

CAROL BURNETT FUND
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speaking on

JOURNALISM ETHICS:
More Than Tea-Talk At 4 P.M.

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JOURNALISM ETHICS: MORE THAN TEA-TALK AT 4P.M.

Good afternoon. It's a pleasure to be here on your campus today. Actually, it's my third visit since my good friend, John Luter, took over as director of your journalism program. I am delighted to note the progress that the department has made in 12 years.

We have a serious subject to give our attention to in the next hour. No, I am not going to talk that long. I have prepared about 25 minutes, and then we will devote the rest of the period to your questions and my attempts to answer them.

Our subject today is ethics, the ethics of journalism or, if you prefer, the mass media. And we are indebted to that hilarious comedienne, Miss Carol Burnett, for making these annual lectures on journalism ethics possible.

In preparing for this discussion I learned that not too many people out there in mass media-land have a very clear idea of the word, ethics. Here are some of their reactions:

--"Oh, that's something journalists and professors talk about when they retire."

--"Doesn't it have something to do with tea at 4 p.m.?"

--"My network's code of ethics reads like the fine type in an insurance policy. I never read the thing."

--"A code of ethics never helped me cover a breaking story and make the paper's deadline."

Those reactions--and others--are not surprising in an era of journalism that places heavy emphasis on speed, increased circulation in newspapers and magazines and ever-mounting Nielsen ratings in radio and television.

But thoughtful journalists would be wise to pause occasionally, think about their ethics and how they might improve their professional conduct. That might strengthen their standing with their critics out there, plenty of them. We hear from them almost every day. Just before I left New York, I received this circular in the mail. The headline of this proposed advertisement reads:

"HIT SQUAD STRIKES AGAIN"

and it shows ABC, the New York Times, NBC, The Washington Post and CBS News, all of whom, the ad charges, are trying to destroy President Reagan.

The ad comes from "Accuracy in Media," a conservative organization, based in Washington, which has set itself up as a watchdog of the national media.

While more moderate media critics might agree that AIM comes on overly strident, there is plenty of middle of the road criticism. Its list of complaints is long, including all of the following, and more:

--The media lack fairness and balance.

--Reporters invade personal privacy and are insensitive to the grief of persons in distress.

--The media use sensationalism to sell newspapers and magazines and build radio and television audiences.

--The media often display bad manners and poor taste.

--They are often inaccurate and incomplete.

--The media often print rumors that have the power to ruin people's lives.

--The media lack accountability and there is no authority to which they are responsible.

--Reporting techniques, such as ambush interviews, taping on the sly and entrapment, are unfair.

--The media often are guilty of having conflicts of interest which they hide.

Those are serious complaints, ones that the media cannot brush off lightly. Let's take these complaints on journalistic ethics individually. I base my comments on the 45 years I worked in the news business, the first 20 in print journalism, followed by 25 years in broadcasting.

Complaint Number One--Lack of fairness and balance. While it is impossible to generalize about an industry that is as large as the American media, I give most American newspapers, wire services, networks and broadcast stations a better than passing grade in this area.

No journalist can achieve 100 percent objectivity. We all come from different backgrounds and life experiences; thus we write and edit based on those experiences. But we can try to be fair and achieve balance in reporting and editing the news.

In this area the ground rules are different for the print and broadcast media. For newspapers and magazines fairness and balance, thanks to the First Amendment, are completely voluntary. Radio and television, which are regulated by the Federal Communications Commission, must observe the Fairness and Balance Doctrine.

That doctrine says that when stations--and by extension, networks--deal with controversial public issues, they must present major contrasting points of view in their program schedules. Each program need not be balanced within its four walls. But somewhere in its schedule a station must achieve fairness and balance on all controversial issues.

During the quarter century that I worked in broadcast journalism, the most frequent complaint that crossed my desk was the charge of bias. Yes, I am sure there is bias in such a large industry as U.S. journalism. Most often, I found, bias, like beauty, is in the eye of the beholder.

It was not uncommon to receive complaints of bias about the same program from readers and viewers with different points of view. Reporters and editors do have biases. Most of them try to suppress them in their efforts to achieve fairness and balance.

Complaint Number Two--Invasion of privacy. Reporters have been intruding on private lives during my entire career in journalism. My first newspaper, the Louisville, Kentucky, Herald-Post, survived during its last few years with sensationalism. Our reporters often invaded privacy.

Today both print and broadcast journalists intrude on private lives, although I don't charge that this invasion is widespread. One of the celebrated cases was that of advertising executive Mary Cunningham. In her book, "Powerplay," Ms. Cunningham called the media people "a vigilante group, always looking for something wrong." They tainted her name, Ms. Cunningham charged, by reporting that she was "sleeping her way to the top" of a large corporation. She later married her boss.

Some days it seems that an essential ingredient of winning television news stories is a grief-stricken person crying. Capturing that emotional footage quite often results from an invasion of privacy. Many viewers thought that the television networks had gone too far when they filmed military officers informing wives and mothers of U.S. Marines that their loved ones had been killed when terrorists bombed the Marine barracks in Beirut. One crew even hid behind a bush, recording the emotional shock with a long lens and a fishpole microphone.

One survey by the American Society of Newspaper Editors, done in 1985 reported that more than three-fourths of the public feels that most reporters are mainly concerned about getting a story and "don't much care about hurting people."

Even though a small minority of journalists is guilty of invading privacy, it is enough to give all of the mass media a bad name. Clearly, improved conduct is in order.

Complaint Number Three--Sensationalism. Tabloid journalism--whose hallmark is sensationalism--has been a part of the American journalism scene throughout this century. When I was starting out, it was the Daily New York Graphic that was jammed with accounts of rape, arson and murder.

The Hildy Johnson school of journalism in Chicago became famous when Charles MacArthur and Ben Hecht wrote their play, "Front Page." Today, 50 years later, it is playing in revival--for the fourth time--at New York's Lincoln Center. Its theme is "anything for a good story."

When I first took over ABC News in 1963, I had to resist subtle efforts to move our style of journalism from the traditional to the sensational. We were third in audience ratings to NBC's "Huntley-Brinkley Report" and "The CBS Evening News with Walter Cronkite." The question I often faced from the top of the company was: "Isn't there a different style of journalism that will attract audience for us?" They really meant, "go tabloid." I resisted.

Today network television news--for the most part-- is traditional in its news values, but does have occasional lapses. Two instances which come to mind are ABC's vast overplay of the capture of the New York murderer, "Son of Sam," and leading with the death of Elvis Presley over more important foreign stories. "World News Tonight" devoted 18 of its precious 22 and a half minutes to the capture of the murderer. To their credit the TV networks did not overplay last week's death of Liberace.

Sensationalism can be the overplay and excessive promotion of a story, charges that resulted from the television network coverage of the hijacking of TWA Flight 847 in June, 1985. Terrorists held the plane and 39 Americans hostage for 17 days at the Beirut airport.

Journalists, especially the television networks, were in a dilemma. By providing such extensive coverage they gave currency to the terrorists' demands. But to play down or ignore the hijacking was unthinkable. The U.S.--indeed, the world--needed to be informed.

So, what to do? In the post-mortems some critics suggested codes of voluntary restraint. The American networks resisted that proposal, arguing that it would be inoperable. Even if three American television networks could agree--which is unlikely--it would be completely impossible to obtain the co-operation of non-American news organizations, many of them antagonistic to the United States.

My personal view is that each news organization must exercise its own self-restraint. Group action is impossible.

Complaint Number Four--Bad manners and poor taste. In this category one scenario repeats itself more often than any other. The scene is the side of a small lake in a public park. A drowned child lies lifeless on the ground. Anguished parents are contorted in grief. A still photographer and a television news cameraman record the scene in living color, the video capturing the sobs in natural sound. A television reporter sticks a microphone in the faces of the parents. "How," he questions, "do you feel?"

That scene is only slightly fictionalized. Complete strangers, on hearing that I was a television news executive for 25 years, often demand of me: "Why don't you stop those reporters from asking grief-stricken people, 'How do you feel?'"

A Bakersfield, California, newspaper discovered how strongly the public feels about a still photograph of such a tragedy. After publishing the photo, the paper received 500 telephone calls of protest, one of them a bomb threat, and even had to evacuate its building.

Television stations, newspapers and wire services faced a test of their sense of good taste just last month in Harrisburg, Pennsylvania. The Pennsylvania State Treasurer, R. Budd Dwyer, who had been convicted of bribery, called a press conference, drew a Magnum revolver from a brown envelope and shot himself to death.

The cameras present recorded the sensational suicide for both print and electronic media. The story was more important in Pennsylvania than it was nationally.

Two Philadelphia stations and one in Pittsburgh showed the shooting to mid-day viewers, but limited their footage in later broadcasts when children were home. Other Pennsylvania stations did not show the shooting at all.

The NBC Nightly News on its national broadcast showed Dwyer waving the gun and then showed his body. CBS and ABC used only a still photograph of Dwyer.

The Associated Press transmitted a series of photographs but warned stations about their nature. The series included photos of Dwyer with the gun in his mouth and one taken shortly after he pulled the trigger. For the most part, the mass media showed good taste.

It is hard to write a rule governing good taste. An editor either has good taste or he doesn't. Television, because it works in color, motion and natural sound, has a bigger problem than do newspapers and magazines. But all media need to improve.

Complaint Number Five--Inaccuracy and incomplete coverage. If the press loses credibility, it loses the foundation of its existence. That possibility--the loss of credibility--is one that should deeply concern all print and broadcast journalists. Surveys show that only one person in three calls the press "highly credible."

"We promised accuracy," observes Joann Byrd, executive editor of the Everett, Washington, Herald, "but we spell names wrong, foul up addresses, garble even the local geography and display that we don't understand the fundamentals of the subjects our readers know."

Most journalists strive to be accurate. I have known some who fill in a few imagined details when all the facts are hard to come by. But often I wonder how journalists working at breakneck speed are as accurate as they are.

On March 30, 1981, all of the networks erred in reporting that the same gunman who shot President Reagan had killed the president's press secretary. Actually, the press secretary, badly wounded, survived. The erroneous information came from a usually impeccable source.

One occasion when ABC exercised great caution was the morning that Senator Robert Kennedy was shot in the kitchen of the Ambassador Hotel in Los Angeles, in June, 1968. As we prepared to sign off a primary election night broadcast, we learned that someone had fired a shot. It appeared that it had struck the senator. But we delayed reporting it until one of our reporters on the scene confirmed the facts. We did not even think about being first, second or third on the air with the story. As it happened, we were first.

The charge of incompleteness applies more often to radio and television than it does to newspapers and magazines. The straitjacket of time in which broadcasters work limits them to the barest details about many stories.

A 30-minute network television news program, as I said, really has only 22 and a half minutes after allowing time for commercials. An average story using videotape runs an average of a minute and a half. A "reader" item--recited by the anchor person--runs from 20 to 40 seconds. That can be as brief as two or three short sentences.

Radio news broadcasts do not score any higher for completeness. In the drive to hold listeners' attention, radio news editors place great stress on "story count," the number of stories in each program. The goal is to keep the broadcast moving.

Complaint Number Six--Rumors. By definition a rumor is a widely disseminated belief having no discernible foundation. Why should the mass media print and broadcast that kind of information? They are supposed to publish facts.

Rumors do get into circulation. Most editors and news directors agree that rumors should not be published unless they become so well known in business, government, sports and other circles that everyone knows them except the public.

Despite that agreement, rumors still find their way into mass media circulation. So what should the gatekeepers do? Well, the first step is to assign reporters to check the purported facts. If they confirm the facts, then print the story. The facts no longer constitute a rumor.

But what should editors do when they cannot confirm the rumors or when they discover the rumors are false? One answer is don't print or broadcast anything.

However, there are some instances in which the course of action is not that easy. Suppose a rumor sweeps Wall Street that the president has had a heart attack. Jitters hit the market. Stock prices fall, gold soars, the dollar drops. The mass media must report the fluctuations; they also have to say why. Handling such stories requires a sure touch.

Sometimes rumors circulate so widely by word of mouth--one citizen to another--that they cause widespread public anxiety. There are occasions when the responsible course for an editor is to report the rumor and squash it immediately. It requires judicious handling.

The Rhode Island Supreme Court said in a decision: "Publication of a rumor further fuels continued repetition and does so in an especially egregious way by enshrining it in print."

Complaint Number Seven--News organizations have no accountability. To whom is the press accountable? That question is often asked but seldom answered satisfactorily--at least to many press critics.

Discussions of this subject usually start with the First Amendment, which provides that Congress shall make no law abridging the freedom of the press. When Congress adopted the Bill of Rights in 1791, legislators thought only of the newspapers and magazines of that era.

Today, broadcasters believe they are covered by the First Amendment, too, but they also are regulated by the federal government. The Federal Communications Commission, established by Congress in 1934, also enforces the Fairness and Balance Doctrine and the Equal Opportunities clause.

Fairness and balance, which I mentioned earlier, is in effect 365 days a year. It requires that stations and, by implication, networks provide major contrasting points of view when they deal with controversial public issues. Section 315 of the Communications Act of 1934, which is in effect only during elections for public office, requires that broadcasters treat all candidates for public office equally. It covers free time as well as time sold for political commercials.

To the printed press, fairness and balance and equal space are voluntary matters. Newspapers and magazines have no government regulation.

Personally, if I were editing a newspaper, I would voluntarily provide fairness and balance in the news columns. I would endorse candidates for public office on the editorial page and grant space for their opponents to state their cases. Not all papers do that, a practice which provokes criticism.

There exist self-established media watchdogs, but they have no bite. One, the National News Council, which operated for 15 years, not only had no bite but eventually died of financial malnutrition.

Another self-established media watchdog, which I mentioned earlier, is Accuracy in Media, based in Washington and conservatively oriented.

Again, AIM has no enforcement authority. It relies on the impact of whatever publicity it can obtain in the printed and broadcast media.

Michael Waller, editor of the Kansas City Star and Times, is one journalist who thinks there should be some forum short of the law courts to which people can take their complaints if they can't get satisfaction from a newspaper.

Waller has proposed an organization which would be different from the NNC (National News Council). Only newspapers which felt the need for such a body would join voluntarily. An outside panel would consider complaints. Participating publications would agree to publish the panel's rulings. Waller is not optimistic about the success of his idea.

Any editor or news director in touch with his readers or viewers knows that there is a vast feeling of alienation out there in media-land. The public disagrees with what it reads, hears and sees, but has no regular outlet of expression.

Complaint Number Eight--Taping on the sly, impersonation, entrapment and ambush interviews. Is it ethical for a reporter to tape an interview on the sly while posing as someone other than a reporter? In 13 of the 50 states surreptitious taping is illegal.

Both parties to a conversation must agree to the recording of it. So in 37 states the question is one of a news organization's or a reporter's own sense of fairness.

I once testified as an expert witness for the defense in a suit brought by a Cleveland automobile dealer against WKYC-TV, the NBC-owned television station in that city. An NBC reporter, concealing an audio tape recorder beneath his windbreaker, recorded a conversation he had with the dealer's sales manager in the showroom. The station used about 15 seconds of the conversation, showing that the company was taking advantage of potential buyers.

My view, supporting the station, was that the end--revealing the shoddy practice--justified the means. I do not give a blanket endorsement to the means, taping on the sly. Each case should be considered on its own merits. If investigative reporters can obtain evidence by other means, they should do so. I would use surreptitious taping only if all other means failed.

One of the most popular television programs on the air, CBS News's "60 Minutes," has come under scrutiny for using all of these practices and more--taping on the sly, reporters masquerading as someone other than journalists, entrapment and ambush interviews.

One of the program's reporters, using the name of a person long dead, succeeded in obtaining a dozen different identity cards and a birth certificate. Thus armed, the reporter obtained a U.S. passport, under false identity. And all of this was with the acquiescence of the long-time chief of the passport office.

Is that practice ethical? Journalists disagree. I would use this technique sparingly.

Ambush interviews can be both effective and unfair. By surprising a person a television camera can make the subject look upset and perhaps guilty. One searching question, which the subject may refuse to answer, can suggest guilt. That's what makes the practice unfair.

Here I find it hard to establish a rule for all occasions. I would use ambush interviews sparingly, only when I was convinced that a person had had a chance to speak and was deliberately trying to conceal important information.

Complaint Number Nine--Conflict of Interest. Many of the ethical problems of journalism have shades ranging from black to white with plenty of greys. But when it comes to conflicts of interest, I, for one, can see no greys. I color all conflicts black and that means "DON'T DO IT." My list of "DON'T'S" for journalists reads like this:

1. Don't run for public office.
2. Don't endorse and/or campaign for candidates.
3. Don't serve on government boards, school boards, the boards of corporations, or charity boards.
4. Don't commit yourself to controversial public issues, such as bond issues or referendums.
5. Don't accept outside employment or fees that compromise your independence.
6. Don't accept favors or presents from businesses, politicians or anyone who might try to influence your coverage.
7. Don't go on free junkets paid for by persons trying to influence your coverage.
8. Don't write "puff" stories that large advertisers try to plant.
9. Don't seek or accept awards that are created solely to promote a product or service.
10. Don't get so chummy with the country club set that it influences your journalistic independence.

Not all journalists encounter the conflicts of interest on this list during their careers. But somewhere along the way you are almost certain to face one of them.

That long list of complaints may sound like the American press, radio and television have very low standards of ethics and ill serve the public. I do not believe that is the case at all. There are transgressors, as I have amply pointed out. My experience convinces me that the vast majority of print and broadcast journalists do have high standards. Perhaps the average journeyman reporter can't quote you a passage from the standards of ethics of the Society of Professional Journalists, Sigma Delta Chi, or of the Radio and Television News Directors Association. But most of them do have a sense of fairness, strive to be accurate, and do treat the subjects about whom they write the way that they, themselves, would like to be treated.

I have always felt that the greatest protection that the American public has is the plurality of its mass media. We have three major television networks, four radio networks, public broadcasting networks in radio and television, a cable news network, two major wire services, three big news magazines, 9,800 radio stations, 1,200 television stations, 1,700 daily newspapers and 9,600 weeklies.

It's a safe bet, I have always believed, that on any given day the vast majority of them will be--whether they know it or not--following the Code of Ethics of the Society of Professional Journalists, which says--in part--

"The duty of journalists is to serve the truth.....We believe in public enlightenment as the forerunner of justice, and in our Constitutional role to seek the truth as part of the public's right to know the truth.....Those responsibilities carry obligations that require journalists to perform with intelligence, objectivity, accuracy and fairness."

Our forefathers who wrote the Constitution bequeathed us a priceless heritage when they established the foundations of a free press. With all their faults--some of which I have mentioned today--the mass media serve the United States well.

In no other country in the world--and I have lived in, worked in or visited 68 nations--do the mass media serve their public as well.