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SENTINEL UNDER SIEGE

The Triumphs and Troubles of America's Free Press

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I think the popular impression would be that the bottom line guy, the guy in the green eye shade, comes down from some business floor and says to the editor, “You’d better not run this story, or you’d better run that story to please advertisers.”

—Jonathan Alter, Newsweek editor, columnist, and media critic

The attributes of a calling are difficult to define; even more so are its requirements. The word itself has evangelical, mystical undertones. Some journalism teachers describe journalism as a craft with professional responsibilities. Because the publishers, editors, and reporters who earned their living on newspapers in the preelecronic era of the media had no defined qualifications, no entrance exams or organized scholarly training, the designation as a profession was never formalized. It was and is impossible to define by consensus a body of knowledge aspiring journalists should study as an entrance qualification. Medicine, law, engineering, and theology have such qualifications, rightfully claim professional status, and, more often than not, require a license to practice.

For the first century and a half of U.S. history, anyone could be a newspaper publisher, editor, or reporter. It was a condition achieved by self-appointment. Compensation admittedly was more likely to depend on others, including the readers, but the regulatory aspect commonly experienced by the traditional professions was not an issue. The restraints imposed by libel actions, public opinion (violent or not), or even the ill-conceived sedition laws were not directed to the press exclusively, as were specific regulations affecting the behavior of lawyers, doctors, and engineers. Because no prior restraints were allowed by the Constitution, the opportunity and need for self-regulation became a concern of the press and more certainly of its critics. In one sense the achievement of a state of grace seemed more alluring for journalists who might choose to pursue it than for the licensed professionals coerced by the fear of suspension. In reality, the temptation toward what Madison had called “licentiousness” was apt to be far more common in the newspaper world than the glorious exercise of restraint and responsibility on a voluntary basis. That being the case, the volume of critical re- monstrance in the 1920s and thereafter should not surprise.

There was, to begin with, great skepticism that the newspaper proprietors were motivated by, let alone capable of, self-restraint. Some observers—not always for unselfish reasons—advocated stiffer laws to protect privacy. Postal regulations were passed requiring a certain amount of financial information about owners and directors of newspaper and magazine companies. The idea of an endowed press, frequently put on the table, had finally received some practical attention in 1912 when Andrew Carnegie offered to support the concept, but it never developed a significant constituency and soon lost its place on the list of potential reforms. The Congress, in that same year, passed the Bourne Act, which prohibited the mailing of false advertising. The dean of the College of Journalism at the University of Kansas, Merle Thorpe, observed that in 1913 alone twenty states had considered some form of newspaper regulation. Thorpe identified the four major concerns the most thoughtful critics had expressed: carelessness and inaccuracy in reporting the news; suppressing information to protect special interests; conspiring with advertisers to mislead consumers; and the excesses of yellow journalism.

Although any attempt to create a licensing procedure for journalists was bound to excite fierce resistance, attempts were actually made in Illinois and Connecticut. They failed on two counts: Constitutional protection would not let such statutes stand, and there was widespread belief that the vital independence of the press should not be jeopardized. These were the surface pontifications, but despite the sanctimony, most proprietors were simply defending their turf and their profits against outside interference of any kind. Not so easily rejected was the alternative suggestion put forward by Joseph Pulitzer’s son Ralph, who had become president of the New York World—namely, a bureau of accuracy and fairness at each paper. The younger Pulitzer had first introduced the project in a lecture at Columbia’s School of Journalism, where he extolled his father’s dedication to accuracy as being virtually “a religion.” He told his student audience that “truth telling is the sole reason for the existence of a press at all.”

The Bureau of Accuracy and Fairness at the World published in a newsletter its ethical standards and recommended penalties for wrongdoing. Faking and chronic inaccuracy would result in dismissal of reporters. Carelessness and unfairness would receive a strong reprimand, in some cases suspension. The administration of these standards would be carried out by editors, not the bureau. The bureau’s first director was Isaac D. White, a former police reporter who had previously run the legal depart-
pass a protection of “the right to privacy.” In an elegant phrase, the two authors observed that humankind, “under the refining influence of culture, has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual.”

Though privacy is not mentioned in the Constitution or the Bill of Rights, Warren and Brandeis speculated that privacy would become a factor in common law and was already inherent in property law. It was inevitable, they believed, that in contrast to public life, the private life of American citizens would be protected. A century later the same concerns persist, though the line between public and private has been blurred. In many instances, honest people have disagreed on where the line should be drawn. In many others, the convenience of invoking the First Amendment or the “public’s right to know” or the specter of private habits shaping public behavior wigged the line into a corkscrew.

When Gary Hart chose to be a presidential candidate in 1983, his private life became a clamorous public matter because, the press argued, morality in the conduct of personal affairs signals the kind of political leadership the public can expect. The same rationale had permitted scathing newspaper stories about George Washington, Alexander Hamilton, Thomas Jefferson, Abraham Lincoln, and others to follow. What obviously differed in the more recent media environment was the nearly instantaneous notoriety provided by television and, conversely, the near impossibility of correcting mistakes or distortions effectively. A sordid headline in a tabloid, the lead item on the evening news, and the cackling irreverence of talk radio can and have indelibly proclaimed that which is not true—or that which is true with so many ramifications that the allegation should never have been made. Whatever the recourse—the law suit, the apology, or the correction—undeserved damage has rarely if ever been repaired. Even the best of amends can only cling to the backside of media transgressions like a tickbird on a hippopotamus.

In 1920, Upton Sinclair financed the publication of his own book, The Brass Check, and later claimed it sold more than 100,000 copies. It was a rapacious attack on the press for being the toady of big business and indifferent to the rights of labor.9 Frederick L. Allen, writing for the Atlantic Monthly, reviewed Sinclair’s book as an “extraordinary diatribe.” He rejected the author’s conspiracy theory but recognized that newspaper owners, editors, and reporters too frequently saw “on which side their bread is buttered” and used “illegitimate means” to undermine whatever they disliked.10 The irascible Baltimore curmudgeon H. L. Mencken weighed in with his predictable and justly famed acerbity concerning the limitations of “homo boobus.” Said Mencken: “What ails the newspapers of the United States is the fact that their gigantic commercial development compels them to appeal to larger and larger masses of undifferentiated men, and that
truth is a commodity that the masses of undifferentiated men cannot be induced to buy.”

One truth the masses apparently weren’t buying was the cancer of racism, despite its ugly side effects—the Ku Klux Klan, Jim Crow, the sanctimonious indifference of middle-class white America, and the depredations of urban ghettos. By and large, the mass circulation newspapers confined their coverage of such matters to crime or antisocial behavior in the Negro or “colored” neighborhoods. Racism had not yet become an economic problem, which seemed to be the only force that would move newspaper proprietors. The reformers continued to advocate better training and preparation, higher intellectual standards, and the expansion of press associations as the means of professionalizing journalism. Curtice N. Hitchcock of the University of Chicago concluded that freedom of opinion was not the issue so much as “free access to all the important facts on which opinion is to be based.”

Nelson A. Crawford, who wrote the first text on journalism ethics in 1924 and urged journalism schools to include the subject in their curricula, cited Walter Lippmann’s concept of a “pseudo-environment.” Lippmann had warned that the ideas, the prejudices, the sense of things produced in the limited self-created “pseudo-environment” must be acted upon in the real environment, where truth often contradicts the pictures in our heads. Crawford advocated a journalism, armed by education and high standards, that would help discover truth. He also recommended a national study of the press, privately endowed, and conducted by “a representative committee of fair-minded analysts who were familiar with the journalistic practices and would cover various sections of the country and types of newspapers.” It was a suggestion that may have been considered before Crawford, but his formulation would be revisited many times in the years that followed—most notably by the Hutchins Commission on Freedom of the Press, organized at the University of Chicago in 1942, about which more in Chapters 19 and 20.

The faith in voluntary and internal vigilance to control excesses, irresponsibility, inaccuracy, and fabrication seemed to evolve in the 1920s and was attributable to the growth of journalism schools, the insistent criticism published in the small magazines, and the enhanced status of journalism as a vocation. Nonetheless, reform—when it was prescribed—did not sink deep roots. That, said some pundits, was because the public demanded and got what it wanted—no more, no less. In 1928 renowned lawyer Clarence Darrow told a gathering of the American Society of Newspaper Editors that newspapermen were “lacking in high ideals in a business filled with temptations, but as such, were in tune with the spirit of the age.”

Silas Bent, a journalist who wrote a celebrated book about the news business called Ballyhoo, told the same gathering that “there is no visible evi-
unpopular notions, the most eccentric, the most revolutionary, should be heard and published and examined because truth is never final, Mill said. It must be constantly disputed, enlarged by new discoveries, or altered by corrective vision.

To leave conventional wisdom untested by different or opposing ideas was to give in to a “collective mediocrity,” to fall victim to “the deep slumber of decided opinion.” For Mill, the American concept of self-government was a fundamental right. He detested people and ideas that sought to limit the liberties of other persons by imposing their power or because they wanted conformity of thought and action or because they were convinced that how human beings should live their lives can be determined by one true standard and only one—and any deviation from it could justify legislative or regulatory action. Mill was not prophetic about the issues of national, social upheaval, patriotism, and law and order that would afflicting the twentieth century. His passionate but narrow focus on individual rights and his fear of spiritual obstacles to those rights left little room to consider poverty, disease, moral decay, and the other issues that confronted communities and required political consensus. For his critics, Mill left too many large questions unsettled.

The mass circulation newspapers taking shape in America in the late nineteenth century demonstrated a belief in individual freedom, but primarily in terms of the proprietors. Faceless readers were seen in gray tones, easily manipulated by the format that entertained them and appealed to their lowest level of imagination. The great issues of free expression within an ordered society were not the editorial grist for yellow journalism or for the big advertisers who regarded themselves as sponsors and underwriters of the newspapers in which they advertised. Their purpose was to sell goods and services to large numbers of consumers. Social responsibility and social problems such as racism were largely irrelevant except when the plight of the underprivileged could be dramatized sympathetically to enhance the popularity of the paper.

Pulitzer substantially broke with this pattern—first by separating the editorial page from local news, wire-service coverage, and entertainment features such as comics, crossword puzzles, and sports and then by treating the news with greater respect, accuracy, and flair. Hearst continued marketing sensationalism. The New York Times meanwhile maintained its standard of seriousness and the reporting of news “fit to print.” Its circulation grew slowly. In Alexander Meiklejohn’s view, “human interests are in constant conflict with one another, they cannot all be realized. We cannot make the common good by simply adding them together. To give play to one of them means often to deny play to others. And for this reason, the public interest cannot be merely the totality of the private interests. It is, of necessity, an organization of them, a selection and arrangement, based upon judgment of relative values and mutual implications.” Though Meiklejohn was describing constitutional principles in the second half of the twentieth century, his words and their meaning have always been particularly relevant to the concept of responsible journalism—descriptively and prescriptively. The function of choice in the day-to-day editing of a newspaper reaching hundreds of thousands of readers with each edition clearly involved value judgments, competing interests, and the gatekeeping power of selection.

It was in the 1920s and 1930s that critics of the press produced the analytical and sophisticated essays that took into account the rise of journalism as an industrial entity that employed many thousands and supported ancillary enterprises. The papers had become absolutely essential to the retail business in America’s cities. The critics who demanded that editors ignore the concerns of advertisers may have been on the moral high ground, but they were not able to offer viable alternatives to the advertising revenue that paid most of the overhead and permitted the gradual upgrading of salaries and working conditions. What did emerge from critical discourse, journalism schools, and sporadic public revulsion—for example, to the raucous circus that descended on the Lindbergh kidnapping case—was more far-reaching self-awareness in the ranks.

To attract talented, educated writers and editors, the press could not resist self-improvement. Progress in quality and standards of reporting achieved a level of prestige and status that were not easily abandoned. Lawyers and doctors were able to accumulate wealth without loss of reputation or public rebuke. It was widely assumed that professional excellence engendered well-earned rewards. The journalist had neither the license nor the record of personal service to enhance his career, and even among the most talented practitioners, the financial rewards were rarely grand. If there were no sense of mission and no public recognition, the news business could not attract competent, motivated people. The critics either neglected the effect of such economic realities or expected journalists to settle for sacrifice. The vow of poverty, however, was not openly recommended; nor were reasonable men persuaded to think of the newsroom as monastic. There were many ironies and contradictions when moral remonstrance confronted the profitable power of the press in a nation not yet two centuries old but already the citadel of democratic capitalism. What kind of appeal would move the purveyors of news toward understanding how much the still-fragile freedoms of the New World depended upon them?
16. Will Irwin, The Making of a Reporter (New York: Putnam, 1942), pp. 71-72. Irwin was prophetic, iconoclastic, and courageous. He was, of course, accused of fouling his own nest.


CHAPTER SEVENTEEN

1. Robert Hutchins et al., A Free and Responsible Press, ed. Robert D. Leigh (Chicago: University of Chicago, 1974), pp. 76-78. Fuller discussion of this report can be found in Chapters 19 and 20. The Commission on Freedom of the Press was urged by Archibald MacLeish to emphasize the notion of accountability, but several commissioners argued that responsibility was a better prescription because the requirement to be accountable suggested some outside supervision, whereas striving to be responsible required personal and internal commitment.


8. Ibid.


16. H. L. Mencken, American Mercury, October 1924, pp. 155-159; “Rockefeller Money Backs Scientific Probe of News Methods and Sources,” Editor and Publisher, September 6, 1924, p. 3.


20. The infant son of renowned airman Charles Lindbergh and his writer wife, Anne Morrow, was kidnapped in the autumn of 1932 from the Lindbergh home in New Jersey. The death of the child, the pursuit of the kidnapper, and the trial of the accused man, Bruno Hauptmann, were reported and commented on stridently, distortedly, and with reckless speculation and invasion of privacy. Said critic of the press Silas Bent: “They outdid themselves and one another in verbosity and vulgarity.”

CHAPTER EIGHTEEN


3. Ibid., quoting Curtis MacDougall in Qualitative Studies Division of the Association for Education in Journalism Newsletter 7 (Fall 1980):6; also see Margaret Blanchard, Exploring the First Amendment (New York: Longman, 1986), pp. 81-86, 120.


7. I was the Life reporter who covered the death of William Randolph Hearst.

8. From my personal notes made while in the room where Hearst died.