

NiemanReports

June 1965

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The New Technology

By Lisle Baker, Jr.

"New technical developments" is a phrase as to which there can be little disagreement, but "automation" is a relatively new word in our language. It was coined, I am told, just a few years ago by John Diebold when he was a student at Harvard Business School. It has become a very fashionable word and one that is used so much in a generalized way as to become a cliché. In much popular discussion "automation" is both the savior of mankind in relieving us of all labor and also the devil which is causing massive unemployment. Some of you will remember that in the depression years of the 1930s there was another word of similar import which became quite popular. The word was "technocracy," and its concept was that engineers were to take over the management of society and that factories and other processes would be operated without human hands. There is a very close similarity in the popular concepts of both "technocracy" and "automation."

What is "automation?" Webster's New Collegiate Dictionary defines it as "the technique of making a process or system operate automatically." This is a very satisfactory definition, but it fails, I fear, to convey either the specialized concept of the group which defines it in terms of electronic data processing, computers, feedback controls, etc., and the popular concept which includes almost everything in the way of innovation in equipment, materials, technique and systems.

I take it what we are discussing today is the latter notion rather than the narrow technical meaning of automation. Consequently, what we are concerned with is simply an extension, perhaps an accelerated extension, of the process which has been going on since the birth of the industrial

revolution. Basically, it consists of applying machines, power, and human ingenuity to work to be done, and it involves knowledge and awareness of new and developing technology and a willingness to make innovations at all stages of the process.

The other point of our discussion is that of labor relations. Here, again, I would like to take broad considerations rather than confining our thinking simply to negotiations with organized and contracting labor unions. The impact of much that is going on falls upon news and editorial employees and upon photographers and library people as well as upon production workers. We shall, therefore, widen our definition of labor relations to that of employee relations.

Now, let's take a look at what has happened and is happening in the newspaper industry by way of new technology. Up until about a decade ago, the typical newspaper plant and operation was little changed from what it had been for some decades prior; but in the last ten years or so there has been a virtual explosion of innovation so that now new technology is "busting out all over." Since the newspaper is a highly departmentalized business, it is probably wise to list the most important developments by departments; and this listing will include some potential as well as actual ones.

In the newsroom we have delivery of wire copy at increased speed, the delivery of wire copy in upper and lower case form and in teletypesetter tape form, the application of computers to the organization and transmission of matter such as sports statistics, security markets, etc., and the application of business office equipment to relieve the drudgery of statistical and clerical matter.

In the photographic department we have the development and use of 35 mm. cameras, the introduction of films of high-speed characteristics, the automatic processing of film, the automatic printing of pictures, the high-speed development and fixing of prints, and the advent of negative color.

The library has seen the microfilming of files, both of full papers and clips, the use of copying machines for fast reproduction, the fast printing of copies from microfilm, and the potential application of computers to the indexing, filing and retrieval of information.

The composing room has undergone the most drastic transformation. Here the changes include the use of photo composition, the application of paper and metal paste-up procedures to ad composition, of higher speed linecasting machines, of increased and sophisticated uses of punched tape, of improved keyboards some of which are electrified and computerized, and more recently the direct application of computers to the problems of hyphenation and justification. In the realm of real potentials in the near future lie new proofreading systems and, in the far out future, the

(continued on page 11)

Most Books Aren't Worth Reading

By Hoke Norris

I met a man the other day who looked me up and down in perplexity and wonder. "Are you really a book editor?" he mused. "A *book* editor?"

Apparently the poor fellow had never before in all his long and misspent life met a real live book editor. He didn't quite believe there was such a thing as a book editor. I assured him that there was, but had to admit that our tribe was decreasing. It never was a very large tribe, and I daresay that in the United States of America we now number about one per ten million of population. The whooping crane has it better. At least the conservationists are trying to preserve that tribe. Nobody's doing a thing to preserve ours, and unless somebody does something soon, we shall become extinct.

It's been my observation, however, that our disappearance would go entirely unnoticed by 99 per cent of the population and 99.99 per cent of the publishers of newspapers. Nobody cares, as is evident if you've ever published a book. The industrious clipping service dutifully delivers the clipped reviews, and the author, with despair and sorrow, thumbs through them in waning hope that there is after all somebody out there. There may be somebody out there, but there aren't many who care enough about books to take them seriously. Except for the metropolitan newspapers, and a few of the smaller ones, the newspaper book page (or, more likely, partial column) is either non-existent, or is composed entirely of reviews either (1) written in bulk in New York and syndicated or (2) written by local housewives who majored in English at college. Most of the syndicated reviewers can't say anything, for fear of offending

somebody and losing a client, and while the local reviews don't quite begin "I like this book because," few of them rise very far above that high school level. The jackets of books are more often reviewed than are the books they embellish, and at that the author may be lucky. Sometimes it seems that the local reviewers are not reviewing *this* book at all, but an entirely different one. The American newspaper public is not being informed about books by its local newspapers, and what anybody can do about it, I haven't the faintest notion.

Not that the reviews in the larger papers always offer the quality that we should expect. Read some of them for a while, and you learn exactly what to expect. The editor, for instance, sends a book to a reviewer who has written a book on the same subject. The reviewer spends a column or so pointing out the errors ("It was in 1834, not 1835 at all, that Parson Quimbly moved from London to Canterbury . . . The Earl of Toastenshire was not eccentric in that he wore his sword upside down, as stated here, but in that he wore no sword at all . . .") The knowing reader of such reviews can close his eyes, sit back and write the last paragraph for the reviewer. It is as inevitable as envy and jealousy: "These, however, are perhaps but small errors in a book otherwise of such merit." The Author of a Book on the same Subject is more often than not a man who guards his small empire as a mother guards her infants. Beware! But the author is defenseless. The book editor sends a book to whom he pleases, and what is more logical than to send it to an expert? You can't always trust logic, especially *this* logic, as all book editors should know by now.

Selecting the proper reviewer for a book is, indeed, one

of the problems of book editors. There are others. Let's consider them, for a moment, on the unlikely chance that somewhere there's an editor who believes he'd like to start a book section, or a student who wants to be a book editor some day (why, I can't imagine).

One of the minor problems is the care of authors (you will note that I did not write "and feeding"—always make the writer pay for lunch). The good writer—the real pro—requires no care at all. He writes his book and then goes on to the next one. He does not pause along the way to annoy book editors. It's the amateur or the semi-pro—the one-book author dazzled by it all—that is the problem for the editor. He calls; he wants to talk to the litry edutuh; wants to have lunch with him; wants to—er uh, discuss his book with him. Sometimes this panting author who "just happens to be in town" has even hired a press agent to open the doors for him. The editor sighs. Another hour or so to be wasted, out of the too few hours. He knows what the uneasy author does not know: that a book must speak for itself, make its own way, find its own audience. That the real pro has enough pride and enough confidence in himself and in his book to refrain from asking for reviews. That the author who does abase himself before the litry edituh is demonstrating a fundamental weakness—a lack of confidence in himself and in his book. That the exertion of pressure upon the editor sets up its equal and opposite reaction—the resistance to pressure. By asking for the review, the author is almost assuredly arranging that there will be no review . . . Besides, most authors are terrible bores. If the author's got anything to say, he's said it in his book, or is saving it for his next one. He's not going to waste it on an editor.

The major problem however—the problem before which all others dwindle to slight annoyances—is the sheer bulk of the business. American publishers bring out about 20,000 new books a year (or about 19,775 too many). If we're lucky, on our newspaper, we can review about 500 of them. The job of selection often seems formidable, even impossible. But after a period of anguish and insomnia, the book editor makes a discovery. Most of the books simply eliminate themselves.

Let us call these the Self-Eliminators. At the head of this class—instantly and automatically—stand all books published by the vanity presses. The vanity publisher will publish any book he can get his hands on, if the writer will pay all the expenses of publication and enough more to guarantee the publisher a profit. Despite the promises made to the writer, vanity books are not "published" in the full meaning of that words. They are merely printed and bound, which is only part of the publishing process. They are not promoted or distributed, except when the poor victimized writer does the job himself, and they are seldom reviewed anywhere. It is a worthless, frustrating enterprise, except for the guaranteed publisher's profit, and except, as its name

implies, that it may inflate the vanity of the writer simply to see his work printed and bound. I'd rather risk neglecting a good book (granting the dubious assumption that any vanity book can be good) than help promote a racket. I make these remarks about the vanity writers more in sorrow than in scorn. The human ego is often a pitiable prey to the greedy and the unscrupulous.

Just as instant and automatic—almost—is the rejection of the how-to book, whether its pretenses are material or spiritual. So far as I am concerned, the book that tells all there is to tell about how to, say, build a rock garden must find its own way in the world, without any help from me. I am also vastly indifferent to the mysteries of bee-keeping, flower-arranging, cooking, stock-buying, and building furniture, a dormer, a patio, a porch, a cornice, a valance, a wall cabinet, and traverse tracks, which are some of the skills supposedly made easy in recent how-to books.

Nor—to list a few of the more or less spiritual how-tos now being offered an innocent public—nor can I consider as books the masses of paper, ink and glue that profess to tell you how to choose a wife and make your marriage a success, how to choose your home and live happily ever after, how to come alive to God through prayer, how to develop a million-dollar personality, how to enjoy your operation, how to get profitable ideas, and how to like people. There are some people I don't want to like, including people who write, publish or promote such books as these. They make promises they know they cannot keep; they know they offer the easy way to achieve goals that can be achieved only the hard way.

The task of book editors is also considerably lightened by the autobiographies of movie stars, athletes and other such public personages, as told to somebody else. These belong among the Self-Eliminators, though, alas, a few of them cannot be ignored. Almost all the as-told-to books are atrociously written, and would be unlikely even if well written. Off-stage or off-field, public personages turn out to be as dull as you or I, and their stories are by no means enlivened for the reader by the prose of their ghosts. Quite the opposite.

In the same class is the quick, superficial book written to exploit a current event or issue. The writer—with the connivance of a publisher—recognizes the gold in the hot controversy, hastens to a library, and a few days or weeks later emerges with a manuscript, of sorts. At its best it can achieve the heights of mediocrity; at its worst it is impossible—an inflated feature story fattened by long excerpts from speeches, dubious speculation and unforgivable guessing. Better forgotten—as it always is, quickly.

Closely akin to the quickie—and as much a Self-Eliminator is the sort of documentary non-fiction book that fancies that it uses the techniques of fiction. The writer seeks to "dramatize" his material by concocting dialogue, action and meditations that he could not possibly have heard or witnessed, or got from witnesses. The reader soon finds him-

self floundering in a morass of uncreativity: Which is fact, which is fiction? In the end he refuses to believe any of it, and he is right in doing so. The writer has substituted fabrication for good solid research and writing. Again, forget it.

So far we've considered non-fiction almost exclusively. What about fiction? Here too we find the Self-Eliminators and, unfortunately, a few that should be but aren't. A quick look into a novel can reveal much about it, including, often, whether it is worth reviewing. Let us say that you open a book and come upon a passage that reads:

"'Get out,' he hissed." Or,

"'No,' he nodded." Or,

"'Yes,' he shrugged."

Read no more. You're holding a turkey in your hands. It's likely to be a turkey also if its love passages are groaning, purple-faced and anatomical, if it has been described as "warm" and "moving" and "tender," if it is about young-marrieds, if it is based on a TV series, and if it contains a chuckling Oldster who has a sententious answer for everything. Unfortunately, some such books demand reviews because of the popularity of their authors. If you're a book editor, you take the coward's way out: You send them to another critic to review for you.

With so many rejected, or reluctantly reviewed, what books remain that are not Self-Eliminators? Some books are imperative. A newspaper is a newspaper; it is published in a definite region of the country. The demands of local journalism must be met. You should review books about local issues and persons and books by local authors (how tender you are with the local authors, because they *are* local, is a delicate matter that I shall not discuss). You should also

review worthy books about pressing issues involving the nation or the world. News is news, whether contained in a book or in an event.

Among the imperatives also are new books by overwhelmingly eminent authors: O'Hara, Steinbeck, Sartre, Mary McCarthy, and the like. They must be reviewed—they are news—whether they are good or not. And, alas, sometimes they are not. If they are not, say so. It's part of our function to warn people against bad books.

Very well. We have eliminated many books, but we have accepted a large number too. Not much space remains. In this space we must crowd somehow the worthy book that is not about a current controversy of compelling interest, that is not by an author who is local or eminent (or both), and that is not affected by other considerations that may make a review necessary. This is where the sweating starts. We must find the good book that otherwise may be overlooked, and then find space for it. The promising but unknown author deserves a break. We neglect many such authors and their books; we find a few. It is dispiriting to discover, later, that we have missed one. It is a pleasure to know that we have found one. That is, in fact one of the great rewards of the job. I have a notion that it is also one of the great rewards for all readers. The discovery of unexpected pleasure, in unlikely places, may be what all human searching is about. I recommend it highly to everybody, and especially to the publishers of newspapers.

Mr. Norris was a Nieman Fellow in 1950-51. This article is an adaptation of columns he has written for the *Chicago Sun-Times*, where he is Literary Critic.

Civil Rights and the Newspaper Editor

By C. A. McKnight

The following address was given in April, 1965, at the meeting of the American Society of Newspaper Editors in Washington. Mr. McKnight is editor of the *Charlotte Observer*.

Ten years ago—in April of 1955—I spoke to this group on “Press Coverage of the Desegregation Story.” That was eleven months after the U. S. Supreme Court ruled unconstitutional compulsory segregation in public schools. The story was then still new to us and we didn’t quite know what to do with it.

I made three broad observations about the performance of our newspapers in that first uncertain year:

1. That this was a bigger news story, and a more important news story, than our treatment of it would indicate;
2. That the story had received minimum coverage since the Brown decision; and
3. That the coverage had all too often been unbalanced and frequently distorted.

Among other things, I cited three excuses—or explanations—for the sketchy coverage of the desegregation story up to that point:

One was our failure to grasp quickly the full implications of the school decision for all phases of the race problem.

A second was the fact that few of our newspapers had developed competent specialists in race relations.

And finally I noted that many editors, especially in the southern region, feared adverse reader reaction from news stories and editorials on so emotional and controversial a subject.

Today—a decade later—none of these observations would be valid. At the Nashville headquarters of the Southern Education Reporting Service, our librarians continue to read and to clip more than 50 daily newspapers from all parts of the country. And there is ample evidence in our bulging files:

That the story of the civil rights movement is being

told by our newspapers today more comprehensively, more accurately, and with better balance and perspective;

That U. S. editors have a much clearer understanding of the importance of this continuing story;

That we have developed reporters and editorial writers who are well informed and competent;

That fear of adverse reader reaction is no longer a factor, save, perhaps, in some areas of the Deep South.

In sum, we have come a long way toward meeting our responsibility as editors to cover this complex story adequately and to comment upon it perceptively and constructively.

It has not been an easy way, especially for those of us who live and work in the southern region.

Back in 1956, John Q. Mahaffey of the *Texarkana Gazette* summed up the dilemma of many southern editors in these words:

“When a newspaper in this part of the country supports compliance with the Supreme Court ruling, it finds that it has little or no public support from the white people and its stand merely serves to aggravate the situation. . .

“My problem is this,” said Jake: “How can I lead when I look behind me and no one is following?”

Jake was not alone in that predicament. In general, most southern editors, in the first decade after the Brown decision, expressed views that were basically compatible with public opinion in their areas. Whether in the border states, the moderate Middle South states, or the Deep South, newspaper editorial opinion tended to reflect public opinion more than it shaped public opinion.

There were many exceptions to this generalization, some of them saluted by Pulitzer and other national awards, others not so well publicized. More recently the revulsion of most southerners at excesses of violence and lawlessness in parts of the region has emboldened many southern editors to shift their ground. So has passage of

the Civil Rights Act of 1964. No longer can critics of compliance argue that "desegregation is not really the law of the land." Congress made it the law of the land, thus filling a vacuum in which the courts were in the unjudicial role of writing and administering law, in addition to interpreting law.

I also detect in recent years a shift in editorial opinion in what we southerners call, for want of a better word, the "non-South." Ten years ago, many editors in the non-South were, in my opinion, a bit too smug and self-righteous about the race problem. They viewed it as exclusively a southern problem, and their solutions were entirely too pat and uncomplicated.

In my 1955 talk to this group, I cited statistics on heavy migration of Negroes from the South and the rapid increase in the Negro population in the rest of the United States. And I cautioned:

"The patterns of segregated housing, segregated employment, segregated schools, and the tensions therefrom . . . are increasingly being duplicated in the major industrial cities of the non-South, so that the delicate question of race relations . . . will, in another decade or two, become almost as much a national dilemma as it has been a regional dilemma."

It is my impression that the newspapers outside the southern region are a good deal better informed about, and more concerned over, race relations in their own cities and states than they were a decade ago. This has helped Americans everywhere to put the big issues in clearer national perspective. If then, we are doing a better job of meeting our responsibilities for coverage and comment, we have not yet solved all of the professional problems involved.

1. One is the disquieting fact that our reporters and photographers, by their very presence on the scene, have at times tended to incite or to aggravate disorder and violence, and at other times to become the objects of violence. The AP Log of the week of July 23, 1964, epitomized this professional question when it described the troubles that AP men had with Negro mobs in Harlem and Rochester, and with white mobs in Mississippi.

There have been scores of incidents in which reporters and photographers have been on the receiving end of violence. Bill Emerson, now editor of the *Saturday Evening Post*, had a good deal of experience covering mobs when he was the Atlanta representative of *Newsweek*. He once suggested that we may have to develop button-hole cameras for our photographers and train reporters to take notes in their pockets before this problem is solved. In any case, the problem is still with us.

A special, but somewhat similar, problem is posed by Black Muslim and Black Nationalist activities. White reporters and photographers are rarely admitted to meet-

ings. Many Negro newsmen avoid such assignments because they don't want to get involved.

2. A second professional problem involves editorial judgment. When is a demonstration legitimate? And when is it staged just to get attention in the press?

We all know that the impact of a Birmingham or a Selma flows not so much from the event, per se, but from the newspaper, radio and television coverage the event produces.

This is a fact that every successful Negro leader understands very well. The best ones are very adept at "using the press" to mobilize national and international support for their objectives. A certain amount of editorial judgment must be exercised in covering the Civil Rights movement. But how much? And how sound can it be when the events are taking place hundreds or thousands of miles away?

Finally, I would lament again—as I did in 1954—our quick and intense interest in the conflicts and controversies of the race story, and our relative apathy toward quiet, constructive adjustment. We're doing better, but not well enough.

In time, the "Negro Revolution" will move into a new phase. The laws will have been passed. The court decisions will be in. The troops and the demonstrators will be off the streets. What then of our responsibilities as editors?

We will have achieved, on paper at least, an open society, one in which every American can advance culturally and economically as far as his talents and his dedication will carry him, without having to surmount legal or extra-legal barriers on the way.

We will have established, after a century of intermittent effort, four basic civil rights that are of primary concern to all Americans, but especially to Negroes in their fight for full citizenship. They are:

1. The right to safety and security of the person;
2. The right to citizenship and its privileges;
3. The right to freedom of conscience and expression;
- and
4. The right to equality of opportunity.

In some parts of the southern region today, Negroes are deprived of each of these rights—although the degree of deprivation varies widely from state to state, and from section to section within a state. Outside the region today, Negroes generally enjoy freedom of conscience and expression, and have relatively minor concerns about safety and security of the person and citizenship and its privileges. Their major problem in the non-South is the denial of full equality of opportunity, in spite of local, state and federal laws guaranteeing that equality.

I doubt that full equality of opportunity will ever be achieved by laws and court decisions. Some of the

intangibles of equal opportunity are beyond the reach of legislatures or the courts. I see, in fact, no immediate prospect of a major breakthrough in equal opportunity for Negroes. There are barriers here, the by-products of a bi-racial society, and their removal will require much time. Let me enumerate some of them.

1. Fundamental to everything is education. Some students of the race question believe that the learning problems of Negro youngsters stem from an environment of cultural and economic deprivation. Many Negro leaders dispute this. They tend to indict the all-Negro or largely-Negro schools which reflect housing patterns. In any case, one of the most pressing needs is the improvement of public education for Negroes, beginning in the very early years and continuing through the college years. This involves more than larger expenditures. It involves a commitment to excellence by the Negro educators who administer and staff the classrooms of these schools. It may even mean fundamental changes in our whole system of public education. It is geared today to the traditions and hopes of middle class Americans, and not to the special needs of the disadvantaged.

A basic part of the problem of Negro education is motivation. In the southern region, especially, Negro youngsters cannot look around their communities and see many members of their race who stand as shining examples of economic success and community prestige. The influence among Negroes everywhere of men like Ralph Bunche, Robert Weaver, Martin Luther King, Kenneth Clark, and William Hastie is tremendous. I would hope that some way can be found—through foundation assistance perhaps—to provide special fellowships in substantial numbers for young Negroes who show promise of similar leadership talents. This would help but it would not be a complete cure for poor motivation in the public schools, a primary cause of drop-outs.

2. The establishing of equal job opportunities for Negroes is almost as basic as education. This requires a clear distinction between (1) discrimination in employment on the basis of race and (2) denial of employment to Negroes because of lack of qualifications or because of job shortages.

The Urban League estimates that one out of four Negroes is unemployed, compared with one out of twenty whites. For many years, Negroes have believed that employment on a merit basis would bring about equal employment opportunity. Most of the Negro leaders still cling to that belief. The hard economic realities of national unemployment, automation, agricultural mechanization, and urbanization have not yet penetrated. Job training, job placement, full employment and new job development are equal in importance to the

elimination of racial discrimination in employment.

What can be done?

1. More realistic demonstrations that unemployables, whether functional illiterates, dropouts, or merely the unskilled, can be quickly and inexpensively trained for certain skilled occupations.

2. The persuading of more employers to integrate their work forces.

3. Some device to disseminate nationally information about job programs that are effective.

Here are a few more problems that we editors will be dealing with for many years:

1. Equality in the administration of justice, a problem everywhere but more difficult in parts of the South because of the racial attitudes of judges and juries and the dearth of competent Negro lawyers.

2. The slowness of judicial processes in civil rights cases.

3. The need to strengthen the capability of responsible Negro organizations to encourage and direct Negro self-help programs.

4. The need to strengthen the Negro church and to give it a broader and more vital role in community life.

5. In housing, new efforts to upgrade existing structures, to devise new ways to rehabilitate slum properties, to improve human renewal programs, to encourage fair housing practices, especially in the twelve largest metropolitan areas where nearly a third of the nation's Negroes already reside.

These problems cannot be solved by the federal government, however paternalistic. The call for a new kind of community action—not the kind that has been expressed by protests in the street or outside the factory—but community action directed toward Negro self-help, the promotion of interracial good will, the better use of the political system, the expansion of opportunities in education, employment and housing, plus counseling services, job placement, summer guidance camps, home improvement programs, training and retraining, sanitation, recreation and many other areas. I could go on, but I hope I have made my point.

My general manager once commented, "The trouble with our business is that it is so damned daily." We editors tend to become preoccupied with the daily job of covering the developments in the civil rights movement and commenting upon them editorially.

All I am suggesting is that we have another responsibility—to sit back, to reflect, and to define our continuing role in the total, massive effort to move millions of culturally and economically deprived Americans into the great American middle class in the shortest possible time—thereby making the open society a reality, not a mockery.

The OPC Fights for its Life

By Barrett McGurn

President, Overseas Press Club, 1963-1965

What do you do when a king won't speak up?

What's the best tactic during the wave of Buddhist self-incinerations when two shaven-headed monks in yellow robes stalk into your reception for Southeast Asia's "dragon lady", the Buddhists' *bête-noire*?

How do you get and keep a foreign correspondents' club in the black?

These are some of the problems with which we cope from time to time at the Overseas Press Club. By and large I think we do pretty well with each of them. Taking the above in order:

1) A mumbling king? We had that problem when the sovereign of Afghanistan came to the OPC for what was only the second press conference of his life. The king murmured pleasantly but not even an Afghan could have understood him at an 18-inch range. The mikes picked up nothing. The king's aide, who spoke English, was appalled at the whispered suggestion that His Majesty speak louder. The kings from their part of the Himalayas, he made plain, spoke at whatever voice level *they* considered proper. Luckily it didn't matter. The audience did not hear the tones of the king's voice but the interpreter spoke up loud and clear.

2) The Buddhists for Madame Nhu? They came to the club's luncheon for Premier Diem's controversial sister-in-law in the tense days of the autumn of 1963 just before weeks of Buddhist and other agitations culminated in the Diem overthrow. Can Scotch be used for auto-incineration? We alerted the New York police to stand at the monks' elbows but the latter proved as peaceful as the ancient Buddhist tradition and we got through lunch without a riot. (Madame Nhu had a trick of fielding one question and answering a different one, but she was so cool, self-assured and articulate that a hostile audience warmed up slightly.)

3) OPC finances? Time was when we lost a good thousand dollars a week but this year our deficit will

not be more than one percent of our \$650,000 annual business, and we may go into the black.

For those of us who hold club office our organizational finances are an immediate concern, but a much broader share of the writing profession should be interested. It does look as if the OPC has solved the question of its self-support and, if it has, a major contribution to the news world has been made.

This is true for several reasons. One is that the American foreign correspondent has no other organization. We group everybody: overseas reporters, photographers, radio and television men, book writers.

A second reason is that we are New York's first great durable press club. All other attempts to found a New York press club have foundered but now, after twenty-five years of life, it looks as if the OPC has discovered the secret of survival. We are aware of the implications of this role inside the capital of the American communications industry. All local newsmen, indeed all American news writers and editors, are eligible as non-voting members of the club if they have had at least three years served consecutively immediately prior to applying for admission. Ex-newsmen, such as many in PR, are admitted if they have had ten years as newsmen.

The one catch-all category is the "affiliate" class, friends of newsmen who do not meet other qualifications. They pay quadruple dues—\$300, and do not vote or hold office.

The OPC serves a useful purpose for all foreign correspondents and, for that matter, for all American newsmen, whether or not they are members.

Here are some of the club's contributions:

The OPC has a press freedom committee which has been instrumental over the years in getting some newsmen out of jail (Bill Oatis in Czechoslovakia), and preserving visas for others. It is surprising sometimes how much strength there is in unity. A classic club story

is about the time a photographer was arrested in a foreign city for posing chewing a hot dog. It was to be a part of a layout showing contrasts, riches beside poverty, etc., but the police decided that their country was being placed in a bad light. The OPC protested. This followed:

1) The photographer was invited to take as many pictures of urchins and frankfurters as he wanted.

2) The club was given an invitation to send a delegation to see what a nice country it really was. (American aid was important there).

3) The country's ambassador went on record that his nation not only was not against the United States and not against the American press; it wasn't even against the honored United States hot dog!

During the past two years the club's press freedom chairman has been one of the heroes of American journalism, Victor Riesel, the crusading foe of labor racketeering whose eyes were burned out by an acid splash. Victor cannot see but he can be heard, and is heard. He is still a daily columnist and takes our press freedom cases promptly to the state department, Pentagon and White House.

Another club service is our program of lunches and conferences in which the Afghan king and Madame Nhu have taken a part. There was a time when our colleagues in Washington had a monopoly on major national and international statements but Secretary of State Dean Rusk told us at the OPC on the occasion of our silver jubilee dinner in 1964, "we in the State Department recognize that there are now *two* great press clubs."

The OPC has three or four club events each week and sometimes is a visiting dignitary's first port of call. We have been accepted as a prime channel for addressing American public opinion. Sir Roy Welensky, the ex-premier of Rhodesia, for instance, came to the United States to plead the case of the beleaguered White settler south of the African equator "because I am convinced that the world's fate will be settled here on Manhattan Island." He meant our neighbor, the United Nations, of course, but he had us in mind too for his first statement on North American soil was at the OPC. Sir Roy scheduled two speeches. The second was at Wahington's National Press Club.

Mention of the National Press Club should not imply that there is a sharp rivalry. The East coast has room enough for two great clubs and in fact we have many members in common. Our specialization in international affairs more and more is being recognized however and the advantage to the whole of the news profession is obvious. Both the OPC and the National Press Club are centers at which working newsmen make as well as reflect news for it is the news men of both cities who control the rostra, deciding who will be the guests, and who will enjoy this outlet to the public.

At the OPC a few of our members keep up a running fight against "doing honor" to Communists or to other foes of the American concept of a free press, but by and large the present officers feel that the choice of guests for our press conferences, luncheons or dinners is determined by newsworthiness rather than by personal or political virtue. If the man or woman is news we'll have him. And, of course, we'll cross-question him.

Sometimes that makes for lively meetings. When Rolf Hochhuth, the author of "The Deputy," met a Catholic monsignor at our lunch table for a discussion of the merits of the late Pope Pius XII we had three near-walk-outs by the principles in the course of thirty minutes. Each side objected to how the confrontation had been worked out or was working out. The exchange ended with more heat than light but, happily, other events have been more fruitful.

On at least one recent occasion one of our monthly dinner discussions with book authors helped unlock a prison door. The writer was William Kunstler, a lawyer whose book on the New Jersey Halls-Mills murder case made the unpalatable point that the press periodically thwarts justice by pre-trial crusades against defendants. Dorothy Kilgallen, in a measured reply, gave the critical devil his due, telling a few stories on how Dr. Sam Shepard was hurried to jail as the alleged murderer of his wife. An attentive lawyer asked Dorothy if she would repeat her words in court. Her testimony, coupled with other fresh evidence, got the doctor released.

The OPC is divided three ways. Most of the capital contributed by friends is in "The Correspondents' Fund", a charity which owns our 11-story Bryant Park building. (The structure is the old National Republican Club, just behind the New York Public Library, between Fifth Avenue and the Times Square area.) The Fund is our landlord. Our lease runs for ninety-nine years. The Fund is run at "arms' length" and uses our rent to help indigent newsmen.

The third division is the Overseas Press Club Foundation. It finances many of our public-spirited projects: an annual conference on foreign affairs for 250 college editors, subsidies for foreign correspondents in scantily-covered areas, and so on. The foundations current project is to raise \$250,000 to equip the club with New York's best television and press conference hall, and also with a fine foreign correspondent memorial library.

The word "memorial" is not chosen casually for one function of the OPC is to preserve the memory of the greats of overseas reporting. Club rooms are named for Ernie Pyle, Richard Harding Davis and Walter ("I Write as I Please") Duranty. Tablets on our main salon wall list all the newsmen killed abroad on assignment during our twenty-five years—97 of them! The two added simultaneously in our most recent ceremony were

divided characteristically between victims of combat and of accident. George Clay of NBC was shot in the Congo. Jim Burke, a photographer of Life, slipped doing a feature piece on the Himalayas. He fell 800 feet. Fifty of those on the tablets lost their lives during World War II. Perhaps more astonishing is the fact that the years of "peace" since 1945 have taken almost as severe a toll. Plane crashes have killed dozens.

The OPC runs three weekly radio and television shows. It has published close on to a dozen books. The latest, *I Can Tell it Now*, has a foreword by former President Eisenhower and has been translated into Japanese. The club bar, besides being an eminent newsman watering

hole, sports a rare collection of the great front pages of America's past 100 years. ("The Tribune" is there telling the story of Abraham Lincoln's assassination under a one-column head.) The club kitchen serves 800 meals a day (including a "dateline special" featuring Madrid *arroz con pollo* or some other world feature for \$2.25, and a "city desk special" for under one dollar). Whatever your purse, whatever your news role, the OPC has what you need. Its worst bumps seem safely behind it. The American foreign correspondent, the New York and American reporter, have a fine Times Square area press club which they can put down safely as a prospering and durable one as the OPC's second quarter of a century begins.

The New Technology

(continued from page 2)

application of optical scanners. I discount the idea that papers may be made up off what amounts to a television screen in the foreseeable future.

The engraving department has seen the advent of automatic etching machines for both magnesium and zinc, the introduction of dycril plates, the use of highly automated cameras using roll film and improved techniques of printing and developing.

In the stereotype department there arrived the no pack mat, the direct pressure molding machine, central remelt, piping of molten metal, direct pressure molding and automatic plate casters and shavers requiring only one or two men for operation.

The mailroom has its automatic labelling devices, counterstackers, bottom wrap machines, stuffing machines, improved tying machines and more sophisticated conveying and dispatching equipment. Just around the corner lies the possibility of computerizing the galley operation.

The pressroom has probably undergone less change except for the smaller papers which have gone to offset printing. Among the bigger papers the principal changes have been in increased speeds, faster and more automatic pasters, better inking systems, and greatly increased printing of color.

In those *accounting and business offices* which use punch card equipment, there is almost no hand bookkeeping left. In fact, automatic business machines of all kinds have effected a revolution in business and accounting methods.

Almost all of the changes which I have named have been technical changes of one sort or another. There is, however, another form of change which can have just as much importance and that is simply a change in technique or method. Let me give an illustration. So long as any of us in Louisville can remember, the procedure in our mailroom was to count and tie one key bundle for every dealer and every home delivery carrier. The trucking system then delivered that key bundle plus the required number of standard count bundles to make up his draw. If a specific carrier was due to receive 176 papers and if we were using standard count bundles of 50 each, we would deliver 1 key bundle of 26 and 3 standard bundles of 50 each. A few years ago we changed this procedure to have the mailroom process only standard count bundles and to let the truck driver count the odds in accordance with a listing given him. The truck driver liked it because he could count odds more easily than he could root around to find a specific bundle. The result was a reduction of 20% in required mailroom manpower with no increase in truck drivers and slightly faster delivery. All the displaced mailers were given other jobs.

Now all the changes I have mentioned have one of several objectives or they would not be instituted. Each change made is made upon the premise that it will enable the work to be done (a) more rapidly (b) with better quality (c) more cheaply (d) with less required skill or (e) with less total manpower. If an innovation does not achieve one or more of these results, it can usually be counted a mistake.

And almost every one of these hoped for results has its repercussion upon people and, consequently, upon the employer-employee relationship. Employees are generally fearful of change, primarily because change breeds insecurity, but also because human beings are often resistant to change per se. And these fears of change must be reckoned with because employee-relations is usually more a matter of attitudes than it is a matter of facts. I have forgotten the quotation, but it is something to the effect that "nothing's either good or bad but thinking makes it so." If an employee believes that the introduction of a new piece of equipment or a new technique threatens his job, the chances are very high that he will see that it doesn't work as it should and that the employer does not get the benefit which he anticipates. Attitudes are, more often than not, the product of emotional factors rather than rational ones; but attitudes are the primary springs of action.

For this reason, almost the first rule of employee relations insofar as innovation is concerned is the giving of assurance, if at all possible, that the introduction of the new equipment or process will not result in layoff. I am well aware that such assurances are not always possible, but every alternative to layoff should be explored. Sometimes it is possible to transfer displaced employees to other departments or even, in exceptional cases, to some other company. However, the most desirable alternative is to rely upon natural attrition of the work force as members of it quit, retire, get fired for cause or die. In any sizable group of employees of average age distribution, it is surprising how rapidly the forces of attrition will operate.

We have found also that it is good policy to try to hide nothing in the way of anticipated change. On the contrary, we actually encourage our employees to learn about and know what is likely to happen. We have maintained for the past ten years a small research department where new equipment, new applications and new ideas were tried out. We have let it be known that the doors to this department were open and that employees were welcome to come to that department to see for themselves what was going on. We found that the fact was much better employee relations than the rumor.

Furthermore, we carried this idea into negotiations with labor unions. We try to tell the union committees just what we are working on and what results we are trying to achieve. I remember very vividly the series of negotiations with the Engravers Union and the Typographical Union when we were preparing to go into photo composition of display advertising. Our research department had worked out the procedures which we wished to follow so that we were able both to tell and show the two committees very specifically what we proposed to do. Out of this full and specific disclosure, we were able to work out a jurisdictional agreement with each union so that there was an efficient procedure with no

conflict and no "make work." These agreements were concurred in by the two international unions. During the intervening years these jurisdictional agreements have stood and we have had far less jurisdictional discussion and conflict between these two unions than has generally been true elsewhere.

Our director of employee relations points to this instance as documentation of the thesis that it is so much easier to prevent an emotional and prejudiced attitude from being taken by supplying truth and fact on a frank basis at the appropriate time than it is to overturn such an attitude once it has been taken and solidified.

None of us in Louisville poses as an expert on employee relations or on union contract negotiations. These are matters of human relations and I doubt that there is a science of human relations. If anything, human relations is an art and it must be conducted with skill and understanding. There are times, to be sure, when the conduct of labor relations appears to be a matter of personality, expediency, and timing. Fortunately, this is not the rule.

During the history of the Louisville newspapers there has been only one authorized strike. It occurred last April as a result of action by the Photo-Engravers Union and it lasted six weeks. Except for the first two days, when our papers were of limited size, we continued normal full scale production throughout the strike. At any rate, this strike is a blot on our record. The rest of the time we have been lucky.

Now what has been the over all effect of automation upon the newspaper business as a whole? Unfortunately, as is often the case, there is no clear-cut answer. There are so many factors at work in addition to new technical developments. There has been a steady shrinkage in the number of metropolitan daily newspapers but a steady increase in the number of small city and suburban dailies. No one knows what is the aggregate effect upon employment arising from these disparate trends.

All that we can do is to cite the statistics as they are and then indulge in our own personal speculation as to the causes. The United States Department of Labor groups newspapers along with other printing plants under the general category of printing and publishing, and this is the classification which is generally accepted by others who compile data in this field. According to the publication "News Front," the printing and publishing industry has increased its volume by 26 per cent in the past five years, representing an average annual rate of growth of 5 per cent. This is a higher rate of increase than is attributed to the printing and publishing industry by the Federal Reserve Board, which gives a figure of 3 per cent as the annual rate of increase in output for the same period.

But whatever the rate of output, it is considerably

higher than the rate of change in employment. Total employment in the industry has increased only 54,000 in the five years ending in 1962, a rate of increase of only 1.2 per cent per year. During the same five-year period the number of production workers in the industry increased only 30,000, a rate of increase of 1.1 per cent per year. The figures for 1963 show a reversal of trend and a decrease to about the same level as in 1960.

The overall accuracy of these figures is confirmed by the figures released by the various printing trades unions as to their total memberships and as reported by the Department of Labor. The International Typographical Union claimed 106,000 members in 1962 against a peak of 110,449 in 1958. The International Stereotypers Union dropped from a top of 14,000 members in 1957 to 11,000 in 1962. The Bookbinders Union reached its peak in 1960 with 64,000 members, but it had dropped to 61,500 in 1962. Only the pressmen and the lithographers have shown increases in membership; and in the case of the lithographers, the increase is probably due to the widening use of offset printing.

This decline in production employment obviously increases the delicacy and the importance of the employee relations function. It is, of course, of little avail to point out to a union whose membership is declining that in the overall economic picture new technical developments make jobs instead of destroying them and that in the long run, the printing and publishing industry is likely to have greater employment as a result of a lowering of costs. He is likely to quote John Maynard Keynes to the effect that in the long run we shall all be dead.

Nevertheless, it is true that our whole structure of high living standards is based upon the constant feeding into our economy of better, faster and cheaper ways of doing things. It is also the conclusion of practically all economists that the unemployment arising from innovation is transitory and temporary. It is like pushing a piston into a cylinder of water in that there is displacement where the piston operates but the displaced water finds some other space. The people displaced are offset by increased employment elsewhere.

In fact, not only do substantial authorities deny that "automation," so-called, causes unemployment, but they also deny that there has been any appreciable increase in the rate of "automation" in the economy as a whole over the past several years. For instance Dr. Solomon Fabricant, Director of Research of the National Bureau of Economic Research, has stated that over the past seventy-five to one hundred years the average long-term rate of increase in productivity per man-hour in the American economy has been of the order of 2.3 percent per annum; that this, of course, has not been an even

rate of change year after year; and that currently the rate is approximately 2.5 per cent. In other words, he finds no evidence of the type of acceleration in the rate of productivity per man-hour which so much of the public assumes and fears as a cause of unemployment. Even if authorities such as the editors of "Fortune" disagree with Dr. Fabricant as to whether there has been an acceleration in the rate of productivity per man-hour—and they think there has been such an acceleration since the end of the war—there is complete unanimity that no massive unemployment is caused thereby. These conclusions are very convincingly sustained by the fact that in the United States we have recently enjoyed both the largest total employment and the lowest unemployment in many years. Furthermore, analysis discloses that the largest part of the unemployment pool consists of teenagers, school dropouts and unskilled workers, both white and colored; and that those persons who have been seeking employment for any sustained period constitute only a minor percentage of the group. These figures negate the thesis that "automation" is creating wholesale and permanent unemployment.

But let's return to our own bailiwick and summarize:

The printing and publishing industry in general and the newspaper business in particular are in the throes of technological change and innovation and this convulsion is probably far from being completed. Perhaps it is because there was such a long period of no appreciable change that the present revolution is so extensive. The change is having its greatest impact upon the production departments and upon the business offices, but the effects are felt throughout. One effect of this change is to reduce employment in the areas affected and this potential creates a delicate labor relations situation which must be handled with as much skill and understanding as possible. It is particularly important to avoid layoff and to let reduction employment be accomplished by attrition.

It can be expected that reduction in total employment in the newspaper business resulting from technological change will be offset by increases in employment elsewhere in the economy. And it is also to be expected that total effect of change upon the newspaper business itself will be increased efficiency and a better product—better-printed, better organized and edited and delivered more rapidly.

Mr. Baker is Executive Vice-President of the Louisville *Courier-Journal*. These remarks were made during a Quebec seminar of American and Canadian editors sponsored by the International Press Institute.

Nieman Fellowships 1965-66

Harvard University has awarded Nieman Fellowships for 1965-66 to thirteen American newspapermen. They make the 28th group of Nieman Fellows appointed for a year's study at Harvard in the program established under the will of Agnes Wahl Nieman in memory of her husband, Lucius W. Nieman, founder of the *Milwaukee Journal*.

A new Nieman Fellowship to encourage the development of writers and editors of business and financial news, supported by the accounting firm of Price, Waterhouse & Co., will be held by Robert H. Metz of the *New York Times*. The group also includes another business editor, James F. Montgomery of the *Atlanta Constitution*.

The Nieman Fellows for the 1965-66 academic year are:

Jack Bass, governmental affairs reporter, the *State*, Columbia, S.C. Mr. Bass, 31, was born in Columbia, S.C., and was graduated from the University of South Carolina in 1956. He began as a copy editor for the *News* and *Courier* in Charleston, S.C., and after a year started his own weekly in Charleston. In 1963 he became a staff writer for the *Columbia Record*, and the following year became a Governmental Affairs writer for the *State*. He covers the state legislature, education, health, and welfare, and contributes to a front-page political column. He plans to study the social sciences, with emphasis on history and government.

Robert A. Caro, reporter, *Newsday*, Long Island, New York. Mr. Caro, 29, was born in New York City, and was graduated from Princeton in 1957. He began as a reporter for the *New Brunswick Daily Home News* in New Jersey in 1957-58. He spent a year as a research assistant for the Grand Union Company, and in 1959 he joined *Newsday* as reporter and re-write man. For the past two years he has covered community planning, particularly the development of Suffolk County. He plans to study urban, suburban and regional planning.

William Hodding Carter III, associate editor, the *Delta Democrat-Times*, Greenville, Miss. Mr. Carter, 30, was born in New Orleans, and was graduated in 1957 from Princeton University, where he studied in the Woodrow Wilson

School of Public and International Affairs. He began as a reporter at the *Delta Democrat-Times* in 1959 and has been associate editor since 1961. In 1961 he won the Sigma Delta Chi national award for editorial writing for a series on racial issues. He is a member of the board of directors of the Mississippi Press Association. He plans to study Southern history and politics.

David E. Corbett, associate editor, the *Tulsa Tribune*, Tulsa, Okla. Mr. Corbett, 34, was born in Leeds, England. After grammar school he participated in a four-year training course under the Ackrill Group of Newspapers in Harrogate, England, and edited the *Thirsk Times*. After service in the British Army, he rejoined the Ackrill Group as sub-editor and then spent a short time as sub-editor for the *Manchester Guardian*. In 1955 he became a copy editor for the *Tulsa Tribune*, and he has been there since as education editor, general reporter, editorial writer, Washington correspondent, and associate editor. He plans to study economics.

Charles A. Ferguson, state capital correspondent, *States & Item*, New Orleans. Mr. Ferguson, 28, was born in New Orleans, was graduated from Tulane University, and received the law degree there in 1961. He joined the staff of the *Houston Post*, and in 1962 went to the staff of the *New Orleans States & Item*. He has covered education, desegregation, and Louisiana politics. He will study constitutional law.

Robert H. Giles, editorial writer, *Akron Beacon Journal*. Mr. Giles, 32, was born in Cleveland, Ohio, and is a graduate of DePauw University and Columbia School of Journalism. After a year at the *Newport News*, Va., *Daily Press*, he went to work as a reporter at the *Akron Beacon Journal* and has been there for the past six years. He began on the State Desk and then covered politics, labor, and government. In 1963 he became an editorial writer. He is interested in urban development, and intends to study government and architecture.

Donald D. Jackson, assistant editor, *Life* magazine. Mr. Jackson, 30, was born in San Francisco, and is a graduate

of Stanford University and Columbia School of Journalism. He began with UPI in 1961, and in 1963 joined *Life* as a New York-based reporter. As a writer, he has specialized in human affairs. He will study psychology, sociology, and contemporary American history.

Robert C. Maynard, reporter, York, Pa., *Gazette and Daily*. Mr. Maynard, 28, was born in Brooklyn, N.Y., and was graduated from Boys High School there. For the past four years he has been the welfare reporter for the *Gazette and Daily*, with special interest in poverty. Mr. Maynard plans to study urban history, the economic and social implications of automation, and social relations.

Robert H. Metz, stock-market reporter, New York *Times*. Mr. Metz, 36, was born in Kingston, Pa., and is a graduate of Denison University and Western Reserve University Law School. He began at the New York *Times* as copy boy. He moved to Financial News as clerk in 1957 and became a reporter in 1959. He writes the daily stock market column and the Times Tax Series. He plans to study at the Harvard Business School and the Law School. Mr. Metz holds the Nieman Fellowship supported by Price, Waterhouse & Co.

David Miller, copy editor, the New York *Herald Tribune*. Mr. Miller, 33, was born in Elizabeth, N.J. He was graduated from Rutgers University and Columbia School of Journalism. On a Pulitzer Traveling Scholarship, he drove 3,000 miles through the Soviet Union and Eastern Europe, and wrote a series of articles for the Jewish Telegraphic Agency of New York. He joined the *Herald Tribune* as a general assignment reporter in 1959, and from 1962 to 1964 was the *Herald Tribune's* Moscow correspondent. He returned to New York in late 1964 to work on the City Desk. He intends to study history and literature, concentrating on Soviet affairs.

James M. Montgomery, business editor, the Atlanta *Constitution*, Atlanta, Ga. Mr. Montgomery, 32, was born in Cleveland, Ohio, and is a graduate of the University of

Florida. He joined the Atlanta *Constitution* as a general assignment reporter in June, 1953, and was appointed business editor that fall. He spent a year in the news bureau of the Ford Motor Company, and then rejoined the Atlanta *Constitution* as business editor. He has written special articles on the South's economy. He will study business and economics.

Howard K. Spergel, education writer, the Houston *Post*. Mr. Spergel, 27, was born in Hartford, Conn. He was graduated from the University of Pennsylvania and Columbia School of Journalism. He worked with the Asbury Park Press as a general assignments reporter for a year and a half and then was recalled to army service. At Fort Gordon, Ga., he worked as a parttime reporter and copy editor for the Augusta *Chronicle*, and for a year was correspondent for *Newsweek* magazine in Augusta. He began at the Houston *Post* in 1962 as a reporter and then became education writer. He covers the Houston Independent School District, which has more than 200 schools. He plans to study at the Graduate School of Education.

M. Wayne Woodlief, reporter, the Norfolk *Ledger-Star*. Mr. Woodlief, 29, was born in Henderson, N.C., and is a graduate of Duke University. He has reported for the *Ledger-Star* since January, 1960. He writes on metropolitan-area problems and race relations. He plans to study the history of American cities, urban development, sociology, and architecture.

Members of the selecting committee for the Nieman Fellowships were:

Henry R. Gemmill, chief, Washington Bureau, *Wall Street Journal*; Sylvan H. Meyer, editor of the *Daily Times*, Gainesville, Ga.; John U. Monro, Dean of Harvard College; William M. Pinkerton, News Officer, Harvard University; Paul Ringler, editorial editor, The Milwaukee *Journal*; and Dwight E. Sargent, curator, the Nieman Foundation.

How Rochester Reacted

By Vincent S. Jones

The racial problem is the biggest domestic story since the Civil War. Every good newspaper in the North has tried to cover it, and in depth. Most of the hard news, of course, has been bad. Long ago it became obvious that just reporting what goes on is not enough.

Despite many deep probing series of articles, most Northern whites chose to ignore the warnings and did little about the problems right at home. They continued to regard the Negro as a strictly Southern problem or, if he came North, something for the NAACP, the public schools and the welfare department to worry about.

Our own Group's experience probably is representative because our 25 newspapers range in circulation from 6,000 to 135,000. Some of our cities have almost no Negroes. A few, such as Rochester, Hartford, Newburgh and Plainfield, N.J., have faced a sudden immigration which they have been unable to absorb.

Five years ago the Rochester *Times-Union* put two of its best reporters on this assignment. They worked for 13 weeks, wrote a series under the prophetic title of "Winds of Change," which accurately forecast most of what has happened since then. Two years later the series was updated by one of the co-authors, Desmond Stone (Nieman '56) under the more menacing title of "Winds of Revolt." Another series showed how badly the Negroes were housed in a city famous for its homes, its trees and lilacs, its culture, its generosity, and its depression-proof economy. The Rochester *Democrat & Chronicle* also dug hard into the unpleasant facts of Negro unemployment. Other newspapers in the Group did similar projects geared to their own special circumstances.

We watched newspapers elsewhere, admired their skill and zeal in presenting the facts, but found the general picture one of unrelieved bleakness. There were almost no reports of any real progress, except in national civil rights legislation, and that was of little significance to states which long had had even stronger laws on their books.

Two years ago, when things boiled up all over the North, Paul Miller, president of the Gannett Newspapers and publisher of the Rochester newspapers, suggested that we undertake a Groupwide assignment to see whether any cities had

found answers to any part of the racial problem. He assigned me to recognize and direct the project.

We looked for accomplishment, and for constructive, workable projects in jobs, housing, education, rights, representation. We concentrated on the Northeast where we operate, sent reporters from our Washington and Albany bureaus into other areas.

We used all of the techniques of journalism—straight news reports, feature stories, interpretive pieces, interviews, pictures, cartoons, and editorials. Our radio and television affiliates cooperated.

We soon realized that we would not be doing just another series but would have to set up coverage to continue indefinitely—probably for the rest of our careers. We sought to put together a program which could be suggested for Rochester and other cities.

Each newspaper, of course, continued to cover its own racial problems. Only articles of general interest were offered throughout the Group.

We were careful to avoid any impression of distorting the picture by presenting only the good side of the story. That wasn't hard, because good news in this field has been mighty scarce. We also avoided any impression that we were appealing only for whites to do more. We stressed the need for Negroes to do more and more for themselves.

The program opened late in July of 1963. Accompanying it was a full-dress editorial headed "What We in Rochester Can Do About Integration." A similar piece, with adaptations, was published in many other Gannett Newspapers.

Within a year we had distributed more than 100 articles under the tagline of "The Road to Integration." More than two score editors and reporters contributed to the series. Hundreds of other pieces were adjudged of primarily local interest. All assignments and copy cleared through me, but in the Gannett Group's tradition, it was up to the editors of each newspaper to print only what appealed to them.

"The Road to Integration" won a special Pulitzer Prize citation for public service, the first ever awarded to a group or chain. The jurors called it "a fresh and constructive journalistic approach to the racial problem." The Columbia Trustees, in their citation, said it was "a distinguished example

of the use of a newspaper group's resources to complement the work of its individual newspapers."

We learned, the hard way, that you have to keep on reporting this story. One of our top experts in the field, diverted to other assignments for several months, found that he had to start all over again, because the situation was so fluid.

When Rochester was torn with three nights of rioting last summer everyone was shocked. The city has relatively few (10 per cent) Negroes. Its prosperity and generosity are legendary.

The Associated Press asked me to do a piece explaining why. What I wrote probably proved conclusively, if confusingly, that the riots should not have happened. I tried to point out that Rochester offered none of the conventional targets for civil rights protest. It has most of the gadgets so loudly demanded by integrationists—a branch office of the state commission which administers our 20-year-old and very tough laws against discrimination, a county Human Relations Commission, and even one of the nation's two Police Advisory Boards—semi-official civilian groups who investigate charges of police brutality.

We stepped up our efforts to report the Rochester situation. Stone's post-mortem on the riots showed that the gap between the races in this city was wider than elsewhere. While thousands of Negroes are doing well, the vast majority of 35,000 have little hope of success in a city of light, skilled industries. Thousands of good jobs go unfilled while an equal number, mostly Negroes, remain unemployed and relief costs are astronomical in a period of unparalleled prosperity.

While rioting also broke out in Northern New Jersey and in Philadelphia, Camden and Plainfield, where we have newspapers, were quiet, and apparently for different reasons. Plainfield has had considerable success in integrating schools and housing, because of the sheer weight of numbers, and its industries have managed to absorb many Negroes. This has compounded the problem in that more and more Negroes have flocked into the city. Camden, just across the river from Philadelphia, has worked hard at giving Negroes full representation on official boards and on the police force, something done grudgingly, if at all, in other Northern cities. There is reason to believe that this policy has produced a notable lessening of tensions and a marked improvement in communications.

We have tried to keep our feet on the ground and to pursue a moderate, practical policy. This has angered the extremists on both sides—the sincere, starry-eyed people who think that complete integration can be achieved almost instantly, and the die-hard racists who will fight bitterly, if covertly, to the end.

Newspapers have had to take extraordinary pains to avoid being bushwacked in two major areas:

1. Overplaying demonstrations both in the South and in the North. Many Northern editors feel that we have been able to print mostly the worst side of the Southern situation.

2. Picture coverage of riots which tends to be dominated by shots of policemen dealing harshly with Negroes. We play up the reaction but rarely get there in time to photograph the action which triggered the reaction. Only a handful of newspapers, for example, gave a balanced pictorial report of the Philadelphia riots to show the looting and refusal to obey police orders. Cutlines reek with such loaded words as "helmeted" and "club-swinging" police and victims who are "cornered", "bleeding" or "injured" and bury the reasons why they had to be dealt with so roughly.

Rochester this winter has been seething with a controversy over hiring Saul Alinsky, Chicago sociologist, to bring his Industrial Areas Foundation in to organize the Negroes. The invitation was issued by the Council of Churches without first consulting the community.

Because of the way it was handled, and a belief that Alinsky's controversial methods would do more harm than good, the *Times-Union* questioned the whole project. It was a moderate editorial stand, but left no doubt of the newspaper's belief that the move was risky at best.

Discussion was heated and based more on opinions than facts. At the height of the debate, Editorial Page Editor Calvin Mayne (Nieman '53) went to Chicago with Warren Doremus, public affairs director, and Photographer Richard Sax of our radio and television affiliate, WHEC. They worked together for four days in Chicago and particularly the Woodlawn section where Alinsky's organization is well established. The result was a three-part newspaper series by Wayne and a one-hour television documentary, broadcast twice in prime time, and a radio version. Both sides praised these presentations as objective and informative.

We believe that this unusual partnership showed how a newspaper and a broadcasting station can serve the community by explaining a complex public issue in a way that neither could do alone.

There is no greater challenge to American democracy on the home front than the racial problem and journalism is uniquely equipped to make a major contribution to its eventual solution.

Mr. Jones is executive editor of the Gannett Newspapers.

Sermon on the Hill

This piece by *Vermont Royster*, editor of the *Wall Street Journal*, appeared in his column "Thinking Things Over," March 19, 1965.

Tom Sawyer's Uncle Silas, if Huck Finn has it right, could preach the dad-blamedest sermons you ever heard.

Within the family and among the neighbors he was just plain folks and about the humblest man you ever met. Aunt Sally used to boss him around right awful. But the minute he got up in the pulpit something different came over him.

He'd get a-holt of the text and really lay into the congregation on how they ought to behave. For the first ten minutes or so he'd have them riveted because he usually had a point. But it was mighty hard for Uncle Silas to know when to stop.

Just when the people thought he'd wound it up and it was time to sing the hymn, Uncle Silas would recall something he'd forgot to say, or maybe just think of a new way to say what he'd already said, and before you'd know it he'd be meandering all over the state of Arkansaw. By the time he got through, the way Huck put it, half the congregation would be nodding, the other half would be fidgeting and all of them would be so tangled up they couldn't find their way home in daylight.

Sometimes, it seems, it's that way when Lyndon gets a-holt of a real good text.

There's hardly an editor in the country who can disremember the President's talk last spring in the rose garden at the White House. Mr. Johnson was only going to say a few words of welcome to the American Society of Newspaper Editors. Before it was over the visitors had heard a half-hour sermon on civil rights, poverty, education and the Bible.

Millions of folks got a sample of the President's technique on their TV screens this week when Mr. Johnson went up to talk to Congress.

This time the President had sure enough got a-holt of a real good text—next to the Bible there ain't nothing holier than the Constitution—and you sure have to

admit that his point was super-pluperfect. He had both law and morality on his side, and there warn't a decent member of the congregation didn't know he was dead right.

In fact, if didn't take him more than about 15 minutes to convince them. In that first quarter hour he was sharp, concise, forceful and moving in words well-chosen by somebody who knew how to put them down on paper. If he'd a-quit then he'd have had himself another Gettysburg address, and the Congress could have risen up and enacted the morning paper into law, just like they once did for Franklin Roosevelt.

But just about the time the applause was deafening and everybody was ready to stand up, that far-away look came over his eyes and he lifted his head up from the text. Pleased as Punch with the reception he was getting, he wanted to get in a few more licks.

Anyway, he said it all over again. He reminded us twice that it was a hundred years since Abraham Lincoln, and twice pointed out that a hundred years make a century. At least three times he told us that the right to vote was fundamental to democracy and that men ought not to be bigoted, just in case the point escaped us the first time around.

Then having disposed of bigotry, he took off on poverty and disease. Neither one of these would be banished by the law he was proposing, possibly not by any law the Congress could pass, but you can hardly deny that they're fit subjects for any sermon.

Next he went back to Cotulla, Tex., to show us how it is to walk with the poor. In 1928, of course, he never dreamed that he'd be rich and President of the United States. But America is a place where a young fellow can exceed even his most fondest dreams, whether he starts from Cotulla or Abilene, Kan., or Independence, Mo. The important thing is for Presidents to use their chance to help people, and he let us

in on a "secret," as if he feared nobody had suspected it. "I plan to use it."

From Texas he moved on to Buffalo, Birmingham, Cincinnati and Philadelphia to remind us that this is one nation and we ought to all put our shoulders to the wheel, open the city of hope to all people and work together to heal the wounds.

Judging by the applause, although by now it was somewhat wearier than before, hardly anybody took exception to this, Republicans or Democrats. The only thing you could notice, scanning the floor of the House, was that the Democrats in full view up front seemed a bit more alert than those half-hidden in the rear.

Certainly nobody in that peaceful, historic chamber could take exception when he recalled that men from the South were at Iwo Jima and men from the North have carried Old Glory to the far corners of the world and brought it back without a stain on it. Or that in Vietnam today men drafted from the East and from the West are all fighting together without regard to religion or color or region of the Great Republic.

In fact, he couldn't be faulted for leaving anything out. He approved of demonstrations to provoke change and stir reform but advised us to turn away from violence and respect law and order. He said we should preserve the right of free assembly but shouldn't hol-

ler fire in a crowded theater.

On the way he took a couple of swipes at President Roosevelt and President Truman, one of whom came to Congress to veto a veterans bill and the other to draft railroad workers into the army. Not to criticize but to emphasize that his own appearance in the great chamber was to serve the people out yonder in the 50 states.

"I want to be the President who helped feed the hungry," he said. "I want to be the President who helped the poor . . . I want to be the President who helped to end hatred among his fellow men and who promoted love . . . I want to be the President who helped end war among the brothers of the earth . . . I want . . ."

It made you feel kind of sad to see the Congressmen and the gallery getting a bit glassy-eyed, and to read in the *New York Times* that one-third of the TV audience tuned him out that last half-hour. It was surely one of the elegantest sermons that ever was.

But maybe it will be like with Uncle Silas. The folks would sometimes get the jim-jams and the fan-tods, but they got the message and nobody could be graterfuler or lovinger. They knowed all the time his heart was in the right place.

Grants That Benefit Newspaper Readers

(editorial from the Louisville *Courier-Journal*)

The Ford Foundation has made many grants to struggling programs which offer hope in areas where opportunity is sadly limited. The foundation also seeks to promote excellence where it is established and recognized, however. It has chosen to encourage the cause of American journalism in the latter category, through gifts just announced to the Nieman Fellowship Program at Harvard and the Columbia University School of Journalism.

Both of these grants will carry forward projects which had their origins in newspaper philanthropy. The Nieman Fellowships derive from an endowment given by the widow of Lucius W. Nieman, founder of *The Milwaukee Journal*. Since 1937, the program has given 313 journalists a chance to study for a year at Harvard, as a direct contribution to their professional competence.

Joseph Pulitzer of *The New York World* provided the funds to start the first graduate-level journalism school in the country at Columbia. Since 1912 it has poured 3,000 graduates into the profession, many of whom have become its leaders.

Both institutions will have to match the Ford grant within three years—\$1,200,000 at Harvard, \$1,600,000 at Columbia. The number of Nieman Fellows can be doubled as a result. Columbia will expand its training facilities for Americans, and also for aspiring journalists in Asia, Africa and Latin America.

These programs do not offer simply a break for individual journalists or for the papers that will benefit by their training. They are designed to raise the standards of journalism in general, and they therefore serve the interests of all who read newspapers.

The extraordinary generosity of the Ford Foundation means that the Nieman Foundation can strengthen and expand its contribution to American journalism. The grant is a tribute to Dr. James Bryant Conant, the Harvard president who conceived the idea of Nieman Fellowships, to Louis M. Lyons, the Curator for the past twenty-five years who developed the program and molded it into an institution of great service and durability, and to President Pusey and the entire Harvard community for its willingness to make its resources available to journalists.

Dean Edward W. Barrett and the Graduate School of Journalism at Columbia are to be congratulated, and I wish them every success in continuing and developing their programs for the education of journalists.

Dwight E. Sargent
Curator of Nieman Fellowships

The Right To A Fair Trial

By Lewis F. Powell, Jr.

President of the American Bar Association

The following speech was made by Mr. Powell at the Charter Day Conference on Magna Carta Anniversary, at the College of William and Mary.

In this 750th year since Magna Carta, it is remarkable that so many of its basic principles still survive. This is a tribute to our Anglo-American system of justice and to the wisdom of succeeding generations in maintaining the best of the old while adapting to ever changing times. The College of William and Mary, and its Marshall-Wythe School of Law, have played a key role in the transmission and survival of these great traditions.

This audience is familiar with the illustrious record of this College, and with the names of its sons who insisted that the principles of Magna Carta be embodied in the Virginia Declaration of Rights, and then in the Bill of Rights of our Constitution. It can truthfully be said that no institution of learning, whatever its size, had a greater influence in assuring our fundamental freedoms than William and Mary.

It is therefore especially appropriate to have on this historic campus a commemorative ceremony to mark the 750th anniversary of Magna Carta. It is also appropriate that you have selected your Charter Day for this significant event. The American Bar Association, which I represent here today, is honored to be a participant.

Rather than talk generally about the glories of our heritage, I will concentrate on a perplexing problem in the 20th Century application of two of our great liberties. This is the necessity of reconciling, without serious impairment of either, the rights of free press and fair trial.

In this day of multiple and fiercely competitive news media—including radio and television—information published or broadcast by the media may be gravely prejudicial to one accused of crime and thus prevent a fair trial.

The concept and importance of free press is widely recognized. There is far less understanding of the meaning of fair trial. This is unfortunate, as nothing is more important.

It is essential to the survival of our system of government, and the individual freedom that has flourished under it, that we are ever vigilant to preserve the historic safeguards of fairness when a citizen's life or liberty is placed in jeopardy in a criminal trial.

Our system for the administration of justice is designed to assure that the key question of guilt or innocence will be decided by impartial men solely on the basis of reliable evidence fairly presented in open court.

We give an accused the right to trial by jury—thus placing the decision with a group of fellow citizens who should be free from bias as well as from state controls. As an additional safeguard against bias, we give the judge the power and duty to set aside jury verdicts that are contrary to law and the evidence. Thus, jury and judge act as a check upon each other, and both present formidable obstacles which the State must overcome before a person charged with a crime can be sent to death or imprisoned.

To assure the reliability of the evidence presented, we have procedures and rules of evidence designed to exclude information that is untrustworthy, irrelevant or unfairly obtained. We also require that the trial be open to the public, so that what occurs may be reported and commented upon throughout the land.

In the United States these assurances of a fair and unbiased trial have not been left to precedent or custom alone. Following the precedent of Magna Carta, our forefathers embodied them in our written constitution.

But even written safeguards are not enough. It is in their actual application that our society must be tested. Great principles if honored only in the abstract and not conscientiously applied in the day-to-day life of a nation, become illusory slogans that mask rather than protect.

There is increasing concern of late that the effective application of these historic safeguards of fair trial is frequently endangered by prejudicial publicity.

The beneficial influence of news coverage of the proceedings in the administration of justice is apparent. Unstinted public criticism is one of the most effective checks upon abuse of power. A diligent and enlightened press can

afford substantial protection to a person accused of crime. It can also protect society from having public order undermined by inefficiency, corruption or favoritism in the enforcement of our laws. But because of their effectiveness in moving people to act, the news media also have the capacity to make a fair trial impossible by the publication without restraint of certain types of information.

The question, now receiving careful re-examination, is how to preserve the essentials of a free press and at the same time prevent publicity which is prejudicial to an accused person's right to a fair trial.

This should not be viewed as a contest between two competing rights. Nor is it a controversy between the press and the bar. Responsible leaders of both agree that fair trial and free press must be preserved and ever strengthened for each is essential to the survival of the other. The crucial task is to see if both of these rights can still be accommodated in the limited area where unrestrained publicity can endanger fair trial.

Turning to that limited area of conflict, the most serious problem relates to the publication prior to a trial of information which tends to prejudice or prejudice the accused.

Typical examples are statements by over-zealous or publicity-seeking police and prosecuting officials as to alleged confessions, as to incriminatory evidence, or to the effect that the case is "open and shut." Sometimes, in addition to a detailing of alleged evidence against the accused, there will be published accounts of a previous criminal record. Information of this kind is likely to receive intensive and pervasive publicity when there is widespread interest in the crime or in the identity of the victim.

The problem has been complicated by radio and television, with the latter in particular now occupying a place of unprecedented influence in the homes of most citizens. The impact of these new media, and the power for good or evil which those who control them possess, would have astounded the framers of our constitution who lived—as the Craft Shops of Colonial Williamsburg so delightfully demonstrate—in a world of the hand press and limited literacy.

There can be no doubt that the intensive pretrial publicity which modern technology has made possible can be gravely prejudicial. The New York *Times* has put it quite simply:

No individual can receive a truly fair trial if before it is held the minds of the jury have been influenced or inflamed by one sided, incomplete, prejudicial or inaccurate statements.

The most spectacular example of prejudicial pretrial publicity related to President Kennedy's assassination. The details of this are known to all.

The Warren Commission, after its exhaustive study, concluded that "news policy pursued by the Dallas authorities would have proven harmful both to the prosecution and the defense. "Not only was the publicity flagrantly prejudicial,

but as the Commission pointed out:

A great deal of misinformation was disseminated a world-wide audience.

The Oswald case, involving the dramatic assassination of a popular President, is unique in its special circumstances. The legitimate public interest in knowing the facts created extraordinary pressures and extenuating circumstances. But in terms of the principles involved, the Oswald type of pre-trial publicity—in disregard of the rights of the accused and of the community—has become all too frequent throughout our nation.

In a concurring opinion in *Irvin v. Dowd*, Mr. Justice Frankfurter stated:

Not a term passes without this Court being importuned to review convictions, had in states throughout the country, in which substantial claims are made that a jury trial had been distorted because of inflammatory newspaper accounts . . . exerting pressure upon potential jurors before trial and even during the course of the trial.

While pretrial publicity is the principal problem area in the reconciliation of fair trial and free press, there are also troublesome questions about publicity during trial. In a long drawn out case, particularly one involving a sensational crime, public passions can be aroused by news media stories and accounts of the trial.

An even more serious problem arises during lengthy trials if information is published that has been specifically excluded from the jury by application of constitutional safeguards or the rules of evidence. The arguments made and the evidence tentatively offered when the jury has been excused from the courtroom may nevertheless reach the jury through the news media. Sometimes over-zealous counsel will make statements to the press in the course of trial that could not properly be made in court. When these traditional safeguards of truth and fairness are by-passed by publicity outside the courtroom fair trial may be directly jeopardized.

To this point, we have considered the nature of the problem. It is essentially a problem of timing, where the decisive factor is when the information is published. The publication of any of the kinds of information that we have discussed after the jury has rendered its verdict can rarely menace the right to fair trial. The problem lies in whether in the interest of safeguarding fair trial this "news" should be on occasions postponed for a relatively brief period.

Let us now look at possible solutions to this problem and the serious constitutional questions which some of them may present.

The British have effectively prevented prejudicial pretrial publicity by limiting the sources of such information and by imposing stringent penalties on the news media that publish it.

After an extensive investigation of police practices, the

British concluded that prolonged secret questioning of suspects by the police was as ineffective as it was unfair. They accordingly adopted Judges' Rules to prevent unfair police tactics. The British now have virtually no problems relating to whether confessions are voluntary. They accordingly have almost eliminated the problem associated with the disclosure of such statements to the press by the police, which is still a serious problem in this country.

The major emphasis of the British system is, however, on control of the media by which pretrial information can be published. Regardless of the source, publication of pretrial information may subject the publisher to fine or imprisonment for contempt of court. The basis for the contempt is that pretrial publication of statements that impute guilt to a person, where the publisher has reason to believe that the person will subsequently be brought to trial, is an attempt to usurp the function of the court in ascertaining guilt. In effect, the rule bars all prejudicial pretrial publication after an accused has been charged. It still leaves a gray area during the period before charges are preferred and while the crime is being investigated. There can be no doubt, however, that this sword of Damocles exerts a considerable restraining influence on the British news media.

However well the British system may work to preserve fair trial, its emphasis on contempt to curb the media has not generally been followed by American courts. The contempt power has always been regarded with uneasy distrust by Americans and is at best a tolerated anomaly to the fundamental principle of trial by jury.

A second factor is, of course, that freedom of speech, and freedom of the press which is but an aspect of it has been accorded a privileged position in American society that exceeds its status in England.

In our country, the basic approach has been to permit occasional abuses on the grounds that this is the price which must be paid for the broader freedoms. We have tried to assure fair trial, without curbing the media, the bar or the police, by making corrective adjustments in our trial procedure. These adjustments have included (i) the change of venue, to remove the trial to an area not affected by the publicity; (ii) the examination of prospective jurors on the *voir dire*, with the view to eliminate those who may have been influenced; (iii) the isolation of juries in protracted cases; (iv) the postponement of trial for substantial periods, to allow the effect of prejudicial publicity to wear off; and (v) the reversal of convictions where this is necessary to assure justice.

These procedural devices or remedies serve useful purposes when wisely employed. But they still fall short of a satisfactory solution to the basic dilemma.

A number of new approaches to reconciliation of free press with fair trial are now being studied—and several are being tried. These approaches may be divided into the voluntary and the coercive.

The Warren Commission recommended that press, bar and law enforcement officials cooperate in establishing "ethical standards concerning the collection and presentation of information to the public so there will be no interference with pending criminal investigations court proceedings, or the rights of individuals to a fair trial". Some have urged that this be done by formulating, on a national scale, a code of ethics for news media, police and lawyers. Such an approach has already been initiated on a state level in Massachusetts, where a substantial part of the news media agreed to certain guidelines in the coverage of crime.

The two obvious difficulties with a voluntary approach are the difficulty of securing agreement on common standards and the impossibility of consistently enforcing such standards once they are agreed upon. But voluntary standards still merit careful consideration. They provide guides for the conscientious, and even the less responsible elements may hesitate to violate them out of fear of public censure. Indeed, voluntary self restraint by all concerned pursuant to agreed standards may be a necessary step if we are to avoid some of the elements of the stringent British system.

But whatever the media may in time resolve to do, there is a growing conviction that the courts and the organized bar must act to control more effectively the source of much of the information which is published. The present Canons of Professional Ethics, adopted in 1908, contain provisions designed to prevent lawyers from "trying their cases in the newspapers". For various reasons, however, enforcement of the Canons in their present form has become increasingly difficult. Their revision is presently under study.

At least one court has not waited for revision of the Canons by the organized bar. In its recent decision in the *Van Dwyne* Case, the New Jersey Supreme Court broadly interpreted the present Canons to prohibit "unfair and prejudicial" publicity both before and during the trial of criminal cases. It indicated that potentially prejudicial statements by prosecutors and defense attorneys to news media would constitute unprofessional conduct. Similar statements by police were also condemned, although the court left violations by the police to be punished by their superior officers rather than by the court itself.

A recent development of far-reaching significance is the recommendation of the Judicial Conference of the United States for federal legislation in this area. Such legislation would make it a criminal contempt, punishable by fines up to \$1,000 for U.S. attorneys, F.B.I. agents or any other employee of the United States or defense counsel to make available for publication information, not of record, which might affect the outcome of any pending criminal litigation.

Another recent proposal, at the state level, comes from the Philadelphia Bar Association. It recommends a code to be adopted as a rule of court in Pennsylvania, which would restrict law enforcement personnel, defense counsel and

judges from disclosing prejudicial information about criminal cases. Moreover, it would bar reporters from access to certain police records and the offices of the police and prosecutor under certain circumstances.

It must be remembered that coercive measures to restrain prejudicial publicity raise serious constitutional questions. At the outset we must recognize that the First Amendment, directly and through the Fourteenth Amendment, specifically protects freedom of speech and freedom of press. If interpreted as imposing absolute prohibitions against any restraints on speech or press, they would seem to foreclose the adoption of any direct curbs on the press. If on the other hand, in accordance with the prevailing view, these freedoms are to be balanced against other constitutional safeguards, they still impose a heavy burden on anyone seeking to limit speech or press.

For a time, early in this century, it seemed that American Courts were free to follow the English system at least partially. In *Patterson v. Colorado*, and in the *Toledo Newspapers* case, the court did not consider the First Amendment a bar to use of the contempt power to punish publications which were intended to influence the outcome of pending cases.

But the decision in *Toledo Newspapers* was subsequently overruled in the 1940's. Since that time *Bridges v. California* has been the key case in this area. That case lays down the stringent rule that the contempt power is available to punish a publication or speech outside the courtroom only if it constitutes "a clear and present danger" to the administration of justice.

It is significant to note however, that *Bridges* and subsequent decisions of the Supreme Court following it have all involved publications which might have influenced judges in discharging their duties. None has involved prejudicial publications which interfered with jury trial by influencing, prejudicing or intimidating jurors—and this is the heart of the present problem. In many situations it may well be that publicity that would not sway a judge might influence a jury and thus constitute a clear and present danger to the administration of justice.

Constitutionally might involve additional considerations. For example, the special disciplinary powers of the courts and the bar over lawyers have long been recognized. Power to impose limitations on improper police procedures may also reside in the courts. Whether as asserted contempt is tried by a judge or by a jury may also be decisive.

Enough has been said to indicate that there are no quick and easy solutions. Remedial action—other than that which

is voluntary—must take into account constitutional as well as public policy considerations.

But to urge caution is not to counsel inaction. There is, as we have seen, strong evidence that present measures are not enough. Certainly, it is a first responsibility of the legal profession to put its own house in order. Most prejudicial information (though by no means all of it) originates within the legal process—from police, prosecution officials and lawyers. But action by the legal profession alone, however strongly taken, will remain only a partial solution unless and until the police and the news media also exercise appropriate restraint. In short—as the Warren Commission implied—we have a common problem requiring thoughtful and cooperative action by all concerned.

In our efforts to fashion additional safeguards for fair trial, within the framework of the Bill of Rights, we must avoid being confused by generalizations and slogans. There has been a disposition sometimes to equate the media and the public. Again, some have talked about a "public right to know" as if it were a constitutional right.

These generalizations miss the point. The essence of the freedom guaranteed by the First Amendment is to permit unlimited expression of views about matters of public and political concern and to respect the sanctity of individual conscience and belief. We have accordingly long recognized that there are areas of privacy where respect for the individual and his rights precludes the satisfaction of public curiosity.

We must bear in mind that the primary purpose of a public trial, and of the media's right as a part of the public to attend and report what occurs there, is to protect the accused. When we speak of the Constitutional right to a public trial, we do not mean a spectacle before the public at large. The guarantee of a public trial was never intended to protect any right of the public to be entertained. The purpose of this guarantee is to prevent secret trials and also to assure, through the safeguards of appropriate public scrutiny, that the administration of justice is honest, efficient and in conformity with law. Thus, the ultimate public concern is not the satisfaction of curiosity or any abstract "right to know"; rather, it is to be sure that trials are in fact fair and according to law.

As this discourse continues as to how best to reconcile these great constitutional rights, it is well to remember that it is only by assuring that justice is done to individuals from day to day that we can assure that all of our freedoms, including free press, are preserved through the years to come.

Nieman Notes

1945

A. B. Guthrie, Jr. discusses his Nieman year at Harvard in his autobiography, *THE BLUE HEN'S CHICK: A LIFE IN CONTEXT* (McGraw-Hill).

1946

Priscilla S. Robertson, wife of Cary Robertson, Sunday Editor of the Louisville *Courier-Journal*, is one of eighteen women scholars appointed to the Radcliffe Institute for Independent Study for 1965-66. She is the author of *REVOLUTIONS OF 1848: A SOCIAL HISTORY* and is currently a lecturer in history at Indiana University. While at the Radcliffe Institute she plans to begin work on a social history of the nineteenth century in Europe.

1950

The Pulitzer Prize for Disinterested and Meritorious Public Service was awarded last month to the Hutchinson, Kansas, *News* for its efforts in achieving reapportionment of the State legislature. Two Nieman Fellows were thus rewarded: John P. McCormally, executive editor, and Donald M. Kendall (of the 1965 class), farm and political editor.

1951

Edwin Guthman has been named national editor of the Los Angeles *Times*. He has been serving as press aide to Senator Robert F. Kennedy and assisted him as special assistant in charge of public relations when he was the Attorney General.

Sylvan Meyer has been elected to a two year term on the Board of Directors of the American Society of Newspaper Editors.

Dana Adams Schmidt is now in the New York *Times* London bureau, having gone to that post from Beirut after four years in the Middle East.

1954

Robert E. Hoyt is now labor writer for the Detroit *Free Press*.

1955

The Sigma Delta Chi Distinguished Service Award for work in foreign correspondence went to Henry Shapiro, of the UPI in Moscow.

Henry Tanner is now in the Paris bureau of the New York *Times*. Prior to this assignment he has served the *Times* in Moscow, Algeria and the Congo.

Sam Zagoria has been appointed a member of the National Labor Relations Board by President Johnson.

1956

Richard Harwood, Washington correspondent for the Louisville *Courier-Journal*, has been appointed a Carnegie Fellow in Journalism at Columbia. In this capacity he will serve as a professional resource person for the Faculty and students of the Graduate School of Journalism and will have available all the resources of Columbia for his use in independent research projects and writing in his field of investigative reporting.

1959

After four years with *Time*, as foreign news writer and, later, the education writer, Mitchel Levitas has moved to the New York *Times* to be an editor of the Sunday Magazine.

1960

Peter Braestrup is moving from the New York *Times* bureau in Algiers to the Paris bureau.

1961

Robert C. Smith, newly named associate editor in charge of the editorial page of the Charlotte *News*, is the author of *THEY CLOSED THEIR SCHOOLS*, a book published in May by the North Carolina Press about the Prince Edward County school closings.

1963

Gene Graham has been named Associate Professor at the College of Journalism and Communications of the University of Illinois. A column by him entitled "Who's Laughing," which pays tribute to the Kennedy sense of humor, will be included in *ACCENT: U. S. A.* (Scott, Foresman & Co.). The piece originally appeared in the Nashville *Tennessean* (November 24, 1963) and later in *A TRIBUTE TO KENNEDY* by Salinger and Vanocur.

Nieman Reports Reprints Available

The Johnson Reprint Corporation, 111 Fifth Avenue, New York, has made available several issues of Nieman Reports which had been out of print for some time. These include volumes 1 through 5 (February, 1947, through October, 1951); volume 4, number 2 (April, 1960, *Reading, Writing and Newspapers*); volume 7, number 3 (July, 1952); volume 8, number 4 (October, 1954); and volume 9, number 2 (April, 1955). These issues may be obtained by writing directly to the Johnson Reprint Corporation. Other back issues will be provided upon request to the Office of the Curator, Nieman Foundation, Harvard University, 77 Dunster Street, Cambridge, Massachusetts.



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September Reading For Your "Must" List

"The vocabulary involved can easily confound the average reader, who may be under the assumption that eschatology is obscene literature or that exegesis is a skin disease."

"Whatever the misconceptions and misdeeds of the press, it was gratifying to see the bishops head for the newsstands as they left St. Peter's after each morning meeting."

These are excerpts from *Covering the Ecumenical Council*, an article written especially for the September issue of *Nieman Reports* by Sanche de Gramont. The editors recommend it with enthusiasm as a candid and intriguing analysis of the problems of the press in covering one of the most difficult stories of the century.