judgment.

Obtaining Responses to Suit the Edit

In journalism, leading questions can be used in various ways. For example, a journalist might want a particular type of answer to edit alongside some other content. This can be good or bad, as illustrated by the following example.

A hypothetical journalist is doing a story on the moon hoax theory¹. First of all the journalist gets the following statement from an advocate of the theory:

"Photographs of the moon landing show converging shadows were they should be parallel. This could only happen in a studio so the photos must be fake."

The journalist then interviews a NASA engineer. This response will be edited to appear immediately after the accusation. There are several ways to ask the question, each with very different results:

How do you explain the missing stars from the Apollo photographs?

This question leads the engineer enough to answer the specific question, while being open-ended enough to get a complete answer. This is good.

How do you respond to people who say the Apollo photographs were fake?

This question elicits a tenuously-

relevant
reply
without
actually
answering
the
accusation.
The
engineer
will give a
broad
answer
such as "I
think these
people
have got it
wrong".
This gives
the
impression
that the
engineer is
being
evasive and
can't
answer the
question.

How do you respond to conspiracy theorists who accuse you of faking the landing and lying to America?

This
question
adds some
spice with
provocative
phrases
designed to
encourage
a stronger
response.

Of course the ethical journalist will avoid using leading questions to mislead.

Children

Children are particularly susceptible to leading questions. Studies have shown that children are very attuned to taking cues from adults and tailoring their answers based on the way questions are worded².

More Interview Tips

These are very general tips which apply differently to different situations. Use your judgment to decide when and how to use them.

Dress appropriately, or at least dress with a purpose. Your appearance will influence the way interviewees respond to you.

Try to be unique, so it's not just another interview rehashing the same questions the subject has answered many times before. Don't push this too far though — if you try to be cute or disarming it may backfire.

Be honest. Sometimes it's tempting to lie or omit important information when securing an interview. This isn't just unethical, it will damage your career in the long run.

Don't have an attitude if you want a quality interview. A confrontational approach is less likely to get good information.

Stay neutral. Try not to ooze bias. Don't appear to be persuaded by the subject's opinions. Don't judge or directly criticise the subject.

Don't interrupt. This can upset the subject's train of thought. [However, In a live show, it may be necessary to interrupt to prevent a subject from voicing a lengthy monologues or to challenge a view right away or to adhere to time considerations. This needs to be done carefully.]

Minimize your own vocals (in video and audio interviews). Ask questions clearly and succinctly, then let the person speak without any more words from you. Learn to react silently as the subject talks — rather than saying things like "uh-huh, right, I see", use nods and facial expressions.

Don't over-direct. Try not to give the subject too many instructions or be too specific about what you want them to say. In most cases it's better to let them speak freely. [Note, however, the need to prevent monologues or to challenge views under "Don't Interrupt" above.]

Show empathy. Often you will need to cover sensitive or distressing topics. Show some compassion for the subject without getting too emotional. Ask for permission before asking difficult questions, e.g. "Is it okay to talk about...?"

It's not about you. Don't talk about yourself or add your own opinion. Your questions can be long enough to add information or interest about the topic, but the interviewee is who the audience wants to hear from.

Take an interest in psychology. Interviewing is very closely associated with psychology. The better you understand how people think, the better you will be able to extract their thoughts from an interview.

When you finish the interview, put your notebook or recorder away and have an informal chat. As well as being polite and leaving a good impression, you might be surprised at what additional information flows when the subject thinks it's all over and is more relaxed.

If you missed a question from the interview, you might be able to call the subject back later and get the answer. You get one shot at this — call them back twice and you'll probably be out of luck. Obviously the call-back will be more difficult for video interviews, but you might still be able to voiceover the answer yourself during the story.

INTERVIEWING BEST PRACTICES, MORE:

<http://www.concernedjournalists.org/node/101>

Loosening Lips

Eric Nalder, Chief Investigative Reporter - The Seattle Post-Intelligencer, July 9, 2007

Pulitzer Prize-winning reporter Eric Nalder shares his process for setting up and conducting effective interviews.

The Set Up [1]

Reluctant People [2]

Getting All the Goods [3]

The Set Up

* RESEARCH:

Whether you have five minutes or five days, research the person and the topic. Run the name on the Internet or check the clips. Talk to the person's cohorts. Read court records. A well-researched question is a better question. A well-researched interviewer is empowered.

* PLAN:

Make a tactical plan. Discuss it with colleagues. Whom should you interview first? Where will you interview the person? How much time will you have? Will you tape or not? The best place is usually where the person is doing the thing you are writing about. However, whistle-blowers and reluctant targets are best contacted at home. You might calm a nervous source by taking him or her for a walk. A lunch appointment requires a person to spend at least an hour with you. A phone interview is the least desirable, but also the most common.

* ORGANIZE:

Write single-word clues on the flap of your notebook to remind you of issues you want to cover. Organize paperwork so you won't fumble as you talk. Prepare a comprehensive all-purpose question for cases where the door might slam in your face. Prepare the photographer and the fellow interviewer so you will work together.

* INNER INTERVIEWING:

Imagine a successful interview. Warm up like an athlete. Be skeptical but never cynical. Believe and you will receive.

[top] [4]

Reluctant People

*** THE OPENER:**

Having worked yourself into a friendly, courteous and aggressive frenzy, approach your subject as though you belong there. Straightforward introductions are best. Be open and unafraid. Never lie.

*** KEEP IT GOING:**

When the door is closing on your face, find common ground. "By the way, I notice you've got a poodle. I've got a poodle. Weird dogs. Just the other day . . ." The process is to get a person talking about anything and eventually they'll talk about what you came for.

*** TAP THEIR CURIOSITY:**

As a person hangs up the phone, quickly offer to explain what you are working on, what you know about or what you have been told. Prepare for this ahead of time.

*** GET THEM TO SPEAK ABOUT OTHERS:**

Bring a list of other people to the interview. A payroll. A phone book. Your own list. Go down the list with the interview subject. People are more comfortable talking about others. In doing so, they will reveal more about themselves and their organization, and point you in other directions.

*** NO BIG DEAL:**

Respond to the "I can't comment" by explaining that you need their help, that talking with you is no big deal, that you are talking with others and that you are here to learn (only, of course, if all of this is true). Say all this with a soft but relentless momentum. Massage objections into possibilities. Propose alternatives. Don't argue. Steer. Keep the conversation rolling. Respond to the "I'm afraid to comment" with a little sympathy and a lot of reassurance (if those reassurances are honest). Listen to people's concerns and understand them. Propose easier "assignments" like "just describe your job" or "tell me about your town." You'll get to the harder stuff later.

*** PUBLIC OFFICIAL OR OTHER BIG SHOT:**

Gently, without being insulting, respond to a "no comment" from an "important" person or bureaucrat by explaining how bad that sort of thing looks in print. "Let's find a way to talk about this. Tell me about this one aspect, for instance . ." As a last ditch, explain that you will be doing a story whether they cooperate or not (if that's true). Explain that you want to get it right. Offer to call back shortly before the story runs to describe what will be in the story. (In the process, get all the contact numbers).

*** DETOURS:**

If a person won't talk, go to others in his or her office or to associates. You will get more information, and by doing this you will loosen them up.

*** ANONYMITY:**

Don't accept information "on background" blithely. Even if it means going back several times, convince people to go on the record. (Absolutely "off-the-record"

information is useless, since you can't use it under any circumstance. Avoid it. It's a waste of time.)

*** RATCHETING:**

If a subject insists on talking "on background," make a formal agreement and explain that you will try later to get them to talk on the record. Take notes. At the end of the interview, or at a follow-up interview, pick out quotes that aren't too damning and say: "Now what about this thing you said here. Why can't you say that on the record?" If they agree to put that comment on the record, go to another one in your notes and say: "Well, if you can say that on the record, why can't you say this? And so on. I have gotten an entire notebook on the record this way. If they insist on anonymity, however, you must honor it.

*** THE STATUE OF LIBERTY PLAY:**

Emphasize that people are more believable when they put their name behind what they say. It's the American Way: A robust public debate.

*** FOR THE SAKE OF CLARITY:**

There are cases where someone tells you part of a story and then balks. Or you already know part of a story and can't get the rest. Try saying, "look, you've already told me this much (or, I already know this much). You had better tell me the rest. I mean, you don't want me to get it wrong. I sure don't want to get it wrong."

*** NO QUESTIONS, PLEASE:**

Sometimes making a statement is better than asking a question. Read from a document or repeat something someone said. A question might produce nothing more than a "yes, no or I don't know", A statement will provoke a comment. On one occasion I inadvertently repeated something that was inaccurate to a cop. In correcting me, he dragged out a report I wanted to see.

*** USE WHAT YOU THINK YOU KNOW:**

Ask the official WHY he fired the whistle-blower rather than asking WHETHER he did the deed. The question presumes you already know even if you don't have it confirmed. They'll start explaining rather than denying.

*** LOST REPORTER:**

It doesn't hurt to say you need the person's help. "Who is going to explain this to me if you don't?"

*** TRY AGAIN:**

When the door is slammed in your face, try again a day later or a week later. Keep trying. People change their minds. If it is terribly important, try again a year later.

Getting All the Goods

* CHRONOLOGY:

Take the subject through his or her story chronologically. You will understand the tale better, and you will spot gaps in the timetable. You'll organize the interview subject, the way you would straighten a messy file cabinet.

* LIFE STORY:

Get the life story, even in cases where you don't intend to use it. Even when I interview a lawyer about a case, or a bureaucrat about a government policy, I get the life story if I have time. I get useful information and ask better questions as a result.

* LOGIC:

Listen for logic. Respond to your instincts. If you don't understand something, gently insist on an explanation. If a person uses A-C-D logic, ask that they fill in the "B" part. The most important information may be hidden in B. Don't be afraid to ask. There are no embarrassing questions; there are only embarrassing answers.

* HOW AND WHY:

When a person says something important, ask the key question: "How do you know that?" It sheds light on credibility, extracts more detail and is a door opener to other sources. Follow up with: "How else do you know." Also, ask people why they do what they do, rather than just asking what they do.

* HYPNOSIS:

When people reach an important part of a story, slow them down and turn them into storytellers. Ask where they were standing, what they were doing, what they were wearing, what was the temperature and what were the noises around them? Then switch to the present tense, and ask questions like: What are you doing now? What is your friend saying? You and the interview subject will walk through the scene together. This technique frequently fails at first. People prefer to tell their story the easy way, in the abstract. "I drove the car off the cliff." Tell them this won't work. "I'm trying, but I just can't picture it yet. Drive me off the cliff with you." This is how you get a story, not a bunch of facts.

* PAY ATTENTION TO DETAIL:

Inventory the room thoroughly and in an organized fashion. Look at the walls, read the top of the desk and study the lapel pin. You'll get clues and details for your story. Make notes on what you see. Make use of what you see in the interview. Ask about it.

* SPONTANEITY:

If you are on the scene, let things happen. Listen and watch for the unexpected.

* TELEPHONE:

If you can't be on the scene, ask people on the phone to describe their surroundings. This will transport you emotionally over the phone lines and provide information (the plaque on a man's wall became a key detail in one story, after I had independently verified what it said). Get people to tell their stories in three dimensions over the phone. Let things happen. Listen and "watch" for the unexpected.

*** USE YOUR EARS:**

We talk too much during interviews. Let the other person do the talking. Check your biases at the door; listen with an open mind. React with an open mind.

*** LOOK FOR OTHER SOURCES:**

While at the interview, listen and watch for other sources. Meet the secretary, the assistants and the coworkers and make note of details about them. This will come in handy as you turn them into sources.

*** GETTING THE CONFESSION:**

Ask the subject for the names of people who support him or her. Then ask for the names of people who would criticize. Then ask what those critics are likely to say. This will jar loose uncomfortable information and tips. Ask whether the person has ever been disciplined or fired on the job or in school, charged with or convicted of a crime, arrested for drunken driving, sued, testified in court, etc. Since all this stuff is on a record somewhere, people are reluctant to lie about it.

*** LIARS:**

If you know someone is lying, allow the liar to spin his or her yarn. Don't interrupt except to ask for more detail. Deceivers frequently provide extensive detail because they think a very complete story will add to their credibility. Listen and take good notes. When the lie has been fully constructed -- down to the last nail -- go back and logically pry it apart (nail by nail). Don't be impatient. The fabricator is now in a corner. Keep them there until they break.

*** DON'T JOIN:**

Be sympathetic in manner, but don't join sides with your sources. Protect your source from exposure, if you have promised to do so, but not from his or her dishonesty and ignorance. And don't get sucked in by the embattled congressman who seems so cooperative when he grants you an interview and says, "I don't believe in taking money from those guys." You should say, "that may be true, but I'm asking you whether you took the money, not whether you believe in doing so."

*** DON'T FEED:**

Be wary of feeding information to an interview subject. In some cases it will come back to you as fact. Cops will tell you: "Don't ask whether a person saw the red car, ask what they saw."

*** ASK AGAIN:**

Sometimes it pays to interview a person two or three times on the same subject. One

public official gave me four different and conflicting explanations for the trips he took at taxpayer expense.

*** REVIEW:**

Go back over your notes and look for holes. Then conduct a second interview. Tell the interview subject what you believe you have learned. This will kick loose additional information, fill gaps and correct your mistakes. Do it again and again, if necessary. I like to get back to key players just before a story runs to assure accuracy. This last step has often improved the story.

*** INNOVATE:**

If an outrageous question comes to mind, and seems compelling, ask it. During a phone interview I convinced a man sitting in a bar with a cell phone to pass the phone around so I could talk with his companions. A ship captain allowed me to go through his files only because I asked.

*** DRAIN THEM:**

People aren't aware of how much they know. You must guide them through their memory. Visualize your subject as a bucket full of information and empty it.

*** HONESTY:**

Don't pretend to be someone else and don't lie. You can certainly omit information, but the more you can reveal about the nature of your story, the more comfortable and helpful your subject will be.

*** BE THE DIRECTOR:**

A great interview feels like a conversation but moves relentlessly toward the information you need. Keep control, but do so gently.

*** BE FLEXIBLE:**

You may know what your story is about, but don't get stuck. A really great interview might be one that completely changes your story. Seek the truth, not what you believe to be the truth.

*** PERSONALITY:**

Let your personality shine through (if you have a good one). Don't be a blank wall.

*** OPEN-ENDED QUESTION:**

Near the end of an interview, ask the person what else our readers might be interested in. Sometimes people have more than one newspaper-worthy story in them.

CHECK BACK:

After the story runs, call the subject for his or her reaction. You'll get additional stories and tips this way.

Copyright and Broadcasting

- **What is copyright?**
 - Copyright is a form of protection provided by U.S. law to the authors of original works fixed in any tangible medium of expression. This includes words, notes, sounds, photographs, video, music, etc.
 - The author has the exclusive right to reproduce, distribute, perform and display the work.
- Copyright protection starts upon creation of the work and is automatic.
- A copyright owner does not have to include the symbol © with their work or register the work with the Copyright Office to be protected.
- Just because it is free on the Internet does not mean it is free to use.
- You should not use a copyrighted work unless you have permission to use it or it falls under the "fair use" doctrine.
- **The 4 Factors of Fair Use:**
 - Purpose and Character of the Use
 - Nature of the Copyrighted Work
 - Amount and Substantiality of the Portion Used
 - Effect of Use on the Potential Market
- **Information to present to the General Counsel's Office:**
 - What specifically is the copyrighted material that you would like to use?
 - What is (1) the length that you plan to use, and (2) the total length of the original?
 - What VOA program is it being used for?
 - For what purpose is it being used in the program?
 - How is it being used in the program?
 - Where is the program being broadcast to?
 - Who is the program's main target audience?
 - ** What is your deadline?
- **Firewall Violations**
 - The firewall is violated whenever a U.S. government official tries to influence the reporting of the news by putting undue pressure on a journalist. Journalists who experience "firewall" interference should notify the BBG Board and their supervisor(s).
 - Please notify the Board by sending a message with relevant details to BBGfirewall@bbg.gov or call the BBG office at 203-4545. The Board will look into the alleged violations and take any and all appropriate action.

Kataryna Baldwin
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COPYRIGHT AND FAIR USE SELF-HELP GUIDE

BBG Office of General Counsel (OGC)

What is Copyright?

- Copyright is a form of protection provided by U.S. law to the authors of original artistic works. This includes **photographs, video, audio, music, motion pictures, commercials**, etc. Copyright protection starts upon creation of the work and is **automatic**. Copyright owners do not have to include the symbol © alongside their work.
- The author of a copyrighted work has the exclusive right to reproduce, distribute, perform and display the work, as well as prepare derivative works.
- You **SHOULD NOT** use a copyrighted work unless (1) you have permission to use it via VOA's contracts or a license agreement, or (2) your use of the work falls under the "fair use" doctrine.
- Copyright restrictions do not apply to works in the public domain (see below).

What is Fair Use?

- The "fair use" doctrine allows the use of copyrighted material in a reasonable manner without the permission of the copyright owner. Whether the use of a copyrighted work is a fair use is a case-by-case determination and depends on the following:
 - Does your unlicensed use **"transform"** the material taken from the copyrighted work by using it for a different purpose than that of the original, or does it just repeat the work for the same intent and value as the original?
 - Is the copyrighted material used **appropriate in kind and amount**, considering the nature of the copyrighted work and of your use of the work? Each use should be no longer than necessary to achieve your intended effect.
 - Effect on the market of the work: Will VOA's use cause undue economic harm to the copyright owner?
- A use is more likely to be "fair" when copyrighted material is **directly relevant to a news report**, is used for **critique, criticism, illustration or example**, and the excerpt used is **small** in comparison to the length of the original work.

FAQs About Fair Use in News Broadcasting:

Q: Is using a movie clip in a movie review a "fair use"?

A: Usually, yes. This is a classic fair use. For example, using 30 seconds to 1 minute of a newly-released 90 minute film in a VOA movie review would be a fair use, since you are "transforming" or "re-purposing" the original work (the film) by using it to critique the director, actors, etc., and tell your audiences whether the film is worth seeing.

Q: What if I am doing an obituary or profile of an actor or musician and want to use clips of the artist's work in my package?

A: This is also likely a fair use, provided you are using a reasonable amount of the copyrighted material. For example, if your package is an obituary on Patrick Swayzee, and you use 15-20 second clips from "Dirty Dancing" and "Ghost", among Swayzee's other works, your use of these clips would be a fair use, because you are using them for purpose of illustrating the life and career of the actor.

Q: **What about playing a song as background music in a photo essay on the VOA site?**

A: Not a fair use, because you are not transforming the original copyrighted work. The music is not used for illustration, example, critique, or criticism. In other words, you are satisfying the audience's taste for the song itself. Also, using the entire song further undermines fair use, although using only part of a song in this case would still not constitute a fair use. You would need to obtain a license to use the song.

Q: **Is the use of another broadcaster's footage a "fair use"?**

A: Rarely. Using another broadcaster's material would be a fair use only when the subject of your story is that broadcaster or the media itself. For example, the Urdu Service prepared a package on how Muslims have been depicted in the news media since 9/11, and used several news magazines covers, and 5-20 second video and audio clips from various news media as illustration and critique of the media itself. Illustrations were drawn from a range of different sources. This was a fair use of the copyrighted broadcasts/photographs because the use transformed the purpose of the original: the original footage was for purposes of news reporting, and VOA's use of the clips was to critique and analyze the media's coverage.

Another example: President Obama's first formal interview since taking office was with Al Arabiya TV. It was unusual that a U.S. President gave his first official interview to a foreign broadcaster, and *that very fact* was the angle of the story. Showing a 20 second clip of the 10 minute interview would be a fair use.

Q: **What if the sound bite is of a public figure or very newsworthy?**

A: The images or voice recordings captured by other broadcasters (ex: CNN, Fox, ABC, NBC, etc.) are their copyrighted property. There is no general exception for recordings of public figures or newsworthy soundbites. The fact that a soundbite is newsworthy does not make it a fair use. You should get permission to use the broadcast (assuming it is not already available to VOA via our video feed contracts).

Keep in mind that:

- The use of a copyrighted **photograph** is unlikely to be a fair use.
- Using video taken off the Internet for use only as **B-roll** in your package is also unlikely to be a fair use.
- Using **music** solely as background or theme music in your package is rarely a fair use.
- Finally, **always use proper attribution** of copyrighted material. This is good journalistic and legal practice.

Licensing:

- VOA has several agreements with third parties to use copyrighted material. The terms of these agreements govern, notwithstanding the applicability of the fair use doctrine.
- When using material from one of VOA's feed providers, such as APTN, Reuters, and ABCNewsOne, you must check any restrictions that may limit the story's use. Questions about the video feeds should be directed to the VOA Information Services Division, not OGC.
- Always check the video library first to see if we have licensed material you can use before relying on the fair use doctrine.

What works are in the public domain?

- All **federal government works** are in the public domain. Much – but not all – of the material on the websites of federal agencies, such as www.whitehouse.gov, www.state.gov, or www.nasa.gov, is in the public domain and free to use in your broadcasts.
- However, be sure to **carefully** read the **Terms of Use or Copyright Notices on these websites**, as some photos and other video or audio may be licensed to the federal agency by a third party and would NOT be in the public domain. You should NOT use such works without seeking permission from the copyright owner.

Contacting OGC for help:

You are welcome to consult OGC during our regular business hours (8:30 am to 5:30 pm, Monday – Friday) for copyright and fair use questions by calling (202) 203-4550 or sending an email to copyrightclearances@bbq.gov and stating your **DEADLINE** in the subject line of your email.

After-hours assistance is available only for emergencies and only after you have first consulted with your supervisor and read this self-help guide.