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SENTINEL UNDER SIEGE

The Triumphs and Troubles of America's Free Press

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Bidding farewell to his students at Chicago in 1951, Robert Maynard Hutchins, the man who had helped to institute the Great Books course to celebrate Western civilization, described a gloomy future in which there would be "nobody speaking and nobody reading." He explained it this way: "Astronomers at the University of Chicago have detected something that looks like moss growing on Mars. I am convinced that Mars was once inhabited by rational human beings like ourselves, who had the misfortune, some thousands of years ago, to invent television."

Early on, Hutchins had foreseen the technology boom and the "intellectual wasteland" of the visual age. He may not have reckoned on the full onslaught of entertainment that television would impose on every aspect of life in the second half of the twentieth century, but he understood its effects on America would be described as the "best entertained and least informed nation in the Western World."

Technology has not been a significant problem for media companies. Both print and electronic news have had little difficulty adopting inventive means of distribution from the telegraph to the satellite. The more complicated task was to keep an established audience. Life magazine had to surrender to television. Network television's enormous audiences were fragmented by cable and VCR. Now the computer minces the market for the traditional media into even smaller pieces. This may have a positive effect on entertainment, perhaps on children's programming, and even on general education, but the electorate—the "public" that forms opinions and chooses its public officials—needs help from the serious media.

Thinking of the media as a monolithic force is foolish, but facile judgments are invited when journalists behave, as Eugene McCarthy once described them, like blackbirds on a telephone wire: One moves to a lower wire and all the rest follow. Sometimes it becomes a feeding frenzy. There are, of course, birds of different feathers, and they are not all frenzied. But if journalists are to be regarded as reliable and fair, they will require an ethos that makes ethical consciousness automatic. There are lines and boundaries they should not cross. That awareness of boundaries needs the elucidation of a continuous process voluntarily entered into. To remain at arms length, reporters may have to choose between self-aggrandizement and trust. Some commentators in print and talk radio have trouble with another kind of separation—between healthy skepticism and virulent disrespect. Speech, whether sick or healthy, is protected by the First Amendment, but how long will the public feed on fear and loathing? And with what effect on self-government? Civility has no such strident defenders.

"There is no question," Woody Allen reportedly observed, "that there is a moral and ethical world out there. The question is how far is it from midtown, and how late does it stay open."

What is not widely in place is the watchdog role for the watchdogs—journalists who can write freely about the transgressions of other journalists without fear of being ostracized or accused of betrayal. Biting the hand that feeds is not happily undertaken. Only when there are other hands that applauded because taking the high ground produces public trust, and ultimately public loyalty, will the ethos change. The beaten counters are the least likely to wait it out. The steady, methodical process of reviewing each important public interest story and each editorial decision calls for tough questioning and much patience. Is this what we want to say? Is this what we ought to say? After the early headlines, the handouts, and the media events, there can and should be a second wave of journalism—follow-up, setting the record straight. In the financial world, it is called "due diligence." No less a precaution should apply to the people's business. But without a bright line between responsibility to the citizens who read, listen, who watch, and the commercial interests of the proprietors, diligence is meaningless.

Suggestion: a different form of quarterly results. News organizations could check their lead stories of the previous three months and report on the consequences of media attention—exoneration, prosecution, reform, progress, outrage. Voluntary correctives can be competitive. When top-flight newspapers, television newscasters, and Internet suppliers find their competitors striving for rectitude and accepting responsibility for mistakes, the movement toward institutionalizing ethical standards—without legislative coercion—could become an inexorable tide. The V-chip and the net-
work violence-rating system may be regarded as evasive action to avoid congressional piety, but the challenge for the expanding news business is to identify, as best it can, the divide between public interest and private rights—then create the mechanisms for keeping them separate. An intellectual M-chip (for Meiklejohn) would be helpful. No one has spoken more clearly and cogently than he did on the difference between the information and commentary necessary to an informed electorate and those activities that are intrinsically private or commercial. Meiklejohn said: “The guarantee given by the First Amendment is not then assured to all speaking. It is assured only to speech which bears, directly or indirectly, upon issues with which voters have to deal—only, therefore, to the consideration of matters of public interest.”

In the past few years, there has been significant intramural criticism concerning journalists whose appearances on television talk shows make them more famous than the public officials they scrutinize. Some reporters have become pancaked pundits, others mere shouters. All of them will claim (and not always disingenuously) that they can keep a wall between their often highly paid public roles and their personal responsibility as observers and interpreters of the political and cultural process. They will have to if they are to be entrusted with the task of separating fact from fiction. The news media will not flourish in public purpose or in private enterprise if they deliberately violate their promises and principles. To avoid that breakdown, the media have to subscribe to a set of beliefs and maintain them—not merely for the sake of appearances but as common sense. Becoming a “public trust” takes time and determination, but that achievement will be an investment worth making for news companies, particularly those that are part of a larger, multifaceted corporation. Without a commitment to responsibility, news operations slip into the ephemeral area of triviality and disguised entertainment.

In contrast, the corporations that protect their news divisions from short-term business adjustments can create an enterprise that will benefit the larger society and engender confidence in the goods and services provided by other divisions under the same management. A flagship news operation can operate with enlightened self-interest. There aren’t many well-navigated flagships on the journalistic high seas, but those that set sail each day with a commitment to quality are vital to the safety of democracy—and will enhance the corporate balance sheet. A quality news organization can and does attract advertising revenue. News credibly and competently delivered will also provide that unquantifiable element called integrity. A virtuous reputation in the global marketplace is valuable in itself, and only independent news reporting can counteract the charge that the First Amendment is being used to reinforce concentrations of private power in the hands of conglomerates that control cable television, telephones, and computer networks. The power to distribute news is potentially the power to select content. The journalism that brings to the body politic the ideas, the actions, and the consequences of public policy cannot be left to the forces in a marketplace because too many voices will go unheard and too many voices representing special interests will be heard. The danger is not so much from the conscious effort of management to shape the news but from the culture of a vertical corporation that influences the decisions of editors and reporters to serve the best interests of the bottom line.

Can a watchdog also be a celebrity? Fame and fees, book contracts and lecture tours, are seductive. Journalists are no less interested in money than are doctors and lawyers. Regular appearances on the TV screen unavoidably create celebrity. If the mass media reporters are viewed as vassals of special interest groups and the entertainment business—collectively as part of international conglomerates, individually as performers under bright studio lights—the most important institution able to provide political enlightenment for a mass audience loses public confidence. That prospect should concern everyone who cares about democracy in the coming era of borderless cyberspace.

Critics are always long on diagnosis, short on treatment. So what can be done? To start with, we can explicitly employ some of the ideas reported earlier in this book:

- Collaborate with the nation’s universities and colleges in designing curricula tailored for working journalists in every community. These can be concentrated seminars lasting days or weeks on those subjects least understood by the public or most rapidly changing. Such educational opportunities will do for journalists what they must do for audiences unable to tap or not interested in isolation journalism called up on computer screens. News organizations and foundations should subsidize the cost of such programs and the hiring of more Ph.D.s. In 1898 the Journalist, a trade paper, reported that most of the large newspapers in New York City had at least ten college graduates on their staffs. In 1998 a college degree will not be good enough for many key positions. There may be and ought to be in the media a thriving market for Ph.D.s to help interpret economics, environmental problems, science, medicine, and law, among other areas of information.

- Managers of news enterprises should devise and encourage forums on journalistic standards, focusing on how the obvious can be made commonplace and how the lip service given to accuracy and fairness can be transposed into practical day-to-day decisions. Adherence to an agreed ethical practice should be an important factor in job references and promotions. Newspapers, news magazines, and TV stations can get help in this area from nonprofit organizations
such as the Poynter Institute, the Freedom Forum, and the Nieman Foundation, among others. At issue here is the inherent capacity of computers to provide swift and unretractable misinformation or deliberate distortion—a capacity that is greater today than ever before. What is vanishing in America is that almost tactile news—small papers passed from one person to another, read aloud in taverns and inns, poured over in family sitting rooms, and remarked on from the pulpit, its contents discussed and debated locally among people who know each other. Nineteenth-century Americans waited impatiently for the post and clamored for copies of newspapers. In the South, poor white farmers actually complained that the slaves in the plantation houses had more access to sparse newspapers than they did. The shift from such closeness between limited news and hand-to-hand circulation to national TV around the clock, and now Internet, places an inescapable burden on the responsible press. Somehow, in the morass of competing information systems, there must continue to be those high-quality newspapers, magazines, and newscasts that will attract an audience of educated people. It is that audience, taken as a group and given its ability to help shape public policy, that the media of the next century must satisfy. It is that audience that will eventually question whether democracy can survive if manufacturing public consent is an unregulated private enterprise.

- Accountability is the external face of internal resolve. It cannot be meaningful unless it begins at the top, and it cannot be credible unless it is systematic and candid. Those people who believe they have been wronged by the media should be given an opportunity to make their case and to face their accusers in one manner or another. Ombudsmen can provide a point of contact, or an “office of accountability” might be established to deal with complaints and redress bona fide grievances. The key factor will be response. Accountability needs the same robust muscle tone that Justice Brennan advocated for a free press. Correction and clarification require consistent frankness and visibility.

- Journalists long ago gave up on the “objectivity” strategy. Because no reporter can be totally objective, the attempt to report a story as if the writer were a tabula rasa—collecting random facts while carrying no intellectual or philosophical baggage—distorted the news with neurotic neutrality. The challenge of informed interpretation, as the best alternative, is to stay as close as possible to balanced truth-telling, whatever the reporter’s personal views. Evenhandedness does not preclude values. In the 1920s it was Henry Luce who advocated stories that combined “intelligent criticism, representation, and evaluation of the men who will hold offices of public trust.”

- For the news consumer who cannot rise above stereotypes, there will always be a convenient bumper sticker about the press—in recent times most likely some variation of “too liberal,” although “too conservative” is not ruled out. The public looks for corroboration of a received opinion on special interests—abortion, taxes, law and order, race, and immigration, to name a few. When confronted with contradiction, the viewer or reader must reexamine (possibly reaffirm) his or her position or dismiss the messenger as biased. Circumspection and thoroughness are among the safeguards for the media. Diversity of opinion (and writers) on editorial and op-ed pages or in the casting of television panels is the best evidence of fair play. Individual reporters will experience reality differently and describe it differently. The commonality ought to be a good-faith effort to get it right (not necessarily first)—to inform, not merely entertain.

- Indisputably, at the center of all journalism in whatever form, there are and always will be words—morally charged or deliberately malicious, shaped by spin or sodden with ignorance. Words evoke ideas, and ideas, as Justice Holmes informed us, are incitements. Photographs, video pictures, and digital imagery may convey powerful impressions, but without captions or narration, those impressions are incomplete, inexact, or erroneous. Words are the voices of memory, making the past available. Henry David Thoreau, in the early 1840s, was visited in Concord, Massachusetts, by a reporter who wanted to get the transcendentalist’s view of a new device called the telegraph. “The President of the United States,” the reporter said excitedly, “sent a message to the Mayor of Baltimore in a matter of minutes.” Thoreau, the story goes, pondered this news soberly and then asked, “What did the President say?”

- To choose some events or some public figures as more interesting or more significant than others, we must depend on those values we have been taught or have learned through experience—another function of memory. It has been said that to understand is to explain and to explain is to justify. The more a journalist knows, the less difficult (at least in terms of conscience) is his or her choice of facts—and the words that describe their meaning. Unlike a musician, reporters have no score to follow. If they create their own score, over time, with reliability and sparkle, they should be suitably recognized internally and externally.
Since the deep-running principles journalists ought to support and share are vulnerable to situational ethics (choose your own flavor), the rehearsing and revisiting process is vital. Journalism—taken here as the reporting and interpretation of those events and issues the electorate needs to understand—must examine, discuss, and employ enduring standards on a day-to-day basis as part of a working experience that is no less important than getting the facts or beating the competition. Ethical standards are like seat belts—you have to decide to use them. Immanuel Kant advised: "A rule does not oppress me, or enslave me, if I impose it on myself consciously—accept it freely—having understood its value."  

Values compete in the marketplace. The goals of various social groups are not all alike. People must choose between ultimate values, and such choices will be more wisely made if they are based on perceived truths that have lasted for a long time and become integrated into people's sense of themselves. Awakening and reawakening the public to these moral beliefs have not been natural pastimes for journalists—nor have they been for politicians, lawyers, financiers, or others whose work affects public affairs. They should be, however, a requirement for the sentinel over all our liberties because despite contradictions and anomalies, the constitutionally protected Fourth Estate has undertaken the surveillance of those who govern or judge or administer public institutions—presumably in the public interest. That surveillance surely must include the press itself—over and over again. Perhaps, after fifty years, another Hutchins Commission should be summoned.

Looking Ahead

However "called up," reliable news coverage will have to be reported and edited by fallible human beings. News events and public policy ruminations in various legislatures and cultural institutions will be reported by the men and women of the news media on site. The fragmentation of delivery systems will have unpredictable economic effects, but the competence and ethical judgment of those who gather and organize information for public consumption will face the same challenges and responsibilities that have been part of the American experience since the beginning of political life in the New World.

If journalists become mere cogs in a corporate wheel, individual conscience and judgment will seem unnecessary. The reality is that anyone can be a journalist simply by declaration. The image of fast-talking, disreputable hacks barking into stand-up telephones faded out with black-and-white movies. But the free-booting, freelancing modern version can chase down a story, interview a public figure, and produce anything from a piece of the truth to a porridge of semifictional innuendo. If some editor buys it, the writer has become, voila, a journalist. Trash and flash are as permanently on the record as first-rate documented reporting.

I return to the theme with which this book began: Responsible journalists cannot always take the long view when the deadline is daily or weekly, but the best of them can look at least to the middle distance, where consequences begin. If reporters allow pervasive cynicism to cloud their vision, if they mistrust all public officials as scoundrels without considering what they may have accomplished, the "adversary culture" will set the media agenda. Harsh, negative journalism is corrosive. It might not damage the user, but it will certainly discourage public service. Between liberal condescension and the self-righteous anger of right-wing demagogues, there is the "quality" press that often reveals the hollowness on both sides. The best evidence of the success of the journalistic elite is the regularity with which the major newspapers, magazines, and networks are accused of bias by the left and the right.

A 1996 survey of 240,000 college freshmen conducted by the UCLA Higher Education Research Institute found that only 29 percent thought it was important to follow the political news. Only a third of them believed that "promoting racial understanding should be a priority." About the same number believed that an individual can do little to change society. The slide downward into apathy has been accelerating since the 1960s. The media must be held accountable for a significant share of this disconnection. If news and commentary come to the public in strident, partisan terms, a turnover is inevitable—and dangerous for democracy. People know, because of their own experiences, that very few issues are black and white. Ask them to consort with simplistic views expressed with absolute, high-volume certitude and they will soon turn away.

Aristotle's golden mean placed the truth somewhere between the outer edges, and not necessarily in the middle. Journalism seeks the truth without specific entrance requirements, without knowledge of standard texts, and without a supervisory body watching over its practices. The rules can be prescribed only internally, often by individual choice, if the press is to remain free, independent, and trusted.

Because journalism does not provide an oath of office or codified obligations, there has been less institutional feeling, or loyalty, than a professional status might inspire. If the large news organizations—or the large corporations that own news organizations—were to voluntarily form an independent monitoring agency with a limited mandate, as is the case in Britain, there might be defined benchmarks, at least regarding accuracy and fairness and corrections. Such an agency might also change attitudes. The notion in-
side the media that any criticism from the outside is interference has deep roots, but survival runs deeper. Moral ambiguity is the fashionable description of what ails the media when it allows facts and fiction—a mixture of reality and pseudoreality based on staged events—to come mingle without a clear distinction between the two. Will such practices erode public support for traditional First Amendment protection? Of course they will. The serious news organizations should continue their effort to establish voluntary restraints and standards that can be convincingly displayed to the public. Not all consumers care; that makes it even more important that the press define its values and live by them. The unsubstantiated charges of wrongdoing leveled against public figures by innuendo or drawn from second- and thirdhand gossip are pernicious and self-defeating. Politicizing the news, or the appearance of it, discounts the hard work of uncovering serious misuse of political power. Using tabloid sleaze by attributing it to tabloids will soil the responsible press no matter how sanctimoniously reported. Respectable news organizations should distance themselves from the junk dealers or risk the distrust (if not the disappearance) of their audiences.

"Democracy is a device," George Bernard Shaw slyly proclaimed, "that ensures we shall be governed no better than we deserve." Without a varied, independent, and responsible press, the people will not understand what they have; nor will they know whether they deserve better.

NOTES

INTRODUCTION


CHAPTER ONE


9. Regarding the Pulitzer prize, see Columbia Journalism Review, November/December 1991, p. 86.


CHAPTER TWO

1. Forrest McDonald, "Bill of Rights: Unnecessary and Pernicious," paper delivered at the United States Capitol Historical Society symposium, Washington, DC,
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