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SENTINEL UNDER SIEGE

The Triumphs and Troubles of America's Free Press

STANLEY E. FLINK
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TRAINING THE WATCHDOGS

I sort of drew up the specifications for the job [ombudsman] back in 1970. And I thought that what the paper needed out of this character was firstly a person who would monitor the paper every day for fairness and balance and whatever professional standards we were trying to uphold. Secondly, that this character should be available to the public to deal with complaints about the news columns or the editorial page.

—Richard Harwood,
Washington Post editor, ombudsman, columnist

Assurance of the broadest freedom of information, whether assisted by the government, discovered by the journalist, or validated by the judiciary—a kind of separation and balance of powers in itself—requires a comity on all sides, an acceptance of common principles, and the knowledge that those who are involved in the communications of a democracy play a major role in its governance. That mandate introduces the last component—at least in this rendering—of unfinished First Amendment business: the ethical responsibility of the press. In previous chapters the subject of ethical codes, press criticism, and public disenchantment has been examined. The point to make now concerns the pragmatically beneficial fallout from a policy of responsible, accountable journalism. Virtue in this regard has not been its own reward—not, that is, in the minds of bottom-line managers, cynical editors, and careerist reporters. For them the rewards must be more immediate in the highly charged mass media universe, although awareness of the long-term benefits has been growing substantially since the late 1980s. Seminars and symposia are organized more frequently at universities and among the large number of journalistic associations. Ombudsmen are functioning more visibly and effectively at more than thirty important newspapers. There is even one surviving news council that was formed in Minnesota and that has carried out, since 1971, statewide monitoring of the press. Most papers, daily or weekly, are learning to use letters from readers, op-ed pages, and other kinds of forums for ventilating disagreement with editorial positions, acknowledging bias, or providing alternative opinions.

More and better courses in ethics at journalism schools, internal discussions of ethical dilemmas, and workshops are taking place voluntarily among a variety of press groups. The literature of ethics and communication is gaining a permanent place in education and in trade magazines. The Nieman Reports and the Columbia Journalism Review are maintaining their traditional high standards, and they are not alone in the field of media criticism. Nearly every major newspaper and news magazine has at least one media reporter, and some television news departments have conducted sporadically televised forums on their own performance. Public television stations regularly present discussions of news coverage triumphs and shortfalls against the background of ethical obligations. A variety of books are published every year by trade houses and university presses on the technology, the jurisprudence, the achievements, and the failures of modern journalism.

Intramural criticism and accountability have engaged finally the most serious publishers and television news producers. Who is watching the watchdog is still a riddle. There is no definitive solution, and probably there never will be a satisfactory all-encompassing response. Ethical behavior cannot be codified or designed by committee. It may have to begin at the top, but it will inevitably depend on the individual conscience at every level. What can be accomplished by more education and understanding of the origins of ethical principles and the reading of a moral compass seems to be self-evident. Osborn Elliott, once editor in chief of Newsweek, later dean of Columbia University’s Journalism School, said in 1985: “I don’t think there’s any industry in the country that has done as much soul searching over the past ten years.”

The various methods of self-criticism can be gathered together over time and become a strong force in the practice of journalism. Many experienced and distinguished reporters and editors have concluded that the sensitized individuals who write news stories for print and broadcast will examine their own work more conscientiously because they have been made aware of the casualties caused by indifference to strict accuracy and the care required to produce a fair and balanced account. Richard Clurman suggested for the news media “two immediate and effective reforms to deal with their worst faults and the public’s greatest frustration with them.” His reforms, he admonished, will require no new laws or internal upheaval, “just a change in attitude.” First, the media must report honestly and candidly on themselves and on each other, in effect demanding the same standards of rectitude of the press that the press demands of public officials. Second, the media must allow prompt and adequate reply from their victims—or those who reasonably think they are victims.
These two reforms have not been entirely neglected in the past. As already noted, many papers and magazines assign reporters to media stories on a regular basis. Public television examines news coverage in discussion and documentary programs, and network news anchors have been known to apologize for errors and do so on the air. Major newspapers have acknowledged mistakes and printed corrections on a daily basis. There is movement in the area of “sorry about that” publicly expressed, but access is a less-developed country. The most commonly used avenue of reply or corrective addendum is the letters columns. These are not long on space or amenable to comprehensiveness. Now and then a letter to the editor is enlarged or polished and becomes an op-ed piece. Sometimes a phone call gets through to the appropriate editor and the caller receives an apology of sorts or perhaps finds a correction published the next day.

The New York Times introduced, in recent years, a correction box and occasionally publishes a related editor’s note. Corrections appear in the Times almost always on page 2, and research has shown they are very widely read. Much that appears as a correction relates to trivial inexactitude; but the mechanism has been established, and even skeptical press insiders consider it a commendable development. If the major newspapers and magazines—those with the “important” circulations and prize-winning staff members who have built deserved prestige and influence—more openly and expeditiously allowed the citizen his or her right to confront (or at least answer) the accuser, there would be in all likelihood fewer libel actions even if there was no appreciable increase in the popularity of the press. The disrespect for the press, however, among those segments of the public who follow the news and care about public policy could and should be diminished by systematic accountability.

If a reporter or an editor or a television newscaster is said to be accountable, he or she can be called to judgment and expected to give reasonable answers. The very definition of the word account is a reckoning properly requested and given, a statement explaining conduct to legitimately designated parties. That the purveyors of news will never win popularity contests is a timeworn assumption. That they may win more respect by genuinely holding themselves to established standards—the standards to which they hold Congress, corporations, and other American institutions and professions in both their reporting and their editorials—is neither timeworn nor merely an assumption. The challenge for the press is not only to establish ethical standards but to see to it that they are perceived to be operational.

Normative ethics beyond the basic demand for accuracy and fairness, which are not always demonstrable, become difficult to define. Ethical codes are often lyrically cobbled together but remain emblematic and impractical. The lawyers warn that published codes can be used against the publisher in libel actions. Similar reservations inhibit the coverage of the media by the media. The reluctance of “members of the club” to criticize other members is inherent, and when they do report on the mistakes or incompetence of fellow practitioners, they are often accused of self-decorations—if not treason. When neither honor nor some kind of rough justice is achieved, there is not much incentive. If the not-quite-a-profession called journalism pays too little attention to moral obligations, its young recruits will drift away from ethical judgments because such calculations will appear to be little more than personal opinions without a basis in reliable principles. Useful standards can and have been set by reporters and editors, publishers and producers. The individual conscience and experience have taught journalists what ought to be said and done, but the individual cannot decree what will be said and done.

Ethical principles are not yet a match for careerism and compromise. News organizations from the top down will convey a commitment to high and honorable standards, to best ethical performance, only if proprietors and managers, publishers and editors, producers and anchors, are convinced that integrity is a sensible long-range investment even if they have to go it alone. A good example of going it alone in the interest of principle comes from a memorandum sent by Steve Brill, who was president of American Lawyer Media, to his colleagues at Court TV—a cable service that covers important trials. In regard to a request for coverage of the Woody Allen—Mia Farrow hearing, Brill said, “We also told the judge that consistent with our long-standing policy, we would not, even if allowed, show any testimony of children or any testimony pertaining to explicit sexual matters or any testimony about the medical or emotional lives of the children that was unduly personal. . . . I hope other news organizations—including the print media—will do the same (and not do it live and not put all the lurid details in the tabloids), but I’m not confident that all will, and (as with using the names of rape victims without their consent) I’m not going to let their editorial decisions dictate ours.”

Social scientists have repeatedly found that there is little correlation between ethical beliefs and ethical behavior. But individuals who learn to analyze and express their beliefs precisely and then learn how to apply those beliefs to specific problems are far more likely to act according to those beliefs. For journalists a written ethical code is comforting, high-minded, and impractical. It may be employed as a shield—“We do things right, read our code.” Or at best it is a reminder—often eloquently composed—of ineffable ideals.

Richard Clurman observed tartly, “As the press grew into the news media in the second half of the Twentieth Century, they overwhelmed other conventional centers of American power. To politicians and public officials on every level—from President to aldermen—it was how the media reported and commented on them that determined their fate.” As for the
public at large, the readers and the viewers, the media have often seemed so indifferent to fair play that trust has eroded. The sharpest skepticism centers on being able to talk back, to remonstrate with editors who may be faceless and nameless, or to confront byline reporters who “stand by the story,” won’t answer the phone, are out of town, or at best suggest the offended party write a letter that he or she has no reason to believe will ever be published. In regard to that skepticism, the possibilities of news councils should be constantly revisited. Despite the record, changing times make intelligently conceived monitoring councils a potentially valuable resource for the media and the public.

In the next century the mass communications print and electronic news organizations with the greatest influence on public opinion and electoral decisions will be owned by a small group of conglomerates. If profit-seeking overwhelms responsibility among these corporations, the role of the press in a free society will change for the worse. Should the short-term bottom-liners triumph, the trend will be, predictably, toward more sensationalism, entertainment, and soft journalism. If fiduciary responsibility is recognized and supported by management, the press can benefit from the economic strength of being owned by large corporations: It can expand global coverage, hire and appropriately compensate the best educated and talented people, and sustain the capacity to be a sentinel for the public interest.

Not only are the credibility and open discussion in the media essential to public judgment, but without those conditions public participation will slacken. People may indeed lose interest in self-government. If an informed and active electorate is the nerve system of democracy, it will have to survive the fragmentation of American society, already projected by demographers. In 2050, barring nuclear war or rampant plagues, it is estimated that the number of human beings living on this planet—will grow to more than 10 billion—twice the population in 1995. In that clamorous universe the globalization of American interests will require an understanding of political, environmental, scientific, and spiritual developments that only responsible mass communications can provide on a widespread basis. If nations and political structures are to live together in relative peace on our crowded earth, the international media will be their schoolroom and their mediator. What individual minds will do with reported facts and given opinions will vary according to the emotional and intellectual climate.

The American press has, with all its faults, been the best in the world—technically and editorially—for over 100 years because it has remained free and, by and large, independent. Its leadership position will be confronted in the next century by social, technological, and political ferment, but the greatest threat to America’s press comes from within—from its sense of itself. The press has by its very nature defined its own place in society. If it does not clearly define and accept its responsibilities and keep its standards strong under the lens of self-examination, intramural criticism, and public accountability, news will become just another commercial enterprise—selling itself as entertainment in print and on the tube—with little meaningful substance between them. At the end of the day, if news or information on significant public issues is perceived to be so faulty or inadequate that it becomes a “public danger,” how long will constitutional protection endure?
16. Bickel, Morality of Consent, p. 82.
17. Ibid., p. 86.

CHAPTER TWENTY-FOUR

2. Ibid., p. 266.
3. Steve Brill, memorandum to the staff of American Lawyer and of the cable television program Court TV in 1993.
4. Clurman, Beyond Malice, p. 32.

EPILOGUE

6. Cited in Isaiah Berlin, Four Essays on Liberty (London: Oxford University Press, 1984), pp. 153-154. Berlin analyzes Kant’s theory of voluntary obedience thoroughly in his essay in the context of related doctrines embraced by the ancient Greek philosophers and Enlightenment European philosophers. He cites Edmund Burke, who proclaimed the individual’s right to be restrained in his own interest, because “the presumed consent of every rational creature is in unison with the predisposed order of things” (pp. 147-148).

SELECTED BIBLIOGRAPHY