

# Chapter 12

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## Methods of Review

*A person of bad character is not likely to be reformed by lectures.*

—Aristotle

Throughout this work, many of the discussions have centered on the concept of “accountability” and the implication that if the news media were somehow accountable to someone or something, the person or thing who “keeps accounts” would be able to exact a punishment.

This chapter examines the concept of accountability, first discussing to whom accountability may be owed, and then probing the methods of review which enforce accountability. We will examine *internal* methods of control, such as intradepartmental discipline and ombudsmen who write only for internal consumption, and *external* methods of control, including press councils and the U.S. legal system.

So, to begin the discussion: To whom does the press owe “accountability”? Klaidman and Beauchamp (1987, pp. 211–221) note that the concept of accountability is basically unclear and invites many interpretations. One possible definition they offer (pp. 211–212) views accountability primarily as a moral issue:

In ordinary English *accountable* means “answerable” and “liable to be called for an accounting.” These terms are essentially synonyms, however, and therefore unilluminating. The concept of accountability as we use it assumes responsibility of the sort captured by the expression “the buck stops here.” The person owes an account in the form of a clarification, explanation, or justification. Any valid

account generally entails a relevant and justifiable explanation of one's actions given to someone to whom it is legitimately owed.

Klaidman and Beauchamp note that accountability extends not only to the public as a whole, but to *employers, subjects of stories, and sources*.

Accountability to employers is problematic, in that journalistic considerations and business considerations often ride a collision course. Klaidman and Beauchamp contend (p. 217) that the "classic example is an editor failing to publish a legitimate news story that is potentially detrimental to the interests of an important advertiser, because the advertiser has made it known that he will discontinue the advertising if the story appears."

That situation certainly does blur lines of accountability; to whom does a newsperson owe "an accounting," the boss or the public? This can be a real dilemma; as a television and radio reporter I had often been assigned coverage of store openings—events of no real significance except to the sales department of the station. While I offered token resistance to the idea of producing blatantly commercial "news," I *did* produce news reports on the store openings, a factor which on a philosophical level probably indicates I felt a greater accountability to my employers than to the public (who could have been better served by stories other than the grand opening of a new supermarket). On a pragmatic level, the situation simply reflected the fact that I wanted to keep my job.

Despite the typical protestations of media executives, advertiser pressure does affect editorial content at some operations. A recent survey published in the *Journal of Mass Media Ethics* (Hesterman, 1987, pp. 93–101), for example, documented that exactly half of the responding editors of one hundred of the most popular American consumer magazines (in the magazine trade, "consumer" means "general interest") said they felt some pressure from the business office. While most (78.3 percent) said that giving favorable coverage to advertisers as a trade-off for those purchasing advertising space was not allowed, more than half of the editors noted that they would consult the business office before buying a well-documented story on the dangers of a product which also was advertised in the magazine.

This must not be interpreted as a blanket statement that editorial/business trade-offs are a common practice, since at many organizations they clearly are not, but the accountability of reporters to employers does sometimes include this issue. Employer/employee accountability runs vertically through the entire structure of an organization, so that while there is not always a specific role for the editorial arm of an organization in "plugging" sponsors, it is undeniable that news is in some respects a profit center, and the fact that news is expected to draw an audience has an undeniable effect on content.<sup>1</sup>

1 Richard Clurman has done a thorough job in examining the role of corporate profits in news operations in his book *Beyond Malice: The Media's Years of Reckoning* (New Brunswick, NJ: Transaction Books, 1989).

News organizations obviously have accountability to their subjects, too. It is certainly immoral (and legally actionable) to picture someone in a false and damaging light. Also, newspeople by and large feel they owe a duty not to place people innocently involved in a situation *they did not create* in a position of public ridicule or scorn. For example, as a totally unscientific but probably meaningful measure, a panel of news executives surveyed at Emerson College's Second Conference on TV & Ethics (1987) unanimously agreed that they would have no qualms about withholding the name of a person who witnessed a bank robbery where the robber escaped. Using the name of the witness would in no way advance the story, they concurred, but could endanger the witness.

By and large, it has been my observation that responsible journalists do harbor concern for subjects who have not brought exposure to themselves. As Henry Schulte (interview, 1987), professor of journalism at Syracuse University and former United Press Chief Correspondent in Spain, notes, there are times in a reporter's life where he or she must hurt someone on purpose, "but you must never hurt someone by accident."

Accountability to sources also entails protecting their confidentiality if the reporter has indeed made that promise. Actually, it extends somewhat further than that: A reporter must be sure that he or she has the *authority* to grant anonymity; it is not unheard of for an editor to decide that the reporter was out of line in granting anonymity and demand the use of the name.

But in general, it is expected that the reporter will exercise his or her accountability to subjects involved in the story by respecting their anonymity if that is what is promised. Indeed, this is, as John Hulteng (1985, pp. 89–95) notes, virtually a sacred trust, a deeply ingrained tenet in the canons of journalism. In extraordinary circumstances, of course, journalists have been known to violate confidentiality under consequentialist reasoning if a greater good, such as saving a life or preventing a serious crime, would be the result.

Sometimes, journalists are compelled to violate their confidences by the legal system. In one of the more eminent cases, a Los Angeles television station manager named Will Lewis was jailed for refusing to turn over to a court a letter and tape recording sent to him by a group claiming involvement in the Patty Hearst kidnapping. Lewis was initially jailed for refusing to hand over the material, released pending an appeal of his contempt citation, and then ordered back to jail when he lost the appeal. At this point, Lewis surrendered and turned over the evidence.

But other journalists stuck it out. William Farr (in a case cited by Gillmor, Barron, Simon, & Terry, 1990, p. 359), a reporter for the *Los Angeles Herald Examiner*, spent two months in jail after refusing to disclose the identity of an informant.

Such accountability to sources weighs heavily on the minds of many journalists, even in states where there are so-called shield laws. A shield law is a state law (there have been unsuccessful attempts made at passing a national shield law) which protects a reporter from legal compulsion to reveal

information. At the time this was written, more than half of the states in the nation have shield laws, and many others have various combinations of laws that serve the same function.

But a shield law can be circumvented. A judge in California, a shield law state, once sent the managing editor, the city editor, and two reporters from the *Sacramento Bee* to jail for refusing to divulge the source of a sealed transcript which wound up printed in the pages of the *Bee*. Through some complex reasoning, the judge simply decided that the shield law did not apply (Gillmor, Barron, Simon, & Terry, 1990, p. 359).

Confidentiality problems are illustrative of how journalists can become caught in conflicts of accountability. It is very tempting to offer anonymity to a source for a number of reasons directly related to the concept of *accountability to the source*:

1. The source is spared embarrassment and possible retribution. Someone providing information on mismanagement within his or her city department, for example, will surely feel heat if identified.
2. By extension, the source is allowed access to the media. Some people simply will not, and in their eyes, cannot, come forth with information if they are going to be identified. Anonymity allows them to bring such information to the attention of the public.

But if it is assumed that the journalist is responsible to the *public*, use of anonymous sources can compromise that accountability, for a number of reasons.

1. There is no guarantee that an anonymous source is going to tell the truth. Strictly speaking, there is no guarantee that people quoted on the record will tell the truth, either, but at least *they* will in turn be held accountable for *what they say*. A journalist who relies heavily on anonymous sources may violate his or her accountability to the public because of this "accountability gap."
2. Anonymous sources may be manipulating the press for personal gain. The classic example of this is the "trial balloon"—a piece of information "floated" anonymously to see how the public reacts. (For example, a politician leaks details about a new highway project; if reaction is negative, the politician can simply drop the issue and never be held accountable to the public for his or her initial statements.)

The anonymous source problem shows how accountability is a two-edged sword, and also illustrates some of the practical realities of journalistic decision making. Some stories—including the series of Watergate revelations—probably never could have materialized if it were not for use of anonymous sources. But there is no certainty of that. Some journalists maintain that they can get *anything*

on the record if enough effort is expended, and that use of anonymous sources is simply a symptom of lazy or deceitful news practices.

There may be some element of truth in that. Even highly controversial and sensitive stories have been constructed entirely from on-the-record comments. For example, the *Pittsburgh Press* presented a powerful and dramatic series about the buying and selling of human kidneys—and did it all on the record. Series coauthor Andrew Schneider, in an interview with the *Washington Journalism Review* (Leslie, 1986, p. 33), said that he decided to do the story without anonymous attribution because he wanted an entirely credible, bulletproof piece. "It's really hard to talk about fictionalizing something or taking it out of context when you've got a couple of hundred doctors, nurses, procurement people, and donor families all talking [on the record] about the issues at hand."

Arguably, discussing such intimate details was not pleasant for the subjects of the story. And perhaps that constituted, in some measure, a lack of accountability to those subjects. But the public was undeniably well served: They were given important material on a relevant subject which was—by the very nature of its construction—virtually guaranteed to be free of any whiff of pipe artistry.

Given the fact that we now have some notion of the dimensions of accountability, it is interesting to note how accountability is exacted. We'll move from the highly internal methods to the most obviously external means of enforcing accountability.

**Internal discipline.** As a strictly employer-oriented form of accountability (although it may be brought on by a breach of accountability to the public) internal discipline is difficult to describe and measure for the obvious reason that it is typically carried on behind closed doors.

But some data do exist. A study by the American Society of Newspaper Editors, reported in the *Journal of Mass Media Ethics* (1986–1987, pp. 7–16), showed that at least 78 newspaper journalists were dismissed or suspended during the three years previous to publication of the study. In this admittedly unscientific study, it was postulated that the results, at the very least, showed that contrary to "critics' charges that transgressors are never punished, the survey shows that editors are policing the newsrooms" (p. 8).

However, the study also admitted that the public hardly ever reads about it—and more about that will follow later. To return to the findings, it was interesting to note that editors had a difficult time making the determination of whether an action was or was not "unethical." There was a broad gray area involving the propriety of doing free-lance work, serving as a radio or TV commentator (this was a survey of newspaper editors, remember), and doing work for nonprofit groups. There was roughly a 50–50 split on whether it would be ethical for a staffer to make a campaign contribution to a candidate the reporter does not cover.

But there were some strong areas of agreement as to what should be punished. Plagiarism, profiting from insider information, and accepting discounts from companies with which the paper has contact were almost universally condemned (p. 9).

Some main points from the survey's summary illuminate the scope of in-house punishment. Quoting directly from the study (p.9):

- More than one out of every three editors reported at least one ethics violation occurred at his/her paper in the past three years. A total of 240 ethical violations was reported by the 122 respondents who answered the question; 11 papers reported six or more violations.
- About one out of six editors said at least one newsroom employee had been dismissed because of ethics violations in the past three years. Another 11 percent said at least one employee had been suspended in the past three years for an ethics violation.
- Slightly more than a third—37 percent—of the editors said they had a written code of ethics. More than half—54 percent—said they did not. Four percent said they were preparing one and 6 percent did not answer the question.

Other points paraphrased from the study: About 30 percent of the editors who had written codes said that the penalties were described directly in the codes, and the most frequently encountered ethical violations listed included inappropriate social contacts between reporters and newsmakers, and reporters who rewrote competitors' stories without verifying the information.

It was mentioned earlier that this survey indicated that the public generally did not hear about these transgressions. That is often the case; but in other scenarios, papers employ a reader's representative to report on the workings of the news organization. The reader representative, often termed an "ombudsman," also is considered to be an independent source for handling complaints from the public about news coverage. ("Ombudsman" is a term of European origin originally pertaining to an official appointed to investigate complaints against the government; the word, in its present usage, has no gender-neutral form.)

Ombudsman practice is not widespread; estimates vary, but one recent tally by Klaidman and Beauchamp (1987, p. 227) indicated that there are only about three dozen ombudsmen at newspapers across the country. Other figures are generally in line with this, and estimates for the number of ombudsmen at broadcast outlets are much lower.

External methods of review. Sometimes, the ombudsmen work only internally, writing memos; that, for example, is the case with the *Louisville Courier Journal*. Others are quite visible, such as ombudsmen at the *Washington Post*. Many of the *Post's* ombudsmen, including Richard Harwood, have become noted press critics. Harwood, in fact, recently returned

to the ombudsman's position at the *Post*—he was the first, twenty years ago—and proposed a new agenda for the movement.

In his role as reborn ombudsman, as reported in the Society of Professional Journalists' publication *The Quill* (Cunningham, 1988, p. 12), Harwood stated:

I would like to see us establish a tradition of criticism and analysis that goes beyond explanations of why the letter "r" was omitted from the word "shirt" or why a demonstration against dogs by a dozen cat lovers was improperly covered or covered not at all.

We should begin looking at the news business the way we look at the business of politics and government. What ethical and professional standards do we profess, if any, and how often do we violate them?

Noble ideas—but are they practicable? There is no way reliably to calculate the net effect of the ombudsman practice, or the actual degree of independence they enjoy. But incidents do abound where ombudsmen refused to toe the company line—sometimes taking the editors to task in a very public forum.

Richard Cunningham, a former ombudsman himself, noted (1988, p. 12) that an ombudsman at the *Calgary Herald* publicly called an editor on the carpet for allowing the identification of a teenager who had talked freely about her sexual activities. The case caused intense reader reaction and a student picket line at the paper; the primary objection was that the direct attribution embarrassed the students cited (one in particular gave explicit details) and the paper should have known better than to report such detail—even if the student did not know enough to keep her mouth shut.

"Life Today" editor Mark Tremblay told *Herald* ombudsman Jim Stott that the decision to run the quotes was made after weighing the harm caused to the individual young woman against the potential gain of saving Alberta teens the problems associated with pregnancies and sexually transmitted diseases. He claimed (Cunningham, 1988, p. 12) that the decision was guided by "doing the greatest good for the greatest number." (To point out the consequentialist rationale of that remark is really unnecessary, no?)

Ombudsman Stott disagreed, concluding that the onus of the decision was on the editors, and they drastically underestimated the impact of using the quotes on the students in a small school and the particular students quoted. And he said exactly that in a published analysis.

So at least in this case, an ombudsman had teeth and used them. (It should be noted, though, that the ombudsman practice is more common in Canada than in the United States.) Whether it is a practice that can or will reform journalism is unclear, although the ombudsman is a benefit to the news organization from the standpoint that he or she can handle complaints that *somebody* must field; at least, with the ombudsman system in place, the complaint-handling process is centralized.

This allows the ombudsman to keep consistent track of problems, and that is exactly what *Sacramento Bee* ombudsman Art Nauman has done. A recent article in *Editor & Publisher* (Stein, 1989, pp. 20, 21) analyzed Nauman's statistics, and found that 355 corrections were published in 1988. The analysis of the mistakes showed that a quarter of them involved numbers, statistics, ages, times, and dates. About 17 percent concerned names which were misspelled, omitted, or misidentified, and about 11 percent were problems with telephone numbers and addresses. Ten percent related to photos or other graphics.

Twenty-one percent of the complaints regarded substantial matters of fact, such as incorrect statements, misinterpretations, and misquotes. In a statement directly relevant to the bureaucracy of news reporting (discussed in Chapter 10 and elsewhere in this work) Nauman asserted (Stein, 1989, p. 20) that the *Bee* is not always to blame for the mistakes, since much of the material comes from public relations sources and there is not always time to verify it.

There have been attempts to make the news-correction process much more public than the partly internal, partly external practice of having an ombudsman report in the pages of his or her own media. Press councils have been proposed and established, but have rarely flourished.

It is interesting to note that the press council concept originated in Great Britain, and enjoyed some success. One largely unrecognized reason for this is that the British press council was viewed as a viable alternative to litigation and government interference; litigation, to a small degree, and government interference, to a much greater extent, are more troublesome to British journalists than to American journalists.

Local press councils were given a go in the United States during the 1960s, 1970s and 1980s. Most are now defunct. A national news council was formed in 1973. As recounted by Robert A. Logan, of the University of South Florida (1985, pp. 68-77), its panel consisted of judges, law school deans, journalism professors, editors and publishers of newspapers and magazines, television production executives, former U.S. representatives, business executives, television news executives, plus religious leaders and civil rights leaders. Logan notes (p. 69) that the advisers were selected to reflect a "wide diversity of professionals, political perspectives, and geographical locations."

An admirable idea, but a short-lived one. The council closed its doors in 1984 after tepid support from the news media and other parties. It did produce some interesting work, though, and the opinions rendered were very much in line with the opinions on ethical quandaries discussed elsewhere in this work. When those opinions went against the press, they frequently chided the news media for out-of-context use of broadcast news footage, which gave a distorted view of events; also criticized were conflicts of interest.

The National News Council had no legal authority, although it and its local siblings were often viewed as logical alternatives to litigation.

Litigation in the form of a libel suit is the most common form of government review of press practices. While libel today is a civil action (with very, very rare exceptions: there are little-known criminal libel statutes which still exist), the parties involved are compelled to appear before a government representative—a judge and/or jury—and face government-imposed sanctions.

A primer in libel is in order for readers of this book not directly involved in the study of mass media. Libel—in very general terms—is any *untrue* published statement which causes damage to a person's reputation, standing in the community, or business or personal finances. The word "published" also refers to things spoken over the mass media.

The word *untrue* is the operative term in the above definition. In most cases, the person claiming he or she was libeled must prove that the reporter was wrong. (Another defense, not particularly relevant here, applies to so-called privileged statements, such as those made during debate of governmental bodies or in court while court is in session.) But proving the reporter wrong is *not always* enough to win a libel case.

The reason involves a tenet of U.S. libel law which applies libel law differently to *public* and *private* people. "Public" people who feel they have been libeled must not only prove that the charges against them are untrue but also that the reporter made those charges *knowing* that they were untrue. The plaintiff *who is a public person* must prove that "a defamatory statement was made with actual malice, that is, with knowledge that it was false or with reckless disregard of whether it was false or not."

Those words—"actual malice," "reckless disregard"—have become intrinsic parts of the journalistic lexicon, and are the linchpins of the *New York Times v. Sullivan* decision, the 1964 Court ruling which has come to dominate libel law. To summarize briefly, L. B. Sullivan was a Montgomery, Alabama, police commissioner who sued the *Times* because the paper printed, in an advertisement carried by the newspaper, some unflattering remarks about the commissioner's treatment of blacks. The advertisement contained several errors, but errors which were essentially minor.

The U.S. Supreme Court ruled that a public official *exposes* himself or herself to public criticism, and in order to collect damages, must prove libel to a higher degree of fault: to wit, actual malice and reckless disregard on the part of the media as to whether or not the statement was true.

The trend of court cases in the decade following *Times v. Sullivan* broadened the scope of those who invite criticism—and therefore must prove libel cases to a higher degree of fault—to include "public figures" as well as "public officials." In the 1970s, the trend of court decisions would shrink, somewhat, that broad definition of public figures. (For example, a woman involved in a melodramatic divorce case was not held to be a public figure even though she had held press conferences about the case.)

Despite the vagaries of determining who is and who is not a public figure, and the succeeding cases which have modified *Times v. Sullivan*, the landmark case continues to be the cornerstone of libel law. In effect, *Times v. Sullivan* sent the message that the judicial branch of government worried about the "chilling effect" of libel verdicts against the media; in other words, that threats of libel suits from public officials and those ill-defined "public figures" would discourage public discourse and debate about public affairs.

Is there a "chilling effect"? A cursory examination of any of the media trade journals would indicate an epidemic of the "chilling effect." A body of formal research backs this perception, to an extent; a survey conducted during a convention of a professional group called Investigative Reporters and Editors (IRE) found that more than half of the respondents claimed that concern over libel had some effect on decisions involving what they covered and how they covered it (Lubunski & Pavlik, 1986, pp. 43–45).

Given this fear of the "chilling effect," it would seem that members of the news media would wholeheartedly endorse the principle of *Times v. Sullivan*. And in most cases, they do. But *Times v. Sullivan* is not without its critics, one of whom is veteran reporter Clark R. Mollenhoff. Consider this analysis (1989, p. 27):

... what has been a worthwhile shield for some journalistic projects in the best tradition of a responsible press also has been a convenient fortress for some of the worst practices that plague the profession today.

Mollenhoff, who now teaches journalism at Washington and Lee University and who has written a text on investigative journalism, further recalls (p. 28):

I had been able to operate as an investigative reporter for more than 20 years without the *New York Times v. Sullivan* rule by doing the detailed digging work necessary to document my stories to the satisfaction of the very demanding editors and lawyers for the *Des Moines Register*, the *Minneapolis Tribune*, and *Look Magazine*.

And if you still harbor any doubt as to Mollenhoff's perspective, consider his observation that *Times v. Sullivan* changed the investigative reporter's credo from "When in doubt leave it out" to "What you don't know won't hurt you" (p. 28):

No longer is the highest premium put on the truth of a story in some newsrooms. Instead the key questions may be whether its target is a "public official" or "public figure" under the malice rule of *New York Times v. Sullivan*, and whether

the reporters and editors *believe* (rather than *know*) the charges and facts in the story to be true.

In other words, ignorance is the best defense, and, if one subscribes to the Mollenhoff contention (p. 27):

It has been said that patriotism is the last refuge of scoundrels. *New York Times v. Sullivan* similarly has provided a significant refuge for a few willful falsifying scoundrels, for a larger number of scoop minded incompetents, and for many reporters and editors who are just plain lazy.

Stated in terms relevant to previous discussions in this book, *New York Times v. Sullivan* (if one concurs with Mollenhoff) provides a nonconsequentialist doctrine behind which the lazy and incompetent can hide *when they are caught*. (This, of course, corresponds with Gustafson's thesis that we tend to use non-consequentialist reasoning when arguing from a position of weakness; we are certainly weak when we have to defend ourselves.)

Consequentialist reasoning, continuing the same argument, often is used when arguing from a position of strength. And that is a logical extension of the case that Mollenhoff makes when implying that the ends are used to justify the means when editors and reporters decide to use defamatory information when they *believe* it to be true but don't—because of the position of strength afforded them by *New York Times v. Sullivan* protection—particularly worry about having to *document* its truth.

The continuum of review and control ends at the point of government control and censorship. Censorship was only recently revived as a major issue after the outbreak of the Persian Gulf War; until that time, the last critical problems dealing with censorship dated back to World War I. And even though the effort to restrict press activities in the Persian Gulf War raised hackles initially, the outcome of the war—the surprisingly easy success—seemed to have dampened continued criticism. While at the time of this writing a suit brought by several news organizations against the military was pending, alleging unreasonable censorship on the part of the government, much of the initial outrage expressed by the press apparently had subsided.

Some would argue that we have short memories; others would contend that the government did not, after fine-tuning its public relations effort (which was undoubtedly heavy-handed at first), restrict the flow of information inordinately. In any event, despite the pull and tug over the Persian Gulf War, Panama, and Grenada, it would appear that while the issue of censorship has caused concern among American journalists, that concern has not been of enormous consequence.

The probable reason is that censorship simply has not worked very well in the modern United States, nor has it been needed to any great extent. There was field censorship during World War II, of course, but the press and radio were primarily put on their honor (Hohenburg, 1978, p. 149) to keep vital state secrets. Field censorship did not work particularly well in Korea, and in

the chaos of Vietnam, censorship as a coherent policy was virtually nonexistent and unenforceable.

It may be overgeneralizing, but in general the news media have rebelled at any mandate to keep secrets that really did not warrant classification; but the media have, in general, kept secrets that posed true threats to national security. When the press and the military formed an uneasy truce in the Persian Gulf War coverage (after the military obviously overplayed its hand, forbidding—and being caught forbidding—completely innocuous interviews), some reporters went so far as to admit that they welcomed the presence of the censor because they feared accidentally reporting tactical information of use to the enemy. Reporters who had advance knowledge of the pincer movement that eventually brought the Persian Gulf War to a close kept the plans secret, not attempting to thwart or circumvent the security restrictions in place at the time.

Almost a half-century ago, a secret that would have had truly devastating effects had it been leaked was openly divulged to the media, and kept secret by the media, and the way it unfolded reflects an interesting view on how perspectives change when they are brought to the level of the individual.

As CBS correspondent Fred Francis (1990, p. 14) recounts the situation from historical records, 58 correspondents were invited to accompany the troops on the first wave of the D-Day action at Normandy. (Remember, it is not overstating the situation to say that the fate of the free world lay in the outcome of this maneuver.) The reporters were asked to wander over to a block of flats and knock on the door of 38 Edgerton Gardens.

Colonel Barney Oldfield met them all, individually, at the door. He asked them for some basic information, such as addresses and home telephone numbers. He discussed their assignments.

*And he asked them to write their own obituaries.*

Anthony Stout, president of the U.S. Committee for the Battle of Normandy Museum, noted that this ploy made the accountability of “secret-keeping” an “individual imperative.”

It became clear, Stout noted, that “reporters could bleed from indiscretions as well as soldiers.”

# Chapter 13

## Critical Self-examination

*The press does not have a thin skin; it has no skin.*

—Edward R. Murrow<sup>1</sup>

ITEM: When *The New York Times* dropped a column by controversial Pulitzer Prize winning writer Sydney Schanberg in 1985, the paper reported, on page 18, only that he had accepted another assignment. Although the *Times* received hundreds of letters of protest, it never offered any explanation of the move. In addition, the *Times* stonewalled on the issue, refusing to comment on the case to other news organizations interested in finding out more about the situation (Klaidman & Beauchamp, 1987, p. 213). The same year, the *Times* did not cover the fact that the paper had encountered a small outbreak of Legionnaires' Disease (Clurman, 1988, p. 31).

ITEM: Media critic Ben Bagdikian reported in 1987 that just 29 corporations controlled half or more of the media business in the United States. Bagdikian predicted that in the 1990s, media control will shrink to only half a dozen giant corporations. Of course, the giant corporations typically do not air or print this in the media they own; the story was promulgated by a Sonoma State University (California) research effort called “Project Censored,” which labeled media concentration the “most under-reported story” of 1987 (*Editor & Publisher*, 1988, p. 11.)

ITEM: The editor of the *Reader's Digest* was removed from his post for what may have been political reasons; we say “may have been” because although there were rumors to the effect that the *Digest* board removed him for printing articles

<sup>1</sup> Quoted by Goldstein (1985, p. 243).



contrary to the corporate party line, the story was relegated to the bottom of the last page of the business section of *The New York Times*. The story was virtually ignored by the media even though the *Digest* has a circulation of more than 27 million—roughly the size of the combined populations of Israel and East Germany (Clurman, 1988, p. 30).

ITEM: When Gerald Lanson and Mitchell Stephens of New York University were doing a profile about *The New York Times'* A. M. Rosenthal for *The Washington Journalism Review*, they ran into an unexpected problem: Many at the *Times* wouldn't talk. Twenty-four top staffers refused to be interviewed or did not return phone calls. Of 44 who agreed to be interviewed, more than half required that their names not be used (Goldstein, 1985, p. 245).

Richard M. Clurman, chair of the board of Columbia University Seminars on Media and Society, and a former correspondent and editor of *Time* magazine, is an eloquent spokesperson for the contingent of the news media which believes that the press can effectively dish out criticism—but has never learned to take it. Clurman, writing in *The Quill* (1988, p. 30), contended that a major problem with the news media is their "failure to report energetically and critically on themselves and on each other just as they do on the rest of the world." In addition to the first two items listed in this chapter's opening, he also noted that when he covered the press for *Time* (p. 32):

My editors wanted intensive reporting and criticism of others. But it was taken for granted that when I had to write about some development at Time Inc., itself, I would shift into the spare prose of a corporate press release.

Clurman maintains that the twin problems of the news media's failure to report on themselves and the fortress mentality often encountered are worthy of some soul-searching and self-examination. But the call for self-censure has not been universally accepted. The Society of Professional Journalists, for example, recently dropped a censure clause from the organization's code of ethics. The *Chicago Tribune's* Casey Bukro, the author of the original code which called for journalists to "actively censure and try to prevent violations of [the standards put forth in the ethical code]," maintained that self-censure has largely been a failure because journalists are uncomfortable with calling attention to the sins of fellow professionals (Bukro, 1985–1986, p. 10) and contended that while journalists are quick to hold others to ethical standards, they are afraid of having ethical enforcement principles imposed on them.

Is this a widely held attitude? Do journalists still cling to the notion, expressed by former *Columbia Journalism Review* editor James Boylan (1986, p. 30), that for a member of a news organization to offer such criticism is to "foul one's nest"?

There appears to be little if any existing quantified data to support or oppose this contention, so I decided to begin the process of extracting some by conducting interviews and a pilot study into the issue. The purpose of this

pilot study was to construct a questionnaire dealing with the issues of media self-criticism, self-censure, and whether journalists do, indeed, feel reluctant to report on the sins of their colleagues.

Fundamental concepts for the questionnaire were developed during focus groups on media ethics issues. Members consisted of the author (a journalist and journalism professor), another journalism educator, a television reporter, a writer for a weekly news magazine, and a professor of ethics.

Further evaluation of the basic questions was undertaken through in-person administration of an early version of the questionnaire to a television news director, a radio news director, a news magazine editor, and a former daily newspaper publisher and editor.

The pilot questionnaire that was eventually mailed is shown in Figure 13.1.

The sample to whom the questionnaire was mailed was drawn from the listing of radio news directors in the *Broadcast/Cablecast Yearbook*. Radio news directors were chosen for this pilot study because they represented a relatively homogenous group, from which inconsistencies in responses might be more easily recognized.

The methodology of the questionnaire administration, for those who are interested in examining the procedures and statistical methods, is explained in Appendix C.

The tabulations as shown in Figure 13.2 (pp. 150–151) show that many respondents agreed with the criticisms leveled by Clurman and Bukro (that "the press should learn to take it" and "journalists prefer not to call attention to their sins," respectively). In addition, a majority agreed that media self-censure would be an effective deterrent to unethical journalistic practices. Respondents split more or less evenly on whether the public concern over journalism ethics is trendy "media bashing," with a small majority feeling that it is not.

As would probably be expected, responding news directors showed a greater zeal for pursuing a story about a public official (the state representative) caught in an unspecified conflict of interest than in pursuing similar stories about an insurance executive, a reporter for a rival media outlet, and a co-worker in their department. As was pointed out in marginal comments by many respondents, a publicly elected figure would, by the very nature of his or her office, merit more vigorous coverage than more "private" figures. Willingness to pursue a negative story about a rival reporter and a media co-worker, respectively, finished last in the list of scenarios which would be pursued "vigorously."

Most respondents, about 60 percent, disagreed or strongly disagreed with the contention that they had frequently observed other journalists avoiding stories which involve negative coverage of other journalists.

There was a strong correlation, though, between those news directors who felt they *had* frequently observed journalists avoiding negative coverage of other journalists and those who agreed that the press should "learn to take



### Questionnaire

Directions: Please check the blank in front of the appropriate response. Then, mail this questionnaire in the attached, self-addressed stamped envelope. Note that the wordings of these questions do not reflect a bias on the part of the surveyors; they are asked in an effort to determine how members of the working press react to one aspect of current media criticism. You are, of course, free to disagree or strongly disagree with the premise stated.

1. Former *Time* magazine correspondent and editor Richard Clurman recently wrote an article headlined: "The press can dish it out; now we should learn to take it." He argued that the news media have failed to report energetically and critically on themselves and on each other. How do you feel about this statement?

Strongly agree     Agree     Disagree     Strongly disagree

2. There have been various proposals for the press to actively censure wrongdoers in their profession by publicly reporting on the ethics and competence of other journalists. But those proposals have not met with universal success. In fact, the Society of Professional Journalists recently dropped the section of the society's code of ethics which called for journalists to "actively censure" colleagues who violate the code. Some observers, such as the *Chicago Tribune's* Casey Bukro—author of the original code which called for censure—feel that while journalists embrace ethical principles, they are afraid that those principles will be imposed upon them.

Bukro writes that "the problem is that journalists, like doctors and lawyers, prefer not to call attention to their sins." How do you feel about Bukro's statement?

Strongly agree     Agree     Disagree     Strongly disagree

3. Media self-censure would be an effective deterrent to unethical practices in the journalistic community.

Strongly agree     Agree     Disagree     Strongly disagree

(continues)

4. Much of the public concern over journalism ethics is "media bashing"—a trendy concern not really warranted by the facts.

Strongly agree     Agree     Disagree     Strongly disagree

The following questions relate to this hypothetical case:

You have evidence that Mr. Smith, a well-known member of the community, has a conflict of interest which, in your judgment, compromises his ability to function in his job.

5. Mr. Smith is a state representative. I would be likely to vigorously pursue the story. (Check the response which indicates how strongly you agree with the assertion that you would vigorously pursue the story.)

Strongly agree     Agree     Disagree     Strongly disagree

6. Mr. Smith is a vice president of a major insurance firm. I would be likely to pursue the story vigorously.

Strongly agree     Agree     Disagree     Strongly disagree

7. Mr. Smith is a reporter for a rival media outlet. I would be likely to vigorously pursue the story.

Strongly agree     Agree     Disagree     Strongly disagree

8. Mr. Smith is a reporter in my department—a co-worker. I would be likely to vigorously pursue the story.

Strongly agree     Agree     Disagree     Strongly disagree

9. During my career, I have frequently observed journalists avoiding stories which involve negative coverage of other journalists.

Strongly agree     Agree     Disagree     Strongly disagree

Figure 13.1 The questionnaire used in a pilot study of journalists' willingness to criticize themselves and others publicly.

**Responses to Questionnaire**

(First figure indicates raw number of respondents. Second figure indicates percentage of total respondents)

Frequencies for Question 1: "How do you feel about [Clurman's] statement?" (press should learn to take it)

Strongly Agree	Agree	Disagree	Strongly Disagree
16/13.3%	75/62.5%	26/21.7%	3/2.5%

Frequencies for Question 2: "How do you feel about Bukro's statement?" (Journalists prefer not to call attention to their sins)

Strongly Agree	Agree	Disagree	Strongly Disagree
17/14.3%	77/64.7%	20/16.8%	5/4.2%

Frequencies for Question 3: "Media self-censure would be an effective deterrent to unethical practices in the journalistic community."

Strongly Agree	Agree	Disagree	Strongly Disagree
12/10%	68/56.7%	32/26.7%	8/6.7%

Frequencies for Question 4: "Much of the public concern over journalism ethics is 'media bashing' — a trendy concern not really warranted by the facts."

Strongly Agree	Agree	Disagree	Strongly Disagree
5/4.3%	49/41.9%	56/47.9%	7/6.0%

Frequencies for Question 5: "... state representative. I would be likely to vigorously pursue the story."

Strongly Agree	Agree	Disagree	Strongly Disagree
51/43.6%	60/51.3%	6/5.1%	0/0.0%

Frequencies for Question 6: "... vice president of a major insurance firm. I would be likely to vigorously pursue the story."

Strongly Agree	Agree	Disagree	Strongly Disagree
30/25.6%	62/53.0%	25/21.4%	0/0.0%

(continues)

Frequencies for Question 7: "... rival media outlet. I would be likely to vigorously pursue the story."

Strongly Agree	Agree	Disagree	Strongly Disagree
22/18.6%	56/47.9%	36/30.8%	3/2.6%

Frequencies for Question 8: "... reporter in my department — a co-worker. I would be likely to vigorously pursue the story."

Strongly Agree	Agree	Disagree	Strongly Disagree
17/14.8%	39/33.9%	48/41.7%	11/9.6%

Frequencies for Question 9: "... I have frequently observed journalists avoiding stories which involve negative coverage of other journalists."

Strongly Agree	Agree	Disagree	Strongly Disagree
6/5.2%	41/35.3%	53/45.7%	16/13.8%

it" and "doesn't like to call attention to its sins." A modest correlation was also found between those who reported observing journalists avoiding negative coverage and those who felt media censure would be an effective deterrent to unethical behavior.

The various mathematical correlations and their derivations, along with an explanation of correlation for those who are not mathematically inclined, are also included in Appendix C.

The results indicate that, among this small sample, many news directors do feel that the news media could and should be tougher on themselves, and most feel that self-censure—giving coverage to unethical practices among journalists—would be an effective deterrent to journalistic malpractice.

The fact that four out of ten respondents agree or strongly agree that they have "frequently observed journalists avoiding stories which involve negative coverage of other journalists" would seem to indicate that this is a legitimate issue. In addition, it might be inferred that those who have observed the news media trading lightly on stories involving other media are—at least for the purposes of this questionnaire—more critical of the news media as a whole. In sum, the figures from this small sample do support the contentions of critics such as Bukro and Clurman, and provide some quantifiable data on a subject which has previously been discussed only in

Figure 13.2 A table of responses to the questionnaire shown in Figure 13.1.

qualitative terms. The next step will be to see if these factors are supported by larger samples from across the journalistic community.

I do hope that I and other researchers will have the opportunity to follow this thread further, this research to include many of the above-cited factors—and shed greater light on the problem of how much light the news media wish to shed on themselves, and whether the media choose to cover themselves, as one editor put it, “like porcupines making love—tenderly, very tenderly.”