

NIEMAN REPORTS

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CLASS OF 1951

Nieman Fellows Gather In Washington

The Nieman Fellowships: A Report

I am glad to join with you in celebration of both a particular life and the ongoing Nieman purpose. The life is, of course, that of Louis Lyons, who would himself be fretful, yet again, that we were making such a fuss about him, but also secretly quite pleased; the purpose is one to which Louis put so much of his long life, his vigor, his integrity, and his inventiveness — namely, the Nieman Fellowships.

Louis Lyons was marvelously blunt, brusque, and to the point. He had little or no small talk, so let me follow his example.

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First, on the health of the Nieman Fellowships, a report:

We have never in our forty-five-year history had more applicants; nor have we ever had a higher caliber of talent among those applicants, or greater diversity in terms of geographic spread, sex, race, age, and specialties within all forms of serious journalism.

I can also report that this year's resident class happens to be the best class since last year's class, and conceivably since one or two of your classes, which I didn't know so well at the time. So, fit in where you will. When I say "best" I use two central indicators: first, self-startingness as individuals; and second, intellectual and social cohesiveness as a group.

Furthermore, I can report that our relations with the various Harvard faculties have never been better. All doors are open to Niemans and their spouses in virtually all areas of Harvard and our sister institutions.

Not incidentally, that word spouse is important for any of you who may have been out of touch with the program. When I became Curator in 1972 I was

told that the Nieman "wife problem" would be my biggest headache, and also insoluble. Well, we solved it — thanks to the inspiration of my wife — by decreeing all spouses, including husbands and Significant Other People, to be "Honorary Niemans"; and the problem disappeared, almost at once. Let me tonight use my Curatorial powers to admit, retroactively, all you wives and others who did not live under this rubric, to the rights and privileges of Honorary Niemanhip.

A further piece of good news — I should report that we have succeeded in making our Niemans from abroad — our foreign Niemans — just as diversified, talented, and productive as our American Fellows. We have found new donors for their support, and thereby new regions and new nations and new journalistic talents that have transformed our Nieman classes for the better. This has pleased me a lot since my other warning, besides the so-called "wife problem" when I took over, was a warning about the Nieman "foreign danger." Instead, it has, for us, become a foreign blessing.

Finally, no single change has given us as an institution such a combination of breathing space, privacy, and community visibility as the acquisition of Walter Lippmann House. Its effects have to be seen and felt to be believed.

So much for the health of the program. What of the problems and dangers?

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Our first problem, like anyone else's in these times, is money. Our endowment, which looked comfortably big in 1970, is no longer large enough to support adequate stipends for the Fellows as well as Nieman Seminar costs

and all else we must try to do. A capital fund drive to raise roughly \$3 to \$4 million seems to me now essential, and I would like to see its fulfillment coincide with the anniversary of Agnes Nieman's bequest in the mid-1930's, and become a Nieman Half-Century Fund, with a target date, perhaps, of 1988-89, fifty years after the first Nieman class that produced, among others, Louis M. Lyons.

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Our second problem, a smaller but important need, is what I would call resistance to the imperialist itch. During my Curatorship I have been offered a number of fully funded projects and programs, some quite grand in style and content, by foundations and others — things that might become permanent attachments to, or enlargements of, the Nieman enterprise. But I have firmly resisted them all, for one reason: my refusal to see anything happen to this pioneering and still unique program, even though it is emulated from time to time elsewhere — to see anything happen that might damage its heart — namely, the nearly total freedom we provide for selected journalists with or without much previous formal education, to study anything they want at a very good university for a full academic year. I am proud of that resistance, and I did, in fact, learn it from Louis Lyons who early warned me, for instance, never to allow the program to become a one-semester fellowship, with twice as many Fellows, as apparently some in the trade have recurrently argued or urged. Despite increasing pressures for bigger numbers of Fellows, brevity of stay, and institutional expan-

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CLASS OF 1939



CLASS OF 1979

Nieman Fellows Gather In Washington

On the evening of April 19th, 180 Nieman Fellows and guests convened in the Castle of the Smithsonian Institute in Washington, D.C., to honor the memory of Louis M. Lyons, Nieman Curator for twenty-five years, who died on April 11, 1982.

Peter Braestrup ('60), editor of the *Wilson Quarterly*, was the dinner host. He introduced Jack Nelson ('62, Washington bureau chief of *The Los Angeles Times*) who acted as master of ceremonies for the brief talks by Nieman Curator James C. Thomson Jr., Morton Mintz ('64), Thomas Griffith ('43), and the evening's main speaker, Professor Ernest May of Harvard University. A bagpiper in dress tartans piped the diners from the Great Hall into the Commons, where seating was by class year. Thirty-seven of the forty-four Nieman classes were represented.

Special guests included family members Mrs. Louis (Totty) Lyons; two of Louis' sons, Richard, and Shirley Elder his wife; John and his wife Grace; Louis M. Lyons II, their son was at a baseball play-off game and could not be present. In addition to the speakers, friends at the head table were: Prosser Gifford, Deputy Director of the Wilson Center, and his wife Deedee, Caroline Griffith, Barbara Matusow, and Tenney Lehman, Execu-

tive Director of the Nieman Foundation. Special guest Dwight E. Sargent, former Nieman Curator, was unable to attend, but sent a message reading, "Have a memorable evening celebrating one of journalism's noble men."

In his welcoming comments, Peter Braestrup recalled an evening in the spring of 1960, when he and his fellow Fellows, under the leadership of Ralph Otwell, organized and held a banquet at the Harvard Club of Boston in honor of Louis Lyons' twentieth year as Nieman Curator. Among those special guests were Arthur Schlesinger, Sr. and James B. (Scotty) Reston. Peter found a bagpiper to pipe the throng into dinner. Afterwards he asked Louis how he liked the bagpiper. Louis replied that he didn't mind it.

Peter's arrangement to have a bagpiper-escort again at the 1983 dinner provided a nice echo to the earlier occasion.

The Growth Of A Reporter

Morton Mintz

Louis Lyons was manifestly dedicated to helping reporters grow toward deserved autonomy.

Shortly after Louis' death, Bob Healy of *The Boston Globe* asked a few Nieman to write a few paragraphs about him, each from a different vantage point, and this is what I wrote at that time.

Like no one else, Louis lives in me as he does in many who came under his spell. He asks imagined questions, pointed, simple, stark, necessary. Is it right to do this? Fair? Is this why we have the First Amendment?

By reason of age, I was chairman of the Nieman Class of 1964. We were the last Nieman privileged to have Louis as our Curator. As such, we realized we had a unique opportunity to honor the mentor we had come to revere and love, as had so many before us. The problem was how to act on the opportunity, and after much thought and discussion we created the Louis M. Lyons Award. It was no problem to decide what an award bearing his name would honor. It was, of course, conscience and integrity in journalism. Louis radiated these qualities. His presence, and now his memory, touch us forever with this benign radiation.

I owe to Louis Lyons the marvelous experience of a Nieman year. I was educated; I wrote a book; without his encouragement and that of his friends and Nieman advisors — particularly the late Arthur Schlesinger, Sr., and John Kenneth Galbraith — I doubt that I would have persevered. Louis inspired me and gave me a feeling of pride in being a reporter that he alone could give. He is my hero. He made a magnificent and unmatched contribution to the Nieman Fellows, to journalism, and ultimately to his country. I will revere and love him always. That's a story, to use a cliché of the trade, I stand by. I will expand on it only briefly.

Morton Mintz, Nieman Fellow '64, has been a reporter with The Washington Post since 1958. He is the winner of many journalism awards, and the author of several books; most recently, Who Owns and Operates the United States, and Power, Inc.: Public and Private Rulers and How to Make Them Accountable.

My perspective is that of a person who was a reporter in the 17 years before he arrived in Cambridge, who has remained one in the 19 years since he left, and hopes to continue to be one. I will use two aphorisms as vehicles for much of what I want to say. One comes from Murray Kempton, the columnist, the other from Peter Keyes, who retired from *The New York Times* in 1982 after 49 years as a reporter. Kempton said, "The growth of the reporter is a struggle toward autonomy; the success of the editor lies in the suppression of that struggle." Keyes said, "An editor is someone who separates the wheat from the chaff and sees to it that the chaff gets printed." Well, those of us who may not be wholly free of bias in this matter laugh and relish cracks like that. Of course we do. But we do not laugh from the belly. We cannot, if only because what Louis taught us and made almost reflexive in us is much subtler and certainly truer than either of those statements. He might have rewritten Kempton this way: "The growth of the reporter is the struggle toward a deserved autonomy. The success of the editor is the just suppression of undeserved struggles toward autonomy." I do not believe it presumptuous to speculate about how Louis might have reformulated Kempton or Keyes, because he was so manifestly dedicated to helping reporters grow toward deserved autonomy, which they do partly by trying always to produce more wheat and less chaff.

He had such growth in mind when, for example, he wrote in 1965 of the endless and unanswerable question that has occupied considerable space in *Nieman Reports*: Is journalism a profession? "I've always cut through this," he said, "to say that the responsible journalist acts as though it were, that the reader is his client and his only client." That was talk about a deserved autonomy. He was urging reporters to act as if professionals, although they are in fact employees.

On the same occasion in 1965, Louis wrote about interpretive reporting, which may be routine today, but which had been long and stoutly resisted. It was Senator Joe McCarthy, Louis recalled, who had forced the press to come to interpretive reporting, to look beneath the surface of the demagogue's claims as to the facts. He went on to say that if this led to inclusion at times of a reporter's judgment as to the facts, "I for one welcome this aid. If the reader disagreed with the judgment," Louis continued, "he could discount it and still welcome the fuller report." He pointed out that newspapering was throughout this period loosening up; the reporter given his head more. In and out of *Nieman Reports*, I had been pushing for this, cheering for it. To me, that was talk about a deserved autonomy: pithy, blunt, no chaff, a pure one hundred percent Louis Lyons "Wheatie."

The book that Louis encouraged me to write was mainly about the pharmaceutical industry, the Food and Drug Administration, and the American Medical Association. When I arrived in Cambridge, I had no thought of doing a book, but once the opportunity arose, Louis in his shy but uniquely warm and wonderful way encouraged me. At the time, I think, I was not quite sure why he was doing that. But it became clear afterward when I read a speech he had made in 1958, a quarter

of a century ago. As usual, he was incisive, way ahead of the pack, and evocative. He said that as the role of modern government inescapably grows greater, its functions more complicated, the penetration of these forests of our public affairs becomes an increasing challenge to the talent, energy, and manpower of the press. He also said that too few reporters take up what he termed "the lonely search of the less publicized, more impenetrable corners of the public domain. Their tribe must be increased." By nurturing and motivating Nieman with serious books in them, such as books that cut close to concerns about life, health, and pocketbook, he helped greatly to increase that tribe.

These thoughts were greatly in my mind a year ago when I wrote that Louis inspired me and gave me a feeling of pride in being a reporter that he alone could give. Louis inspired partly because he was, and we all knew he was, a truly great reporter. The autonomy he had, he earned. He has our love because he tried to help us to try to earn it, too. John Taylor of *The Boston Globe* has said that back in the 1920's and 1930's, Louis was the best reporter he had, and maybe the best reporter anybody had. Not that his wheat was never treated as chaff: Taylor once told of a time in the middle 1930's when the textile industry was evacuating New England, and Louis was on the train with Vice President Henry Wallace. By Taylor's account, Wallace said, "I'll tell you what's wrong with New England's textiles. Your textile families are into the third and fourth generation. They have run out of brains, ability, and guts." Louis, of course, got off the train and filed about two and a half columns for the *Globe*. In those days it was a very big story indeed; his story ran on page 27, and at that time, 28 pages was a big paper, so I thought that was a marvelous example of how he had suffered what some of us think we have suffered, anyway.

The Nieman Class of 1982 chose Joe Alex Morris, Jr. of *The Los Angeles Times* to receive the Lyons Award posthumously. A moving presentation was made to his widow at the Nieman reunion two years ago. Louis was 83 then, and it is, I think, reasonable to believe that he wanted his remarks blunt, laconic, and doubtless jarring to some, to underscore values that remained utterly precious to him toward the end of his life. Under the seal of *Veritas* and commitment to responsible journalism, he said at one point, "Our present group of Nieman Fellows has made an appropriate award, for the work of a newspaperman of notable honesty, and courage, and skill, and unflagging devotion to fact. In honoring the work of Joe Alex Morris, Jr., the Fellows of this group expressed their own standard of what is worthy to emulate." At the end, Louis offered a pointed warning. It was against what he termed the "desensitizing effects of bureaucracy" on an institution which by its nature must be the "most sensitive of institutions."

And this brings me full circle to the story I was standing by tonight. It is Louis Lyons, sensitive and sensitizing in our memories, as he was in life, who always raised what I called a year ago "imagined questions" — pointed, simple, stark, and necessary. Is it right to do this? Fair? Is this why we have the First Amendment? □



CLASS OF 1940



CLASS OF 1941



CLASS OF 1942

Professionalism Is What Counts

Thomas Griffith

My introduction to Louis was also my introduction to the taciturn, laconic, parsimonious Yankee world.

I have been asked to speak about Louis Lyons, who died just a year ago last week, and without taking away from Archibald MacLeish, who preceded him, or from Dwight Sargent and Jim Thomson, who followed him, I think it can be said that in his twenty-five years as Curator, Louis Lyons became Mr. Nieman. Still, Pete Braestrup told me, a lot of later Niemans didn't really know Louis, so would I talk about him.

Well, I don't intend to play games about which Nieman years were best. I've just been reading in the latest *Nieman Reports* tributes to Cassie Mackin, written by fellow members of her Nieman year. I wound up thinking that not only would I have liked to have known her, I would like to have known her fellow Niemans.

I do think those who knew Louis in the earliest years saw him best. Pete Braestrup remembers him as hard to get to know. Coming from somewhere out there in glad-handing America as I did [the Pacific Northwest], my introduction to Louis Lyons was also my introduction to the taciturn, laconic, parsimonious Yankee world. If I remember correctly, his total welcome to me was, "Well, glad you got here."

One Nieman said that when you first met Louis, he would be looking down at his shoes. When you got to know him better, he would be looking down at your shoes.

On occasion, Louis liked to tell Calvin Coolidge stories, which he savored because they were an economy version of his own "yup-nope" style. You had to know Louis a while to know his frequent silences weren't boredom with you, and

you didn't have to fill the air with desperate conversation. In a few moments, one of his yarns would gather in him, and everything would be all right.

I realize now that he also turned President Conant into a Cal Coolidge character. Conant, you remember, got that \$2 million Nieman bequest from out of the blue, didn't want any damned journalism school at Harvard, and set up what he called "the dubious experiment of the Nieman Fellowships." Louis was in that first class, and at 40 was its oldest member. At the end of that year, when President Roosevelt made MacLeish the Librarian of Congress, Conant asked Louis to spend half his time as Curator while spending the other half at his old job at *The Boston Globe*. That was how it was when I got there in year five.

Dinners with outside editors or correspondents began in the very first year. Louis added another fixture: the weekly "beer-and-cheese" afternoons with top people on the faculty, the discussion usually pegged to a subject in the news. Those two basics were thus established: continuing contact with the outside world of journalism, and contact with the best minds of Harvard.

Otherwise, Fellows were on their own. Louis himself was on his own. He had discovered that if he didn't bother Conant, Conant wouldn't bother him. Occasionally they would meet in the Yard. Invariably Conant would ask, "How is the Nieman business going? It's going all right, isn't it? That's all I hear." But Conant, ever the scientist, always referred to it as the "Nieman experiment." That may not have bugged Louis, but it bugged me. Finally, at a reunion celebrating the Foundation's tenth year, Conant pronounced the "experiment" a success. I could have made that judgment years earlier.

Early on, when Lyons suggested picking women Niemans, Conant told him, "Why, you serve liquor at those Nieman dinners, don't you? Better not complicate it. It's going all right, isn't it?" Even after the war, Harvard remained an all-male enclave. Women were stashed down the street in Radcliffe's ivory, ivy-covered ghetto. Lyons went to see Conant again. Conant this time was persuaded to accept women Niemans, but his parting words to Louis were, "The blood be on your head."

Talking the other day to Bill Pinkerton [41], Louis' old colleague, I learned a footnote. Pinkerton had been at that meeting with Conant. When Louis spoke of having a number of eligible women candidates, Conant said, "Why not pick two? That way they could walk around the Yard together like nuns." This is why, when the Nieman program got its first woman, it got two.

Louis was, first of all, a newspaperman. He was also a liberal newspaperman, and in this company, I don't think it necessary to argue that there can be good liberal newspapermen and good conservative newspapermen. The professionalism is what counts. Nowadays politicians say, call me moderate; call me pragmatic; call me progressive; but don't call me liberal. Louis was not a man to change his clothes to suit the latest fashion, and would want to be remembered as a liberal now. Being a liberal then was something different,

Thomas Griffith, Nieman Fellow '43, is an essayist and editor. He writes the "Newswatch" column for Time magazine, and is a columnist for Atlantic magazine and special writer for Fortune magazine. He has served variously as national affairs editor, foreign news editor, assistant managing editor, senior staff editor for Time Inc. publications, and the editor of Life magazine. His most recent book is How True, A Skeptic's Guide to Believing the News.

however; a fighting cause, doing battle against entrenched power, a movement not yet triumphant, not yet complacent and slack in office, not yet disillusioned.

The kind of newspapermen that attracted the Nieman selection committee in those days tended to be liberal. In the South, they had fought for justice for the Negro; in other places they had exposed shenanigans.

One Nieman said that when you first met Louis, he would be looking down at his shoes. When you got to know him better, he would be looking down at your shoes.

Publishers at that time were unforgivingly conservative. Colonel McCormick, Hearst, and the Chandlers would be aghast at the notion that their news columns had a duty to be fair to both sides; they would find no pleasure in putting out what they would regard as today's namby-pamby, evenly balanced papers. I remember my old boss, Harry Luce, saying he had no desire to run a public utility, and he never did. These strong attitudes on both sides led to some contentious Nieman dinners. Some publishers became openly hostile to the Nieman program; besides, they worried that after the Nieman year some of their best staff members would go to to better jobs elsewhere.

Those outside speakers at Nieman dinners were usually chosen by the Fellows themselves, though if it was to be A. J. Liebling, Louis would caution that Joe Liebling was unpredictable and, as Louis later wrote, sometimes "lapsed into a Buddha-like silence after he had stated his brief thesis that publishers were no damn good. I used to tell the Fellows that they'd better be prepared to provide the conversation."

Louis had a great gift for deft, offhand introductions that were hospitable and courteous but free of palaver. He would then light his pipe and get out of the way, letting questioners take over, and rarely intervene unless things really got out of hand. He thought that those particularly who had the power to dish it out might profit by having to take it, for one evening. One night Westbrook Pegler came to dinner. Peg, once a gifted chronicler of the adolescent world of sports, had become a crotchety polemicist.

Peg was venomous about the Newspaper Guild, which had been founded by his old saloon buddy, Heywood Broun. When Pegler called the Guild communist, some of the Fellows present who were members went after him. Louis, in the background, was tamping out his pipe when Pegler turned on him and said, "I didn't come up here to be cross-examined by *collective bargainists!*" He refused to say anything more. Pegler was offered a ride back to his hotel but said he would rather walk. Louis regarded that as the most disastrous evening in twenty-five years.

The other day, however, I was going through the clips at



CLASS OF 1952



CLASS OF 1953



CLASS OF 1954

Time and came across a lecture Louis had given at a Guild convention in Minneapolis. The Guild had raised salaries in the newsroom, Lyons acknowledged, but the best people on the staff were no longer paid significantly more than the lowest, and newspapers could no longer hold their best people. Nor were editors now as free to promote the best on the staff or to rid themselves of the poorest. Louis was the kind of liberal who would be just as tough on those on the same side of the argument as he.

No wonder that Harvard, when it gave Louis an honorary degree upon his retirement, referred to him as “the conscience of his profession.”

A phrase like that perhaps comes easily to those who do the wording of honorary degrees, but in this case I am sure that Harvard meant it and that Louis deserved it.

For some years, as many of you know, Louis divided his time as Curator with doing the evening news on the educational channel, first on radio, later on television. He was Harvard’s contribution to the channel. Some of you probably remember the UPI ticker in the office, and Louis working on his copy, then the dash to the station with Totty at the wheel of the Volkswagen bug.

Later, long before MacNeil-Lehrer, the program was expanded to include an interview on the topic of the day with specialists from Harvard, M.I.T. or other faculties. Niemans could recognize these as descendants of the old beer-and-cheese faculty discussions, for Louis would call on knowledgeable people he had come to know, and who respected the informed kind of interviewing he did. This daily program was so demanding of Louis that I used to wonder whether later Niemans got to see and appreciate Louis the way we earlier Fellows did.

My wife and I used to get back to Cambridge occasionally and we always enjoyed a stop at 9 Kenway, where before the fireplace, surrounded by books, magazines, and quarterlies — for Louis was an omnivorous reader — we would have a drink with Louis and Totty and exchange prejudices on the day’s news and memorable experiences.

By now Lyons was something of a hometown celebrity. Thousands of New Englanders preferred to get their news salted with Louis’ tart one-line commentaries and dry ironies. He didn’t court the camera; he looked down as he read. But he who despised show-off journalism had become a character simply by remaining natural. I think the appeal was the same as Julia Childs’ — the art of the artless. Knowing that he was being appreciated, I think he secretly enjoyed the impression he made, but was too canny a Yankee to admit it.

I never heard a brag out of him. The nearest might be an anecdote he once told, about going out on an interview, along with his old friend, Charlie Morton, then of the *Boston Transcript*, later of *The Atlantic*. They went to see that famous old small-town editor, William Allen White, who was always referred to as the “Sage of Emporia.” White put his arms around Lyons and Morton and said: “We all have the same face. It is not an acquisitive face.”

That was the kind of compliment, free of excess, that Louis could appreciate: a little that said so much more. □

On The Nieman Fellowships and the Use Of History In Reporting

“The Nieman program is one of the things that makes Harvard a unique institution.”

Following is an account of Professor Ernest May’s address, in which he touched on three subjects: the Nieman program, Louis Lyons, and history, his own field.

Professor May said that Harvard “really is a unique institution in the United States,” and went on to point out that it is not a place that can be compared with any other institution in the country. Even though a number of other great colleges, graduate schools, law schools, and business schools, exist, no other institution has the combination of “first-rate, energetic faculties all in one place, in an urban area, and the collection of people in the Harvard community, who are simply not found in any other academic community anywhere in the world.” Some are in degree programs; others in midcareer programs at the Kennedy School, some from government, who are not typical students; others in advanced management programs at the Business School; others are in various special programs around various faculties; non-degree candidates, non-degree students, Fellows in the Center for International Affairs, Fellows in the Institute of Politics, and particularly, the Nieman Fellows.

The presence of all these faculties, these different kinds of students, teachers, and community people bring to the University a body of experience, a set of attitudes, a set of questions, that are not characteristically found in normal

Ernest May, Charles Warren Professor of American History at Harvard University, is at present a Fellow at the Wilson Center of the Smithsonian Institute. He’s a former dean of Harvard College, director of Harvard’s Institute of Politics. Among his books have been the prize-winning study of World War I, an examination of presidents as commanders-in-chief, and Lessons of the Past: The Use and Misuse of History in American Foreign Policy. He has been a consultant at various times to the Joint Chiefs of Staff, to the Office of Secretary of Defense, and the National Security Council. He is a long-time friend of Louis Lyons and the Nieman program.

student bodies or faculties. The Nieman Fellows are at the leading edge; "They are the most extraordinary group of the non-degree candidates around the University . . . they make it a very different place."

The classroom mix is ideal: energetic, imaginative, eager, but inexperienced undergraduates; the smart diligent graduates — sometimes tending to cater to professors and willing to spell "Peter Rabbit" backward if that's what the instructors told them to do — and some Nieman Fellows, asking "hard questions out of a body of experience."

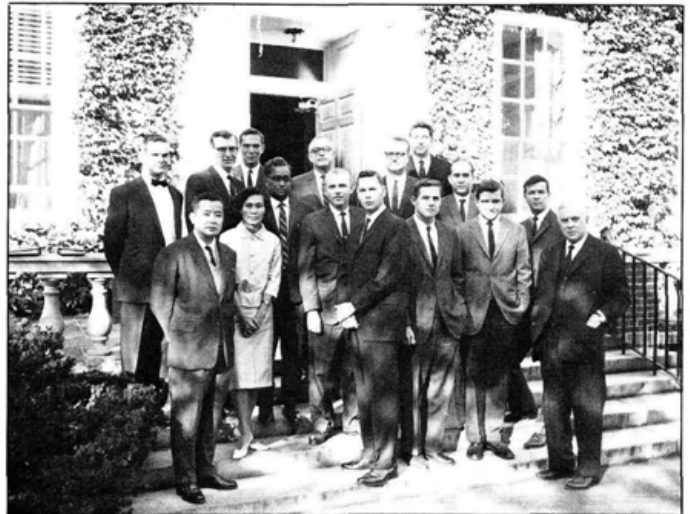
May said that year in and year out — to have such a mix in the classroom and have Nieman asking questions had made him a better teacher. May recalled early in his teaching career, the presence of Henry Tanner ['55] in his class on the "History of American Foreign Policy" . . . and in later years, some Nieman he could see in the audience as he spoke that evening — Rick Smith ['70], Tony Lukas ['69], and Peter Brown ['82] — to mention a few.

In a word, it is very good for the students as well as the faculty to have Nieman Fellows at the University, and the Nieman program is a "marvelous asset" to Harvard and one of the things that makes Harvard unique.

The contribution that the Nieman Fellows make to Harvard is largely owing to Louis Lyons but, May added, this did not take away from the "eleven years of creative direction and shaping the program" that Jim Thomson had accomplished. Louis Lyons, however, had the opportunity to tailor the program originally and to make the choices which fashioned it in ways that have resulted in its contribution to the University and the community. May pointed out that the original program could have been designed as a place to train journalists "centering around the idea that there were certain skills to be communicated, but would have isolated the Nieman Fellows from the community."

May recalled the time he was involved in setting up an institute at Harvard. He asked a member of the Corporation about one of the plans being considered, "But suppose that fails?" And the response was, "At Harvard, nothing ever fails." While there is some truth in that, some things succeed more than others, and Louis Lyons shaped the Nieman program around the idea that "journalism was not a set of skills to be learned in a year in a university, and not a guild set apart." Lyons recognized that the essential quality of a first-rate journalist is curiosity, and that the University would prove a place to sharpen curiosities and to increase the number of questions that journalists could ask. The right design was for Nieman to roam round the classrooms and ask questions, and in the process, to prove to themselves that the more they learn, the more they do not know. "It's that design which makes the Nieman Fellows such an important ingredient of the unique mix that is Harvard."

"As you all know," May continued, "Louis gave opinions. His convictions were not hidden from people who talked with him or heard him as a newscaster." Lyons agreed with those



CLASS OF 1964



CLASS OF 1965



CLASS OF 1966

who feel that the media should report good news, not just bad news. "That's why he used to start his programs often with those lyrical descriptions of the spring or the autumn in New England," May commented. But he "was a facts man. He believed in acquiring facts and searching for them. When appropriate he would nudge Niemans toward essentially facts-oriented studies, such as Arthur Schlesinger, Sr.'s course in American history or Fred Merk's course on the American West,

Lyons recognized that the essential quality of a first-rate journalist is curiosity.

or John Fairbank's course, or Edwin Reischauer's courses on East Asia, or historically oriented people in the government department like V. O. Key on American politics or Robert McCloskey on the American Constitution, or Merle Fainsod on Russian politics and government." Louis Lyons believed that history is an important component in the educational background, the set of facts, the set of questions, that every journalist possesses.

Some of the more recent Niemans have found it helpful to take the course "The Uses of History," taught by Professors May and Richard Neustadt, designed primarily for people who are in government service, or preparing for positions as analysts or decision makers in the government. May mentioned that while people in government use history often, extrapolating from their experience to make comparisons and analogies, they don't necessarily reflect on how comparable the experience is. On the other hand, the same people often don't make use of history when it could be helpful — i.e., the history of an issue, of an organization, of a person. These are the themes of "The Uses of History."

Professor gave two examples of the uses of history that are especially pertinent to journalists.

In the spring of 1975, the North Vietnamese had started an offensive in Vietnam. The South Vietnamese "had crumpled in astonishingly rapid fashion" and the North Vietnamese had advanced and occupied Saigon. American television newscasts showed Americans boarding helicopters and pushing South Vietnamese off the ramps in their haste to get on board. A few weeks later, the Khmer Rouge had taken over Cambodia. Following that event, when the ship *Mayaguez* was seized by Cambodians, sixty miles out at sea in international waters, it was towed into Kampong San harbor.

In Washington there was great excitement and urgent emergency meetings of the National Security Council. A task force was put together; in three short days it was in Cambodia, and there was intensive bombing of Kampong San and other areas in the environs. The Marines were ready to land, when

the *Mayaguez* and its crew were released.

American jubilation was short-lived, because it turned out on subsequent inspection that forty-two crewmen had been rescued, but forty-one Americans had lost their lives in military actions and fifty had been wounded. "In fact, it had been a very close thing — the bombs had nearly dropped on the crew and on the ship."

At that stage southeast Asia was the focus of much attention, but there was also much confusion. "In retrospect," May said, "we see that one of the things that had happened in those three days of task force preparation was frequent invocation in what was being said in both on-the-record and off-the-record press conferences about the analogy of the *Pueblo*."

The Navy communications ship *Pueblo* had been seized off the coast of North Korea in 1968, taken into port, and its captain and crew held prisoners for nine months in North Korea. The precedent of the *Pueblo* was cited in some of the analysis that was done in the government. In fact, the plan for the recapture of the *Mayaguez* was designed to prevent a *Pueblo*-type incident from happening again. "That's an illustration, because the *Pueblo* analogy, if pushed, didn't hold up very well," May said.

The *Pueblo*, a Navy communications ship, collecting communications intelligence, was captured as an action of the North Korean government. At that time the urgency about recapturing the *Pueblo* had a foundation, because there was secret equipment aboard; the captain and crew had secrets they could disclose; and they wore the uniform of the United States.

The *Mayaguez* was a cargo ship with nothing on board but some dry goods, paint, canned goods, and some miscellaneous mail that was being carried in the area. The captain and the crew had no secrets in their heads; they didn't wear the U.S. uniform, and "It was, in fact, not until afterward clear that they were American citizens, for the most part."

Furthermore, it was not clear that seizure of the *Mayaguez* was an action of the Cambodian government; there was a question whether the action had been ordered by some gunboat commander. Later evidence showed that a Korean ship, a Panamanian ship, and two Thai ships had been stopped by the same gunboat commander who halted the *Mayaguez*.

The analogy between the two incidents did not hold up; the only thing in common was that the *Mayaguez* and the *Pueblo* were both ships. There was no other point of comparison between the two.

May commented, "That's an analogy that should have been probed within the government; it should not have held up, as it apparently did, through three days of discussion in Washington. It doesn't say the action was necessarily wrong, but the urgency can be called into question. And the press could have asked questions."

The notion of a honeymoon period is an analogy a little like the one between the *Pueblo* and the *Mayaguez*. "There were three honeymoon periods that we know of in American history, maybe a fourth," May said. "There was one

clearly between Franklin Roosevelt and the Congress in 1933; one between Lyndon Johnson and the Congress in 1964; one earlier between Woodrow Wilson and the Congress in 1913; and there may have been one between George Washington and the Congress in his first presidency." The fact is that relations between new presidents and Congress have not resembled honeymoons in any easily recognizable sense of that term, and yet it is a powerful analogy and one that persists.

In Mr. Carter's autobiography he speaks acidly of his one-week honeymoon with Congress, as if it were something he was entitled to. The notion of a president's first one hundred days being a report card on his administration is something the press helped to fix, because "every newspaper in the country was keeping the clock going" and ready to report on presidential progress.

These two illustrations of analogies that were important demonstrate that somebody should have asked questions about them. The holes in the analogies should have been pointed out at the time; they were not.

May's and Neustadt's course includes discussion about aspects of history that are often overlooked — the history of the issues such as social security financing or intermediate range nuclear forces and the history of organizations — which help one to understand current issues.

Within the history of people, it's worth remembering that the current President of the United States voted for Franklin Roosevelt four times. "That doesn't say anything about the substance of his programs, but it probably says something about the way in which he conceives the presidency, how presidents are supposed to behave, and what their functions are." An illustration on the generational side: on the Joint Chiefs of Staff there is now only one member who experienced World War II. In comparable bodies in the Soviet Union and Western Europe, that will also be the case very soon. As to the freeze movement and similar groups on campuses, almost no student now in college remembers the Vietnam War.

May continued, "This thinking about history and putting events, people, problems, into their real historical setting, is something that Louis would have encouraged and that I can legitimately urge on all of you here." May acknowledged that it is hard work to ask questions about comparisons with other moments of the past, and look at the history of issues or organizations or people, but it is worthwhile, even when it takes time to penetrate the thickets of complexity.

May concluded, "Those are the three points I wanted to make, and finally, just to tie them together, to say that the Nieman program is a great monument to Louis Lyons. Given the existence of that monument and the fondness for him that is reflected in this room and at other gatherings of Nieman alumni/ae, you certainly would not wish that any moment of his career had been different. But I do confess that from my vantage point, I feel a little regret in one respect — because he was such a magnificent facts man, he would have been one hell of an historian." □



CLASS OF 1976



CLASS OF 1977



CLASS OF 1978

Marriages, Marriages, Marriages or, Why There Is A World-Wide English-Language Press

Charles D. Sherman

The overseas English newspapers have a flavor unlike the domestic brand.

The Paris newspapers...do not deal so much in practical writing, or diversified articles, as the London and New York press does. The Spanish marriages and the extinction of Cracow, have occupied the newspapers here nearly four months. English or American readers would soon get sick, tired, and tormented by the eternal iteration of the same topic, — marriages, marriages, marriages — Cracow, Cracow, Cracow!

—James Gordon Bennett, writing from France
January 22, 1847

Consider: A French businessman in Thailand reading the *Bangkok Post*, an English tourist in Argentina with the *Buenos Aires Herald*, a German chemical engineer in Riyadh with the *Arab News*, a Dutch diplomat in Tokyo buying a *Japan Times*, a Swedish journalist in Kuala Lumpur with the *New Straits Times*, and an American — any American, just about anywhere outside the United States — clutching an *International Herald Tribune*. The common thread is the English-language daily in countries where English is not a common language.

Not counting countries such as India, South Africa, and Nigeria where English is either an official language or widely spoken, nearly one hundred nations have an English language press. Most are local or regional products, but a few seek an international readership.

Grouped together these papers mirror the diversity of news-

papers from thin sheets with patchworks of foreign wire copy aimed at tourists to a few polished journals that diplomats, businessmen, journalists, and travelers regard as lifelines.

What makes these dailies go? Two things. First, world business and finance runs on English. Whether it's shipping, gold prices, air travel or syndicated loans, international business people communicate in English. The world's ports and financial centers — Buenos Aires, Singapore, Hong Kong, Tokyo, Jerusalem, Athens, Rome — provide the English-language press abroad with sufficient advertising support, despite small circulations. While many of the papers are a legacy of the British Empire, they have benefited since World War II from the growth of international trade.

The other reason, which applies to a smaller group of the papers, has to do with Anglo-American press traditions. It's an echo of Bennett's complaint. With English established as the first or second language for most of the literate world, educated readers look to the independent English language papers for balanced news presentation.

Some of the papers — the *Buenos Aires Herald*, the *Straits Times* of Singapore, and the *International Herald Tribune* — have century-old roots. Others are brand new. *The Wall Street Journal* launched a European edition January 31 out of Brussels.

The *Journal*, which also publishes an Asian edition from Hong Kong, is following a pattern of world-wide expansion of the English language press. Technology — the use of regional printing facilities and satellites for facsimile transmission — is leading the way for this new growth. At the same time readers in rising numbers are demanding news coverage they feel isn't being bent through a political prism.

Recent growth has come chiefly in the international business press. Before the *Journal's* entry into Europe, the *Financial Times* of London had established a Frankfurt edition, with editors tailoring the front and back pages to continental subscribers. The *International Herald Tribune*, which in recent

Charles Sherman, Nieman Fellow '83, is an editor with the International Herald Tribune, Paris, France. He has been on the staff of that newspaper since 1979; in prior years he worked for the Buenos Aires Herald and the Hong Kong Star.

years has sought to increase its appeal to international businessmen, now publishes via satellite in Hong Kong and Singapore. The *Trib* will soon add another printing facility in Holland to improve circulation in Scandinavia. Executives at Gannett's new *USA Today* are already looking beyond American borders.

Peter Kann, publisher of *The Wall Street Journal* and an early advocate of his paper's expansion overseas, cautions that "technology has to be servant to a concept." While satellites offer world reach, that "doesn't mean there's a market," he said in an interview. Specialized papers, such as the *Journal*, "have a natural, definable audience," he said, adding that "nothing else touches English as a world business language."

The overseas English papers have a flavor unlike the domestic brand. Getting out a paper is familiar enough, but the foreign context changes things. In countries where government views press freedom as dangerous, English-language newspapers can find themselves on the cutting edge of the news.

BUENOS AIRES

A month before I arrived in Argentina in August 1974, to go to work as news editor for the *Buenos Aires Herald*, Juan Perón died and the country began its descent into vicious underground civil war. Walking the city streets, I became methodical in looking for, and staying clear of, stray parcels and litter baskets. Bombing was common.

Argentina's inflation rate accelerated and rose to nearly 700 percent. The paper paid its staff with bundles of cash, hundreds of thousands of pesos, which for me amounted to \$40 a week. You could get by; an entire cow cost less than a pair of shoes. Shoes were expensive but food was cheap. A grant from the Inter-American Press Association helped me out.

The *B. A. Herald's* editorial staff was scrawny. The editor was an English expatriate. Of the two reporters one was from Calcutta and the other was Anglo-Argentine. The telegraph editor was a smart 19-year-old from New Zealand who'd spent a couple of years in radio work. Two Anglo-Argentine editors handled sports and features. I managed the news columns with two copy editors.

The *Buenos Aires Herald* has survived since 1876 thanks to shipping ads. But the paper has often been more than a bulletin of when the ships come and go.

The World Press Encyclopedia in a 1982 review of Argentine newspapers commented: "The *Buenos Aires Herald* has been a staunch and influential opponent to both left and right wing extremism in the 1970's. At one point, it became a major source of information even for Argentine newsmen, since it

successfully defied censorship and published otherwise unprintable reports on human rights violations."

The author of many of those "unprintable reports" was Robert Cox (NF '81), editor of the *Herald* until 1979 when threats against his family forced him out of the country. Cox said in an interview that because of the *Herald's* limited circulation, "the government was willing to accept a level of truth." Argentine regimes, which had a habit of taking over papers or simply closing them, pointed to the *Herald* to refute charges that the press in Argentina had been totally muffled, Cox said.

In 1975 the government banned papers from using the name of a left-wing subversive group — the Montoneros — in headlines. Though the pettiness made the situation no less dangerous, the *Herald* was able to overstep the decree.

Soon even Argentines who read no English began to buy the paper. The reason was that the *Herald* was legally obliged

to run a Spanish translation of its editorials. It's an odd proposition where the trusted paper is in a foreign language and has a circulation of 20,000 or so in a city of nine million.

During the Falklands War, the paper kept its independent voice until Cox's successor, James Nielson, was forced to seek refuge in Uruguay when the paper's loyalties over the war were questioned. Nielson, another Englishman, had tried to carry on

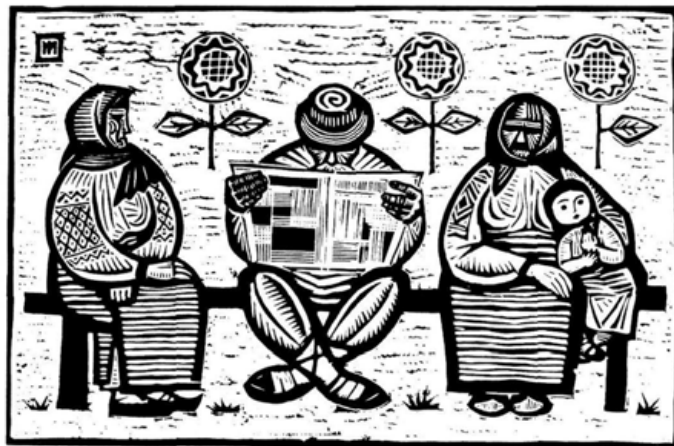
where Cox had left off in asking for a return to democratic institutions.

Regional and international papers also have greater leeway in avoiding the censor or official rebuke. Says Peter Kann: "A government may crack down on the indigenous press, while the regional paper will have more latitude to print uncensored news. We've gotten more hard-hitting news into some countries than the local press has been able to run."

HONG KONG

Hong Kong, with five million Chinese and maybe one million people literate in English, supports several local English language dailies. The *Hong Kong Star*, a racy tabloid, with page three cheesecake, plays third fiddle to the dignified, establishment *South China Morning Post* and *Hong Kong Standard*. Standing off from this mix was the *The Wall Street Journal's* Asian edition, which began in 1976.

The tough, quirky editor of the *Star* in the mid-1970's was an Australian, Graham Jenkins. Jenkins ran the gossip and the gore but he wanted and got stories on the grit, too. He looked at British discrimination against the Chinese, at heroin,



at girlie bars that were fire traps.

At a time when few newspapers in America directly compete, going head to head for news and readers, Hong Kong and its English press, for an American newspaperman, seemed exciting.

For those who argue over whether newspapering is a craft or a profession, the benefits of working in France can make a newsman feel like a doctor or lawyer.

The *Star*, its circulation at 25,000, was put together in a basement in the Gardens section of Hong Kong. There was a sister paper in Chinese with a separate staff. The reporters and editors from both were crammed together. The din in the newsroom near deadline was a nearly indecipherable clatter of English and Chinese. The typewriters should have been in a museum. Reporters for the English side — mostly Australians — made \$100-150 a week; the Chinese made \$35. The news editor claimed Chinese, Portuguese, Filipino, and Indian ancestry, among others. I was a reporter.

NEWS OR VIEWS?

The English-language press has found a niche overseas because European and Third World papers often have political allegiances and stakes. In the case of continental Europe, newspapers are generally allied with political parties or ideologies. Papers in the Third World are most often under a political thumb or are simply government run.

This is not an argument that all English-language papers sprinkled around the globe are seekers of truth and justice, but to say that journalists themselves recognize the difference.

For papers outside the Anglo-American traditions, "the primary responsibility is not to inform but to reinforce the prejudices of its readers," William Montalbano (NF '70) said in an interview. In the United States, "putting out a newspaper is a professional, not a political, exercise," he said. A long-time correspondent for the *Miami Herald* and now *The Los Angeles Times*, Montalbano has reported from Latin America, Europe, and China. Montalbano early in his career also worked for the *Buenos Aires Herald* on an IAPA grant.

Perceptions of the division between Anglo-American journalism and what the rest of the world offers apparently haven't changed much since James Gordon Bennett's time. In 1847, some thirty years before his son, James Gordon Bennett, Jr. would start a Paris edition of the *New York Herald*, Bennett, Sr. wrote from France: "The collection of foreign or domestic

news — the publication of novel and extraordinary events, in any department of life, which generally form the staple of English or American journals — are not cared for here — not attended to — and little heeded. A new idea on an old subject, no matter how odd, is more sought after than any new and frequent occurrences."

Such early observations have led to the success of *Time* and *Newsweek* which built worldwide readership on the demand for American-style reporting of any "new and frequent occurrences."

PARIS

Bennett, Jr.'s legacy, the *International Herald Tribune*, waves no banners. There's a "just-the-facts, ma'am" quality about the paper that ultimately exerts a subtle influence. Because the paper is trusted, its conservative sobriety lends moderation to hot issues. Said one veteran foreign correspondent: "The *Trib* gives you the feeling it's riding above it all."

Found on newsstands in 143 countries, its circulation at about 140,000, the *Trib* is a transnational paper. Its publisher, Lee Huebner, is quoted in *Town & Country* magazine as saying, the paper aims at "a new community of people who are more international than national: They share a common life, go to the same schools, read the same books. . . . They think of themselves as citizens of the world. . . . The *Herald Tribune* is the community newspaper for that community."

The *Trib* is generally regarded as a supremely well-edited package of the best foreign and domestic reporting the United States has to offer, namely the news services of *The New York Times*, *Washington Post* and *Los Angeles Times*. Foreign correspondents from a variety of countries rely on it as a guide for how their own coverage fits in with the rest of the world. Many diplomats and businessmen praise the *Herald Tribune* for its quick read, comprehensive coverage and, of equal importance, availability.

Frequent travelers overseas such as John Kenneth Galbraith, the economist and Harvard academic, sees it as more than pasteup of the *Times* and *Post*. "The editors seem to know how to weigh the news," says Galbraith.

Weighing everything that happens in the world and squeezing it into forty columns is a load carried by seven editors on the main rim, three in finance, two in features, a sports editor and one general news editor who grapples with ten news wires.

"Quiet as hospital corridor" is the way an Associated Press reporter described the *Trib* newsroom. No rattling teletypes, just a half dozen reporters, and the near soundless work of editors at their display terminals. Since it began, the paper has been the leader in bringing the latest newspaper technology to Europe starting with the first linotypes, then punched tape typesetters, and now computer-driven production, installed in 1978.

For years it was impossible to get a job at the *Trib*. No

editor, once on board, wanted to leave, especially after 1967. That year *The New York Times* folded its European edition, and the *Trib* had Paris to itself. The *Times* took part ownership of the *Trib* along with *The Washington Post* and the original owner, Whitney Communications.

For those who argue over whether newspapering is a craft or a profession, the benefits of working in France can make a newsman feel like a doctor or lawyer.

Start with four weeks' summer vacation, two weeks in the winter, strong job protection, and comprehensive national medical insurance. Salary at the *Trib* is linked to the cost of living. Journalists receive a thirty percent blanket deduction under French income tax law.

The *comite d'entreprise*, or employee-management cooperative, administers fringe benefits such as a book and record library, champagne Christmas parties, vacation apartments at Alp ski resorts, and beach cottages in Normandy and on the Riviera.

When I arrived in 1979, top scale was around 200,000 francs a year or about \$50,000 with the franc at four to the dollar. Since then the franc has gone to seven and my colleagues and I have taken a pay cut in dollar terms of \$13,000. But then I don't spend dollars where I live.

The English-language press overseas offers young American journalists the opportunity of a foreign post without the long career track of reaching a major news organization and then hoping to be sent abroad. Most of the jobs are found on the desk, editing and putting the paper together. Reporting jobs are rare, though the papers generally are happy to take writing done in spare time.

Frederick Kempe used the *Rome Daily American* as his springboard to foreign correspondence at *Newsweek* and now *The Wall Street Journal*. Kempe's story is typical. Graduated from Columbia Journalism School in 1977, he faced the choice of taking a copy-editing job in Chicago or going to the *Rome Daily American* as an editor for \$70 a week. Kempe preferred the adventure. "It was a chance to work overseas, freelance, get my name known and make contacts," Kempe says. With a couple of strings for the *Chicago Daily News* and *The Christian Science Monitor*, Kempe held on after the Rome paper's printers went out on strike. From Europe, Kempe was able to swing a position with *Newsweek*.

The pay at most of the overseas English-language papers is never much, but the papers offer experience and opportunities that a young newsman can't buy.

Looking ahead, the international English-language press will evolve rapidly. Al Neuharth, chief of Gannett Newspapers, foresees something akin to revolution, with a proliferation of newspapers which have the means to harness satellites. The small local English-language press around the world will come under pressure from major publishers such as Gannett and Dow Jones, who have a world vision for their papers and the technological means to bring it about. But while the transnationals might offer us the world, the smaller papers will keep an edge with close-up local reporting and news of when the ships come and go. □



Nieman alumni/ae are reminded that the Council for International Exchange of Scholars administers awards for journalists to be Fulbright Senior Scholars. Most grants are for the academic year of the host institution or country — September or October 1984 to June or July 1985 — or for a period within the calendar year 1984. Grants for periods shorter than an academic year are available in a number of countries. United States citizenship is an eligibility requirement. Application deadlines vary according to country; the first deadline is September 15, 1983.

To obtain application forms and further information on awards and deadlines, write to:

Ms. Jennifer Keefe, Program Officer
Council for International Exchange of Scholars
Eleven Dupont Circle, N.W.
Washington, D.C. 20036

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Press Councils: Help or Hindrance?

J. Edward Gerald

The council idea is a substantial plus for newspapers because it provides a public sounding board.

The Minnesota News Council is more than eleven years old and Charles W. Bailey, former editor of the *Minneapolis Star and Tribune*, has dealt with it for much of its history. The council is supported by gifts, a third of them from the media. It holds public hearings on complaints and publishes opinions in which it summarizes issues and reaches a reasoned conclusion as to the facts.

As of April 1983, the Council had twenty-four members, twelve public representatives, and twelve media representatives. Of the twelve media members, six were print journalists and six were representatives of radio and television stations. The Council members, who serve on a volunteer basis, are chosen by the incumbent Council, which solicits nominations from both the public and the media industry.

The excerpts here from the transcript of a taped interview with Bailey are a by-product of an extensive study of the council by J. Edward Gerald, a retired University of Minnesota teacher and a former member of the council.

GERALD: Journalists seem to have a general fear which inhibits them from forming press councils in other states. What are some of these general fears?

BAILEY: The question puzzles me, too. I talk to a number of editors, and they are all curious about the Minnesota News Council. With some exceptions, they are also all afraid of that kind of mechanism.

They think that if they accept the concept, pretty soon the council is going to tell the editor what to print as well as what not to print. I must say, occasionally the Minnesota council seems to go in that direction. My response to that kind of advice is that editors should simply ignore it: the editor owns the billboard; the News Council does not own the billboard; the editor always gets to bat last — and so forth. You really don't have anything to fear, it seems to me. If the council becomes outrageous and does something wrong, its makeup almost guarantees a strong minority finding. I think the critical strategic element is that any press council must include practitioners.

I think the council idea is a very substantial plus for the newspaper, frankly, because it provides a kind of public monitoring, without legal jeopardy, where the people can go if they can't get satisfaction from the newspaper. It provides a public sounding board.

GERALD: Does the council take a lot of your time?

BAILEY: It is time consuming. We have thought on numerous occasions that the council took up frivolous complaints. The horrible example, in our minds, is the "chocolate case," where a candy maker complained because one of our staff people tested his chocolate against others and said it was waxy. Well, it *tasted* waxy — that is a subjective judgment. The council went through all kinds of uproar and concluded that we were unprofessional in our criticism. I thought the whole

thing was a piece of nonsense. We came very close to saying to the council, "Here is a written response, and that's as far as we are going."

GERALD: Would not some of the time problem be alleviated if you delegated the task of appearing at the hearing?

BAILEY: We did that in the case of the boxing promoter [an interpretive feature story which drew strong objection because it presented the views of rivals as well as of friends in describing the career of a dominant producer of boxing shows]. Frank Wright [managing editor/news] handled that appearance. Bev Kees [now at Grand Forks] handled the chocolate appearance. Accepting the fact that our story wasn't perfect, I think the council really blew the "chocolate case" decision.

As I see it, it is my obligation to respond in difficult matters where someone has to go to the council and say, "We blew it." I think it is better to have the editor do that than to send a subordinate.

In this connection, I think it is not a good idea for the principal news executive to be a member of the council. We are going to be in front of the council often; I think we better not be members.

We do provide financial support, which troubles me a little bit, too, in terms of the effect on our credibility and on the council's credibility, but I see no alternative at this time. They don't have enough funding without newspapers doing it.

GERALD: Some contributors think the newspapers should pay the whole cost.

BAILEY: I don't think the point is a good one. Why should newspapers contribute the whole cost?

GERALD: The rationale is that the council is a service organization for the press, that it actually does your work for you rather than doing the public's work.

BAILEY: That's not true. We spend about \$50,000 a year to maintain our own Reader's Representative. That's when we do the job for ourselves, and care for relations between ourselves and our customers. We have that

operation inside the office, quite separate from the News Council, and it deals with all kinds of matters the council wouldn't bother with. It deals with errors, with factual problems, with grammar, with the quality of writing. That is the support we pay for. The News Council serves the public.

GERALD: Early in the council's history, a member, a former legislator, recommended that it go to the state for an appropriation to meet its needs. He said it could be done so that the state would have no influence on the council. The newspaper members opposed the idea firmly. Support is an obvious problem. Where should the money come from?

BAILEY: There are objections to all sources. I think the objections to state funding are compelling because the aura of government intervention is present. If the legislature is providing the money, can it also set some conditions, rules, and so on? That's a slippery slope to get on. I suspect that a good constitutional lawyer could distinguish properly there, but I think it is unnecessary and unwise to do it that way.

The state is full of private foundations, and if the council were able to make its case persuasively, there would be no question of getting funding.

Ironically, adequate funding raises certain dangers, most especially that the council will acquire a bureaucracy of its own, with a life of its own, which is actively seeking work. I see a tendency for the council staff to work up cases so as to have a full agenda for the council and staff, and I think that tilts the process a little. There is a difference between simply helping people who don't quite understand the process of making their complaints, showing them how the process works, and going out there and prodding and soliciting, on the basis of initial complaints, to develop something larger and more formal. I think the bureaucratization of an institution like the council is a danger in itself.

GERALD: You indicated objection to two complaints filed by lobbyists.

BAILEY: Lobbyists are learning how to use the council. I have spent a good deal of time before the council, for



Charles W. Bailey

BRUCE REEDY

example, dealing with an anti-gun control lobbyist and a lobbyist for soft-drink bottlers opposed to container-deposit legislation. In cases brought by them, it seems to me the council allowed itself to be used by people with an ax to grind. I'm not talking about an aggrieved citizen — I'm talking about a paid lobbyist.

Parts of these complaints were about our editorials. I feel that the editorial page is out of bounds for the News Council except for the matter of factual error. [Council opinions are in accord on this point.] I think the council should simply have said: "We are not going to hold a hearing on this." If they did that just once it would encourage me no end.

GERALD: The yearly reports of the council contain a long list of complaints that do not go to hearings.

BAILEY: Many of those cases were closed because they were dealt with by our Reader's Representative. I was very angry at the lobbyists' complaints, because they had simply found another forum in which to make their arguments. It was just the same as someone using the council for personal gain.

I think a monopoly newspaper has to be very, very careful about saying, "It is none of your business; we were right and you are wrong." We are, by such a large margin, the dominant newspaper in the state in circulation that we do restrain ourselves; we do bite our tongues on some of these things. I think that is wise. Every time you do that you are reminding yourself that you have great power, in some ways, and that you must not abuse it.

The classic council case in the expenditure of resources, for us, was the [James G. and Laura] Miles case, when they ran for governor and lieutenant governor as independents. They claimed that we did not report their campaign adequately and fairly.

First of all, we had to persuade the council to throw out various antitrust allegations which were legal issues and had nothing to do with the council. Then, the Mileses put in tons and tons of exhibits and we had to plow through and deal with them.

The council concluded that the coverage was not unfair. The fact is that when a candidate gets four percent of the vote he is not going to win. It is not a matter of publicity. We don't have that kind of clout. But the people who get four percent of the vote will likely never accept that, and I guess we should thank God they never will. The fact is, at some point a reasonable third party ought to be able to say, "Hey, you were a minor candidate and you got a minor part of the votes. You didn't lose because the press put you down."

GERALD: I can see that, on balance, you are irritated by a number of low-grade complaints that required first-class attention. But don't you benefit by showing up the narrow, self-serving tactics of the paid lobbyists?

BAILEY: Maybe you do with the News Council. But the

council does not attract large audiences and its hearings don't make the 10 o'clock news, either.

There is always this problem: Once you start to cooperate with an organism like the News Council, then if you say, "I'm not going to cooperate in this case, or in this manner," it is a big negative. Maybe Abe Rosenthal is right. His attitude and that of *The New York Times* toward the National News Council seems to be not to cooperate in any way, at any level, in any case. Then the News Council cannot say, "First you embrace us, but when things get too hot you desert us."

GERALD: What about sending your lawyers to the council when you deal with lobbyists so that they can take an adversary stance?

BAILEY: Norton Armour [general counsel] and I have talked a great deal about the participation of our lawyers. We came to the conclusion that because the News Council is specifically, in its rules and procedures, non-legal, our lawyers ought to stay out of it. What we are doing in many cases is to argue the issue of editorial judgment. Lawyers don't make editorial decisions, editors do. I think we should keep lawyers out of it.

I'm troubled by the fact that a justice of the Minnesota Supreme Court is the chairman of the council. [Each of the council's three chairmen was drawn from the Court.] I think it would be better if we had a businessman, lawyer, or a lay person of some kind. The chairman-judge, who understands press problems, might well be forced to excuse himself from an important case dealing with the press because of his council role.

GERALD: To what extent does the Cowles philosophy of getting along with the community account for your attitude toward the News Council?

BAILEY: The council is a device by which you respond to what the community has to say about you rather than to ignore it. It is a question of responsiveness, it seems to me. That's a special kind of problem that large newspapers have. They are correctly perceived, in many cases, as not being interested in any feedback from their customers. Editors do not like to talk about customers; they prefer to talk about readers, the public, or the citizenry. The fact is, they are your customers and you have got to face it or stop being an editor. It has become acceptable for many newspapers now to respond to complaints or comments of one kind or another. That's where you have the ombudsman movement catching on in the last decade. Being responsive to the News Council is another manifestation of the same kind of attitude, it seems to me.

I think for the *Star and Tribune* to ignore the council would be extremely unwise. We would be perceived as being arrogant — in fact, it would be arrogance, and it would not be smart. It is not right or wrong, but unwise.

I've reached the conclusion that if we stonewall our critics long enough we will earn some kind of governmental regula-

tion. The First Amendment is only as strong as the public will allow it to be.

The Yankelovich surveys, and others, show that people think there should be more regulation. People think the press should be required to be fair. They don't understand such compulsion in constitutional terms, and they probably wouldn't care if they did. They probably would say, "You ought to be fair; you've got that kind of power. You've got to be fair."

I think the way to respond to that is to explain to people how you do things and why you do things. When you are wrong, you say you are wrong. It is a matter of satisfaction to me that these newspapers, for the thirty-two years I have been associated with them, have always run corrections. That's a small matter, but it is symptomatic that *The New York Times* and *The Washington Post*, until a few years ago, wouldn't run corrections.

GERALD: What about the generalized fears that news councils interfere with aggressive reporting?

BAILEY: The generalized fears or inhibitions I think are absolutely groundless — without any foundation whatsoever. I have had no sense of that. Once in a while, someone will kid about an incident by saying, "I wouldn't want to get before the News Council on *that*." What he really means is, "We had better tighten up that story before we publish it." If there has been any effect at all, it hasn't been to inhibit us from working hard on difficult stories but to make us do it a little better.

GERALD: Which has the most impact on the staff, the News Council or the Reader's Representative?

BAILEY: The Reader's Representative. He is constantly going back to reporters and editors and saying, "You did this wrong. Why? Why did you make this mistake? Please write a correction. Why haven't you written that correction?" That process attracts the attention of people in the newsroom much more than the News Council.

A reporter or an editor will be involved with the News Council once or twice in a career. But he or she is at risk every day of being involved with the Reader's Representative. The log of the Reader's Representative, which he posts on the bulletin board every afternoon, is a "best seller." People read it.

GERALD: How does that staff position of Reader's Representative fit in with operation of the News Council?

BAILEY: It does not fit at all except that the Reader's Representative settles grievances which, otherwise, would go to the News Council. When we get a complaint sent to us by the council, the Reader's Representative does analyze it and come to me with an analysis as to whether the complaint is justified or not, what kind of problems have arisen. He is, in effect, the staff officer of the editor and managing editor for investigating and analyzing News Council complaints. He doesn't determine the response or present it, but he comes up with a factual work-up of the case. I think that is an appropriate thing for him to do. In most cases it concerns matters he has dealt with in an earlier stage. He works separately, but the mechanisms complement each other. □

Kempster 1983 Morris Lecturer

CAMBRIDGE, MASS. — Norman Kempster, Jerusalem bureau chief for *The Los Angeles Times*, has been awarded the second annual Joe Alex Morris Jr. Memorial Lectureship by the Nieman Foundation at Harvard University.

Mr. Kempster will visit Harvard from Jerusalem, on May 18 and 19, 1983, to meet informally with the eighteen Nieman Fellows from America and overseas in the Nieman Class of 1983. He will also present the Morris Lecture, co-sponsored by the Institute of Politics, at the Forum of the Kennedy School of Government; his topic is "Extremism and the Arab-Israeli Conflict: Likud and the PLO."

The award, which carries a \$1,000 honorarium and appointment by the Harvard Corporation as a Visiting Nieman Fellow, honors Morris, a Harvard graduate in the Class of 1949 and longtime Middle East Correspondent for *The Los Angeles Times*. He was killed during street fighting in Tehran while covering the Iranian revolution in January 1979. The Morris Memorial Lectureship was established in 1981 by his family, Harvard classmates and friends, and fellow journalists.

Mr. Kempster's career as a journalist began in 1957. Before joining *The Los Angeles Times* in 1976 as Pentagon correspondent in the Washington bureau, he was a reporter with *The Washington Star* (1973-76), and with United Press International (1957-73). He received his B.A. in 1957 from Sacramento State College; he was awarded a Professional Journalism Fellowship at Stanford University in 1968.

The first Morris Memorial Lectureship was awarded in 1982 to Flora Lewis, Foreign Affairs columnist for *The New York Times*. □

On Arrogance and Accountability in the Press

David Shaw

Their frequent good work notwithstanding, newspaper publishers are not invariably paragons of virtue, universally beloved and respected for their commitment to the commonweal.

The following address is the second annual Carol Burnett Fund Lecture on Ethics in Journalism, delivered in March at the University of Hawaii by David Shaw, the media critic for *The Los Angeles Times*.

The lecture was sponsored by the University of Hawaii Journalism Department's Carol Burnett Fund for Responsible Journalism, established in June 1981, and funded by an endowment of \$100,000 from actress Carol Burnett. The series was inaugurated in March 1982 with a talk by Norman E. Isaacs, then chairman of the National News Council. (See NR, Summer 1982.)

In addition to sponsoring the lecture series, which brings a prominent mainland journalist to the campus for a week each year, the U.H. Journalism Department uses the income from the Burnett endowment to fund faculty research projects on ethical issues in journalism, and for prizes to U.H. journalism students for the best research papers on ethical issues, and the best editorials on the importance of responsibility in journalism.

I have spent quite a bit of time in airplanes the last few weeks. In one eleven-day stretch, just before coming to Hawaii, I made two round trips from Los Angeles to New York, with side trips to Boston, Philadelphia, and Washington thrown in, just to keep me from getting into a rut. Since the only thing worse than trying to sleep on an airplane is eating on an airplane, I tend to carry a lot of books on board — along with my own food and wine.

On one of these recent cross-country trips, I took along Irving Wallace's latest novel, *The Almighty*. Wallace is not my normal fare by any means but my wife, Ellen, who is here with me today — and whose own writing includes a staff job at *TV Guide* and book reviews for *The Los Angeles Times* and the *Philadelphia Inquirer* — has substantially loftier literary tastes than I do, even at my loftiest (which isn't always terribly lofty). She tends to prefer the journals of Lord Byron and the diaries of Virginia Woolf and the letters of Lady Mary Wortley Montagu — whoever that is — to what she calls the "vulgar" popular novels that are written, she insists, by "hydrocephalics" for "dental hygienists."

When Ellen saw me unobtrusively slipping Irving Wallace's *The Almighty* into my suitcase last month, she gave me the sort of scornful glance that she normally reserves for people who scrawl graffiti on the walls of buildings or cut in front of her on the freeway — the sort of folks she kindly refers to as "original protozoic slime."

But I took the book with me anyway. And I read it. And it was even worse than Ellen had predicted. But it was not altogether a waste of my time — just as I hope this perhaps over-long prelude to my remarks today will not be altogether a waste of your time.

I read the book primarily because I knew from the reviews that it was about a newspaper publisher, and I knew from the book jacket that Wallace is "one of the five most widely read authors in the world today" (the others, I assume, being Matthew, Mark, Luke, and John — although I'm not quite sure where that leaves Benjamin Spock and Harold Robbins). As a newspaper reporter — and particularly as a newspaper

reporter who specializes in writing about the men and women who own, edit, write, and read newspapers — I figure that when one of the world's most popular (if least skillful) novelists writes about a newspaper publisher, I'd better see what he has to say on the subject.

Who knows how many millions of dental hygienists will learn all they will ever know about newspapers from Irving Wallace? Who knows when I might bump into a dental hygienist at a cocktail party and have to explain to her that, no, neither Otis Chandler nor Tom Johnson nor Phil Gialanella nor even Al Neuharth is one bit like that guy in *The Almighty*.

This eminently rational, and practical, explanation did not convince my wife — who nodded knowingly and muttered something about my “baser instincts” as I simultaneously packed and explained.

So out of deference to those of you who share my wife's literary taste — and those of you who just have weak stomachs — I won't provide a detailed plot summary of *The Almighty*. Suffice to say, Wallace recounts the story of a power-mad, megalomaniacal, second-generation newspaper publisher who makes such observations as, “There's not enough hard news around, exclusive news. Usually, my competitors have the same thing to sell that I have. But we here want our news alone. Since it's not around, we might have to invent some of it.”

This publisher (Edward Armstead by name) decides that the best way to attract attention to himself and his newspaper, the *New York Record*, is to hire a band of European gangsters, arm them, finance them, and give them various “assignments” over a period of weeks. The assignments are not stories, of course, but crimes. Incredible crimes.

Armstead promises to pay these gangsters millions and millions of dollars to steal the Dead Sea Scrolls. And to kidnap the king of Spain. And the Pope. And the secretary-general of the United Nations. And — finally — this brilliant newspaper publisher has his personal gang engage a Japanese pilot, a man whose life has been filled with shame because he didn't have the courage to complete a *kamikaze* mission during World War II, and arrange for this man to crash a stolen Cuban jet fighter into Air Force One over the Atlantic, thus killing the President of the United States and all his fellow-passengers.

Since Armstead himself plans these terrorist acts, he can write the story of them exclusively, for his paper, even before they actually happen. Then, the instant they do happen, *voilà*, an exclusive for the *New York Record*. Needless to say, this stunning series of exclusives lands Armstead on the cover of *Time* magazine and — well, I promised you I wouldn't give away too much of the story so I'm not going to bore you by talking about Armstead's affair with his father's ex-mistress — she of the (and I quote) “flawless, peach-colored skin . . . lissomely curved body . . . and moistening vulva.”

I realize that the portrait of a newspaper publisher drawn by Wallace in this dreadful little book is not a very realistic one — to put it mildly. But I don't want to react as defensively



The Verdict: A true representation of the press?

to that portrait as most journalists tend to react when it is suggested that not all the giants in our profession are candidates for sainthood.

Surely, no profession whose pioneers include the names of Hearst and Pulitzer and McCormick can recoil with horror when it is suggested that the power of a newspaper publisher is sometimes used to advance something other than the common good. Their frequent good work — and their even more frequent encomiums to each other — notwithstanding, newspaper publishers are not invariably paragons of virtue, universally beloved and respected for their commitment to the commonweal.

Indeed, I remember reading that Hiram Johnson, the governor of California from 1911 to 1917, once said of Harrison Gray Otis, the founder/publisher of my own newspaper, *The Los Angeles Times*:

“He sits there in senile dementia with gangrene heart and rotting brain, grimacing at every reform, chattering impotently at all things that are decent, frothing, fuming, violently gibbering, going down to his grave in snarling infamy . . . disgraceful, depraved, corrupt, crooked, putrescent — that is Harrison Gray Otis.”

This description, although a bit more richly written than Irving Wallace's portrayal of Edward Armstead in *The Almighty*, is probably just as hyperbolic. But as I was reading Wallace's novel last month, I suddenly realized — somewhere over Utah, as I recall — that Wallace was mining familiar ground since the heady, halcyon days of *All the President's Men* — when Jason Robards played Ben Bradlee playing Jason Robards, and two young reporters named Woodward and Bernstein became household names, as familiar as Ajax and Cheerios — journalists, fictional journalists, have been depicted in one outrageous, compromising, unethical situation after another.

Journalists have often been the subjects of movies and books and plays in generations past, of course, but the recent characterizations of which I speak bear little resemblance to

the rogues and romantic figures of *The Front Page* or *Foreign Correspondent* or *His Girl Friday*.

Journalists depicted on the silver screen today are more likely to be rotten than roguish or romantic. Wallace's Armstead is certainly the most despicable of these characters, but just before reading that book, my wife and I had seen *That Championship Season*, a movie in which a newspaperman who has photographic evidence of a campaign fiasco and a coverup perpetrated by the mayor of his town is shown giving the mayor the photos and agreeing not to publish the story. Why? Because the mayor had helped the newspaperman's cousin beat a criminal rap and save his family some embarrassment, and the newspaperman was repaying the favor.

A few weeks earlier, Ellen and I had squandered a couple of hours over the New Year's Day weekend watching *The Verdict*. A number of lawyers I know were enraged by what they saw as the absurdly unrealistic portrayal of the legal profession (and the legal process) in that movie, and I agree. But I was also dismayed by the fleeting portrayal of the journalistic profession (and the journalist process) in the movie — that is, by the movie's suggestion that a major, big-city newspaper could easily be manipulated into publishing a full-page photo and a puff piece on a local hospital on the eve of a spectacular trial in which doctors at that hospital are facing malpractice charges.

I don't know how many of you saw either of these movies, but I suspect that most of you — at least most of you interested in journalism — saw *Absence of Malice* last year. I also assume that many of you remember reporter Megan Carter in that film. Carter, as you may recall, engaged in so many unethical activities that the script for the movie could almost be used as a hypothetical case in one of those provocative and valuable media seminars Fred Friendly organizes around the country.

Carter illegally wore a concealed tape recorder during an interview. She had a love affair with a man she was writing about for her newspaper. She betrayed the confidence of at least one of her news sources and callously invaded the privacy of another. And she was so eager to rush into print with a story about a murder investigation that she blindly allowed herself to be used by a ruthless prosecutor to blacken an innocent man's reputation — without making the slightest effort to investigate the prosecutor's story or to learn his motive (and without making more than a token effort to get the alleged suspect's side of what was actually a phony story).

All this, not surprisingly, made the alleged suspect — Paul Newman — very mad indeed. And the movie made a lot of journalists even madder. Even though the movie was written by a former newspaper editor, they thought it was egregiously unfair to journalists.

No reporter would do what Megan Carter did, they said — and if she did, no editor would let her get away with it. Well, I agree that the character played by Sally Field — like the character of Edward Armstead in *The Almighty* — was a bit overdrawn. I can't imagine a newspaper the size of hers in the movie not having at least one reporter or editor or even copy messenger who would have at least suggested, however

tentatively and perhaps even unsuccessfully, that she might be doing something wrong.

But I think most journalists overreacted to *Absence of Malice*. I found their "It can't happen here" protestations almost as hollow as I found similar protestations in the aftermath of the Janet Cooke affair at *The Washington Post*. And I wondered, with Janet Cooke then still fresh in our minds — and with the resignation of a *New York Daily News* columnist who was accused of fabricating a story about a battle between a British army patrol and a gang of youths in Belfast equally fresh in our minds at the time — why we in the press were so determined to insist on the unassailability of our virtue.

The answer, I think, is fairly obvious. Like lawyers — and doctors and politicians and athletes and movie stars and everyone else I know — we don't like to be criticized.

We don't like to be criticized explicitly or implicitly, in print or on film, in truth or in fiction, anywhere or anytime by anyone. And when we are criticized — or when, as in *Absence of Malice*, we are depicted in a bad light — we become even more sensitive, even more defensive, even more insistent that the portrayals are unfair, the criticism inaccurate.

The press — individually and collectively, personally and institutionally — is fond of saying that what separates us from other institutions in our society is the First Amendment. And we are quick to wrap ourselves in the protective cloak of the First Amendment at the first hint of criticism. I sometimes think that the phrase "chilling effect" — as in "This will have a 'chilling effect' on the ability of the press to fulfill its First Amendment obligations" — is routinely administered to all journalists, by injection, along with their first press cards. Or maybe these days, it's automatically programmed into their VDT's.

But the First Amendment guarantees only that we are free to publish, not that we will be free of criticism for what we publish. The press is a powerful institution that, at its best, acts as a surrogate for its readers, shining the light of public scrutiny on those other powerful institutions (and powerful individuals) who occasionally abuse and misuse — or just misconstrue — the public trust.

We observe. We monitor. We report. And by so doing, we sometimes hold others accountable for their errors of commission and omission. But who observes us? Who monitors us? Who holds us accountable when we abuse or misuse or misconstrue the public trust? Or when we make simple — or not-so-simple — errors of commission or omission?

In other words, Who Watches the Watchers? The brief, oversimplified but honest answer is that no one does. And no one should. But we should watch ourselves. Carefully. Constantly. Critically. Publicly. And we don't do that — at least not in the sense I think is necessary. And that's one reason — a big reason — that characterizations like those I've described in *Absence of Malice* and *The Verdict* and *That Championship Season* and probably even *The Almighty* often find such a receptive audience.

My wife and I, like many other journalists, were invited to a preview screening of *Absence of Malice* before it was generally released in late 1981, and I can still vividly remember a conversation we had immediately after the screening, at a dinner party for the screening guests.

Everyone, naturally, was talking about the movie, and my wife and I were both busy deploring the unethical behavior of Meg Carter. But the first non-journalist we spoke to at the party — a young woman not otherwise noticeably bereft of her senses — asked us, quite ingenuously, I thought — “But don’t all journalists do that?” This exchange took place perhaps six or seven months after the Janet Cooke affair first came to public attention, and I’ve often wished that I had had the presence of mind to ask the young lady at the dinner party what she knew — and what she thought — about that particular journalistic scandal.

I personally think the Janet Cooke affair did a great deal to damage the credibility of the journalistic profession, and I would not have been surprised if a little probing had shown that some measure of my dinner partner’s attitude was influenced by the news reports on Janet Cooke. In fact, I suspect that one reason it has become commercially viable in the last couple of years to depict journalists as villains is that Janet Cooke helped create a climate in which that characterization is entirely credible.

But Janet Cooke did not do that all by herself. And today, almost two years after she was exposed, I don’t want to spend too much time on her case. She and her newspaper paid dearly for their mistakes. Besides, I think the Janet Cooke affair only confirmed what many of our readers — not too many, I fervently hope — have long suspected about us: that we cannot altogether be trusted.

In 1963, when I took my first full-time reporting job, I worked for a small daily newspaper that had a feature similar to many of the time — a daily “Man in the Street” interview. Every day, the paper’s lone photographer and its newest reporter would visit one of the nearby shopping areas and interview (and photograph) several shoppers and passersby on some issue of current concern. The next day, six one-paragraph interviews (and six one-inch-square photographs) would be published in the newspaper.

The first few times I drew the “Man in the Street” assignment, I was excited by the friendly, ego-gratifying reception we invariably received. People would spot us in the distance and come racing toward us, virtually begging to be interviewed and photographed. They would squeal with delight about their good fortune — and mine.

“Oh,” they would often screech in tones of awe and reverence, “you’re a newspaperman.”

You bet I was. Twenty years old and a NEWSPAPER-MAN. But all this was before Selma and Watts, before Berkeley, before Tet and My Lai, before Martin Luther King and Mario Savio and Bella Abzug, before free love and free choice — in other words, before the press began to report,



Lou Grant’s newsroom: fact or fiction?

CBS

on an almost daily basis, all the civil rights marches, antiwar protests, campus demonstrations, feminist rallies, sit-ins, teach-ins, love-ins.

It’s become almost a cliché to say it now, but the young people of that time were challenging the values and standards and traditions of the establishment generation, and most members of the establishment generation not only resented the challenge, they resented the press for reporting the challenge. Time and again, we in the press heard that if only we would go away, deny the demonstrators our front pages and our cameras, they would shut up, go home, and start submissively listening to mom and dad and the teacher and the preacher once again. We didn’t go away, thank God. Neither did the protestors. Nor, alas, did the issues they raised — as witness the continuing threat of nuclear war and the continuing problems facing the poor and the black and the brown and the continuing (if, in some cases, somewhat diminished) discrimination against women in our society.

But I don’t think our readers came to resent us — and, in many cases, to dislike us and mistrust us — solely because we were messengers bringing them bad news. That was a big part of it, yes. But not the only part. I think they also resented and disliked and mistrusted us because of the arrogance with which we brought them the bad news (in fact, any news). And that arrogance, too, is still with us today.

Indeed, I think the arrogance of the press may be one of the greatest ethical problems we, as an institution, face today.

There are many other, extremely important ethical problems that individual reporters and editors must deal with every day, and I have written about a number of them — the continuing over-reliance of the press on unnamed sources; the willingness of some reporters to lie, steal, and misrepresent themselves in the pursuit of a story; the use and abuse of political polls; the rush to get a story first rather than to get it right; conflict of interest; invasion of privacy; checkbook journalism; blatant oversimplification; plagiarism.

And, of course, there is the biggest ethical problem of all,

the one that presupposes all else — the unwillingness of so many publishers to sacrifice even a small measure of their large profits to produce quality newspapers, with quality staffs and news holes large enough to provide the reader with the information and insight he or she needs to function as an intelligent, informed adult in today's increasingly complex society.

Having said all that, I must return to my statement of a moment ago — that I think one of the gravest ethical problems confronting the press today is our own arrogance — our hypocritical resentment of questions and criticism, our insularity, our solipsism, our almost-giddy rush to envelop ourselves in the sacred mantle of the First Amendment, our refusal to be held accountable for our shortcomings, large or small.

Too many members of our profession seem to agree with a *Wall Street Journal* editorial of almost 60 years ago, which said:

"A newspaper is a private enterprise, owing nothing to the public, which grants it no franchise. It is therefore affected with no public interest. It is emphatically the property of its owner, who is selling a manufactured product at his own risk."

I feel I should make clear at this point that I am, as Norman Isaacs, your speaker last year said of himself, "a devout believer in the press being totally independent." I think the First Amendment is the best guarantee America has against tyranny and totalitarianism. The Bible says, "Ye shall know the truth, and the truth shall make ye free," and I am convinced that a vigilant, independent press is the best — the only way — for a people to know the truth, the only way for them to be free.

I believe wholeheartedly in the First Amendment assurance that the press must not be held legally accountable to the government; that way, ultimately, lies tyranny. But I also believe wholeheartedly that the press must be held morally accountable to itself and to the society it serves. As with all privileges, the First Amendment privilege of freedom carries with it a First Amendment responsibility.

That responsibility is multi-faceted, but most journalists respond only to the most visible of those facets, their responsibility to report the news fairly, impartially and comprehensively, "without fear or favor," in the words of Adolph S. Ochs, the founding publisher of *The New York Times*.

That is an honorable and by no means modest objective, and I quite frankly think more journalists — and more newspapers — are performing this basic, essential job better today than ever in our history. There are not nearly as many good newspapers in this country as there should be — I often think, in fact, that most newspapers are not very good at all — but I still think that for all our flaws, newspapers collectively (and, in particular, the half-dozen or dozen best newspapers individually) are more accurate, more insightful, more complete, more ethical — in a word, BETTER than ever.

They are also more responsible. And more responsive. But they are not nearly responsible and responsive enough. Too often, they remain — as I said earlier — arrogant and unwilling

to be held morally accountable, even by members of their own staffs and their own profession.

For far too long, journalists have operated on the assumption that we don't owe anyone anything — except, of course, The Truth. If we do our job, we figure — if we report, write, edit, and publish accurate stories — that's all anyone can ask of us.

Wrong.

People — our readers and our non-readers — have every right to ask much more of us. They may ask us, for instance, why we published a certain story on a certain page on a certain day. And why we didn't publish another story. And why certain information and certain photographs and certain headlines were or were not handled in a certain way. But I have a better idea. Why wait for them to ask us? Why not tell them first? Now.

I am constantly appalled anew by how little most otherwise intelligent, well-informed people know about how a newspaper actually functions, about what are its objectives and limitations and traditions, about its structure and its processes and decision-making procedures.

I am confronted by this ignorance time and again at parties, when guests learn I am a journalist and begin asking well-meaning but utterly ignorant questions about the most fundamental aspects of newspaper work. Even worse, I hear these questions often when I speak informally to college journalism classes.

I have actually encountered senior journalism majors, at large, respected universities, who think the chairman of the board of *The Los Angeles Times* comes to the city room each day and dictates the tone, selection, and play of every important story, based on his personal, social, political, and financial interests at the time.

The *Lou Grant* television show compounded the ignorance problem in some areas — especially that of direct publisher involvement — by its frequent departures from journalistic verisimilitude. But for all the misconceptions born of this dramatic license, *Lou Grant* probably also provided a good education, the best continuing, "fictional" look at a legitimate newspaper operation in contemporary society; on balance, I think it probably saved me from having to answer a lot more ill-informed questions. Of course, CBS — in its characteristic and infinite wisdom — canceled *Lou Grant* last year, so I assume those questions will resume.

But why, as I asked a few moments ago, don't newspapers explain themselves? They don't need *Lou Grant* — or anyone else — to do that for them. I don't mean that every newspaper should run a five-part series on how it gets published. That would be too easy. I think the job should be done implicitly, not explicitly — continually, not on a one-time-only basis.

Until relatively recently, about the only time newspapers wrote about themselves was when they won a Pulitzer Prize or when the publisher's son got married or his wife was placed

in charge of one important social group or another — or, heaven forbid, when the newspaper was sued for libel and the paper's attorney said, in effect, "You better print a retraction or the other guy's going to wind up owning your house, your car, and your newspaper."

Anything short of that, of course, and the paper would bury the correction back on page 37, among the ads for corsets, jock straps, and athlete's foot powder. We felt we didn't owe anyone an explanation or an apology, so we seldom explained or apologized. Worse, perhaps, we never wrote about ourselves the way we wrote about anyone else.

In part, this was arrogance; in part, it was the social graces of the gentleman's club. As William Randolph Hearst once said, in ordering his editors in San Francisco to be sure that "nothing unpleasant" about a rival publisher was printed in his paper, "whether it is news or not. . . I think it would be a good policy to adopt not to print any unpleasant things about any newspaperman."

Thus, for too many years, the press was a powerful institution dedicated to the critical examination of every other powerful institution in society — except itself. There were rare exceptions, of course. After the 114-day newspaper strike in New York in 1962-63, for example, Abe Raskin wrote a lengthy, evenhanded report on the strike in the pages of *The New York Times*. But that, as I said, was an exception, and Raskin himself wrote in *The New York Times Magazine* four years later, "The press prides itself — as it should — on the vigor with which it excoriates malefactors in government, unions, and business, but its own inadequacies escape both its censure and its notice. . . . The real long-range menace to America's daily newspapers lies in the unshatterable smugness of their publishers and editors, myself included."

For the most part, that complaint is as true today as it was in 1967. The difference is there are now more exceptions. There's the National News Council, an independent body that monitors and reports on media performance. There's a statewide news council in Minnesota [see page 99] and a community news council right here in Honolulu. There are formal, written professional codes of ethics — not only at the organizational level of the American Society of Newspaper Editors and the Society of Professional Journalists but at an increasing number of individual daily newspapers. And at about twenty-five American newspapers — including the *Advertiser* here in Honolulu — there are ombudsmen, newspapermen and newspaperwomen whose job it is to listen to and evaluate and write in their own papers about criticisms that readers make of those papers.

Big goddamn deal.

The National News Council? Most newspapers don't bother to publish its findings, and most people outside the profession (and a great many inside it) don't even know it exists. *The New York Times*, the best and most authoritative newspaper in the country, doesn't support the news council financially, and doesn't respond formally when the council has

a complaint against it (although some individual editors and reporters at the paper have responded to the council). Worse, *The New York Times* prints only brief stories (or no story at all) when the council issues its findings.

When Abe Raskin joined the National News Council several years ago, after a distinguished career with *The New York Times*, he says his own publisher told him he had "gone over to the enemy."

Twenty-five ombudsmen on American newspapers? Is that the number I gave you? Sensational! That means there are only about 1,700 daily papers without ombudsmen — and the editors of most of those papers, if they've thought about the ombudsman issue at all, probably feel much as one prominent editor told me a couple of years ago, after firing his ombudsman and deciding there would be no replacement:

"An ombudsman is just window dressing. Any editor who can't make value judgments on his own and make them correctly is in the wrong job."

But suppose the editor, an excellent editor — intelligent, ethical, a good judge of news and people alike — just makes a mistake. Suppose further that he doesn't think he made a mistake.

Tough. You don't like it? Write a letter to the editor. Same guy, right? Too bad. Case closed. As Abe Raskin wrote in 1967, "Of all the institutions in our inordinately complacent society, none is so addicted as the press to self-righteousness, self-satisfaction, and self-congratulation."

If you want proof of that, all you have to do is read the newspaper trade publication, *Editor & Publisher*, every week. Or virtually any week. The week I was writing this speech, for example, *Editor & Publisher* printed a half-page cartoon that perfectly illustrates this attitude of perpetual self-congratulation. The cartoon showed a skier — labeled "Press" — skillfully and determinedly weaving his way downhill, between flags labeled "Attacks on Confidential Sources" and "Hard Line White House News Policy" and "Press Abuse in Poland" and "Pressure on First Amendment Rights" and "Freedom of Information Cutbacks."

Just in case some reader with a room-temperature IQ missed what the cartoon was supposed to be saying, the artist had drawn in an admiring couple at the bottom of the slope, with one saying to the other, "There's a guy with guts!"

So what can be done to overcome this attitude — to effect the changes necessary to make the press see that it is in its own best interest to be more responsible, less arrogant, in a phrase, morally accountable for its actions?

I yield to no man (or woman) in my respect for those reporters and editors who have had to struggle with subpoenas and demands for confidential notes and names — often at great personal and professional sacrifice. Theirs is a valiant and invaluable struggle, and all of us — as journalists and as citizens — have benefited from it.

I've already said I don't want any legal pressure exerted to make the press more responsible. Nor do I think news

councils or ombudsmen or codes of ethics or any similar devices should be mandatory — not mandated by the government and not mandated by any professional associations and *not mandated by anyone else. But I do think it's about time* — long past time — for newspapers to take action themselves, individually, as they always insist they like to act.

About eight years ago, Bill Thomas, the editor of my paper, decided to act. He had decided, he told me, that the press was the one uncovered story of our time, and he wanted the *Times* to begin writing about the press as it did about the other important institutions in our society. He asked me if I would like to write full-time about the press the way I had written about a wide variety of other subjects over the years.

I was initially quite reluctant, but after considerable discussion, I said I'd take the job on a six-month trial basis. Bill asked me to make it a year. I agreed. Although much of what my job is today has gradually evolved, without either Bill or me talking much about it, the basic structure of the job has remained relatively stable from day one. Bill said he did not want me to be an ombudsman. An ombudsman, he said, is just one voice, speaking for himself or herself, on the editorial page or the op-ed page. He wanted a reporter, writing in the news columns of the paper — as it's turned out, almost invariably on the front page of the paper — carrying the full weight of the paper.

So I am not an ombudsman. I do not write exclusively or even primarily about my own newspaper. Sometimes my paper figures prominently in a story, sometimes not; it depends on the story.

In my job, I am a reporter first and a "critic" second — and I am not a "critic" in the sense that someone is a "book critic" or a "film critic" or a "restaurant critic." I don't write that something is good or bad just because I, David Shaw, think it's good or bad. I do the kind of reporting I have always preferred to do on any subject: I interview 80 or 100 or 150 people; I read every relevant article or document or publication I can find; I spend whatever time the story requires; I travel wherever the story takes me; then I synthesize and analyze what I've found and I try to write a comprehensive story, including my own judgments, on the subject at hand.

Working in that way, I've been able to write on a large number of issues in this assignment. Some of the stories involving ethical questions I mentioned earlier. But I've also written about the coverage of violent crime, about the Pulitzer Prizes, coverage of the courts, how newspapers miss important stories, newspaper chains, front pages, libel, restaurant critics, film critics, police-press relations, best-seller lists, the comics, obituaries, editorial cartoonists, science writing, sportswriters, op-ed pages — well, you get the general idea. I try to select subjects both light and heavy, to point out our flaws (and, on occasion, our strengths) and to give the reader some sense of just how and why a newspaper does what it does.

My pieces are generally more critical than explanatory in

tone, and I freely admit that I am more likely to do a story on something I think the press generally does poorly than I am on something the press generally does well, if only because — as I think I've made clear here today — I think there's already too much self-congratulation in the press. But I do include in my stories examples of and comments on good work done by the press, and I hope the criticisms and the responses to them contribute something, however slight.

These personal experiences have demonstrated anew to me the acute sensitivity — and rampaging hypocrisy — of many in the press. It's okay for us to criticize other people, they clearly think, but no one should be allowed to criticize us.

Despite these minor, periodic problems, though, I am enjoying my job enormously. That's why I've kept it seven years longer than I originally agreed to. And I have no plans to give it up soon.

Is *The Los Angeles Times* approach the best way to address the problems I've been discussing here today? I don't know. But it is one way. I'd be delighted if there were other newspapers with reporters doing the same thing — or different things — just so long as they were doing something. But they're not.

Oh, there are those twenty-five ombudsmen out there all right. And a few papers have people who write periodically about the press. And a few alternative weeklies write critically and intelligently about the press from time to time. And every once in a great while, a daily newspaper will do a long press story of some consequence.

But it's not enough, not nearly enough.

Public opinion polls consistently show that people trust us less and less, and our own personal experience should tell us that they like us less and less. There are many complex reasons for this, but I think our refusal to be more forthcoming about our shortcomings is one of these reasons. An important one.

The Washington Post, as badly as it handled the original Janet Cooke story and its immediate aftermath, was subsequently forthright and thorough in its ombudsman's report on the entire affair, and I think many newspaper editors and publishers could learn as much from what the *Post* did right after that time bomb exploded as they can learn from what the *Post* did wrong in all the time leading up to the explosion.

Will they learn? Is there hope for a more open press — in every sense of the term? I am not optimistic. But there was also a time, not so very long ago, when I despaired of seeing fair, reasonable corrections policies in most newspapers. The *Louisville Courier-Journal*, which was the first American newspaper to have an ombudsman, was also among the first to adopt such a policy. Now many newspapers have begun to publish regularly — indeed daily, in a prominent or consistent position in the paper — various corrections and clarifications of (and apologies for) their errors and oversights, whether of omission or commission.

The Boston Globe even monitors and evaluates its corrections policy annually. About a year ago, S. J. Micciche,

who was then the *Globe's* ombudsman, found that thirty-seven percent of the corrections the previous year had been published without any explanation of how and why the various errors had occurred. Micciche wrote at the time that such explanations are essential, since, "Given today's skepticism regarding the press, simple inadvertence becomes suspect." The *Globe* must have listened to Micciche; in 1982 only ten percent of the corrections were published without explanations.

About eighteen months ago, when I wrote a story on journalism ethics, I remember being very critical of *The New York Times* for what I saw as its overly narrow corrections policy. In one particular instance that I wrote about, the paper had made a big mistake, and its brief "correction" had not even come close to making whole the man it had wronged. Now — as of last month — *The New York Times* has a new corrections policy, which will attempt to "amplify articles or rectify what the editors consider significant lapses of fairness, balance or perspective." In the first implementation of this policy — under the rubric "Editor's Note," the *Times* acknowledged that a headline in the previous day's paper had "summarized only (the) . . . opening paragraphs" of a column and had "failed to reflect the column's overall theme." This "Editor's Note" also pointed out that, "in editing to fit available space, two balancing paragraphs had been omitted." Those paragraphs were printed that day.

That was a small but significant step toward what I have called here today the necessary "moral accountability" of the press. There are signs of other small, tentative steps in the same direction. The Hastings Center in New York is conducting a study of journalism ethics. Officials at the Modern Media Institute in St. Petersburg, Florida, have discussed the development of a program in journalism ethics there. There were conferences on related subjects last year at the University of Nevada and the University of Notre Dame. Journalists have been involved in all these programs. [See NR, Winter/Spring 1978, "Journalistic Ethics: Some Probing by a Media Keeper," a talk given by James C. Thomson Jr. at the Poynter Center, Indiana University.]

Even television has shown some small inclination toward increased candor about its shortcomings. CBS News now has an ombudsman, and ABC periodically broadcasts its *Viewpoint* program that contains criticisms of its own news programs.

I hope I am correct — and not just indulging in wishful thinking — when I call these signs hopeful. The press, like most other institutions, is very good at ignoring any recommendation that it change itself. The Hutchins Commission on the Freedom of the Press recommended the creation of a national news council in 1947, and it took twenty-five years — and a second such study and recommendation, this time by the Twentieth Century Fund — before such a council was finally established in 1972. Frankly, I'm not sure it would even have happened then had not many in the media feared that the Nixon Administration might follow all Spiro Agnew's ful-

minations against the press by trying to enact coercive, anti-press legislation if the press did not make some effort to monitor its own performance.

Many of us in the press still worry about that, no matter who is in power in Washington. I wish we didn't have to worry, but since we do have to, we should worry. Worry makes us vigilant. And that worry is still a good argument in favor of news councils and codes of ethics and ombudsmen and more honest correction policies and better, more candid and complete coverage of the press by the press. But it's not the best argument. Coercion — or the fear of coercion — is never the best reason, only the most practical, for doing something. The best reason for doing something is because it ought to be done. Period.

Many of us in the press are fond of quoting Thomas Jefferson's famous line, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter."

But some of us forget that Jefferson also said, "The man who never looks into a newspaper is better informed than he who reads them, inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods and errors."

We in the newspaper profession also tend to overlook another pretty fair writer and social observer, Dr. Samuel Johnson, who wrote in his own newspaper more than 200 years ago:

"A newswriter is a man without virtue, who writes lies at home for his own profit. To these compositions is required neither genius nor knowledge, neither industry nor sprightliness; but contempt of shame and indifference to truth are absolutely necessary."

The vast majority of the newspaper reporters, editors, and publishers I know are not lacking in either virtue or industry; they are not indifferent to truth but rather dedicated to the pursuit of it. Most have knowledge. A few may even be geniuses.

But not one of them is perfect, and not one of their newspapers is perfect, as they would be the first to admit. Privately. But it's time we all began to admit that publicly. And not just admit it. That's easy. Do something about it.

Rebuild the bond of trust that once existed between newspaper and newspaper reader. The only way to do that, I am convinced, is by replacing arrogance with accountability, by voluntarily making the newspaper morally accountable to its readers. And the simple way to do that is to quit acting as if what we do every day is either an arcane secret, too complex for the reader to understand, or a state secret that's none of the readers' business. It is their business. It's *their* newspaper. Let's tell them, in as many different ways as different editors can devise, how we function, and why and how we sometimes malfunction and misfunction. And let's start doing it now, while they still care. □



Faye Oliver, resident of Pink Palace housing project, guarding her room.

Eli Reed: Photojournalist

“The two best things I think I’ve done are the Pink Palace in San Francisco and covering Central America.

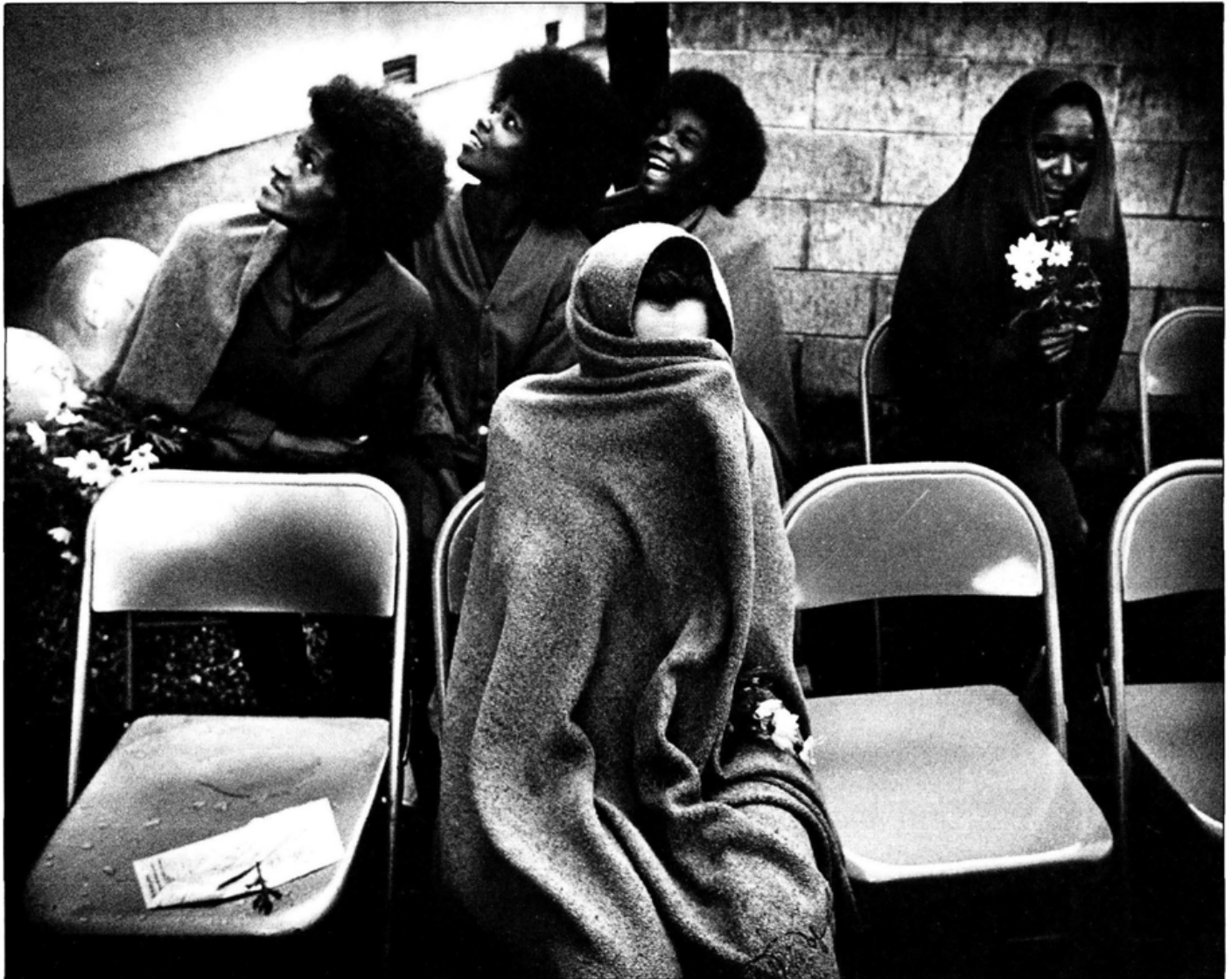
“Pink Palace was, in a way, a return to my own childhood. I grew up in a housing project, and I could empathize with these people and the feeling of helplessness and not being able to control your own life. I had forgotten how it was. You want to be seen as a person of dignity with your own destiny, but I remember always being perceived as something insignificant, something to be patronized. My blood pressure never goes up, but it sure did when I was doing the Pink Palace.”



Eli Reed is the seventh photographer to be awarded a Nieman Fellowship. A member of the Class of 1983, he started his news career with the *Middletown (N.Y.) Times Herald-Record*, moved to the *Detroit News*, and has since become a staff photographer with the *San Francisco Examiner*.

Reed has received numerous prizes for his work; the two most recent are the Nikon World Understanding Award and the Overseas Press Club Award for best photo reporting for newspapers or wire services. Both prizes honor his 1982 coverage of Central America.

Gay Pride Parade, Immoral Majority float.



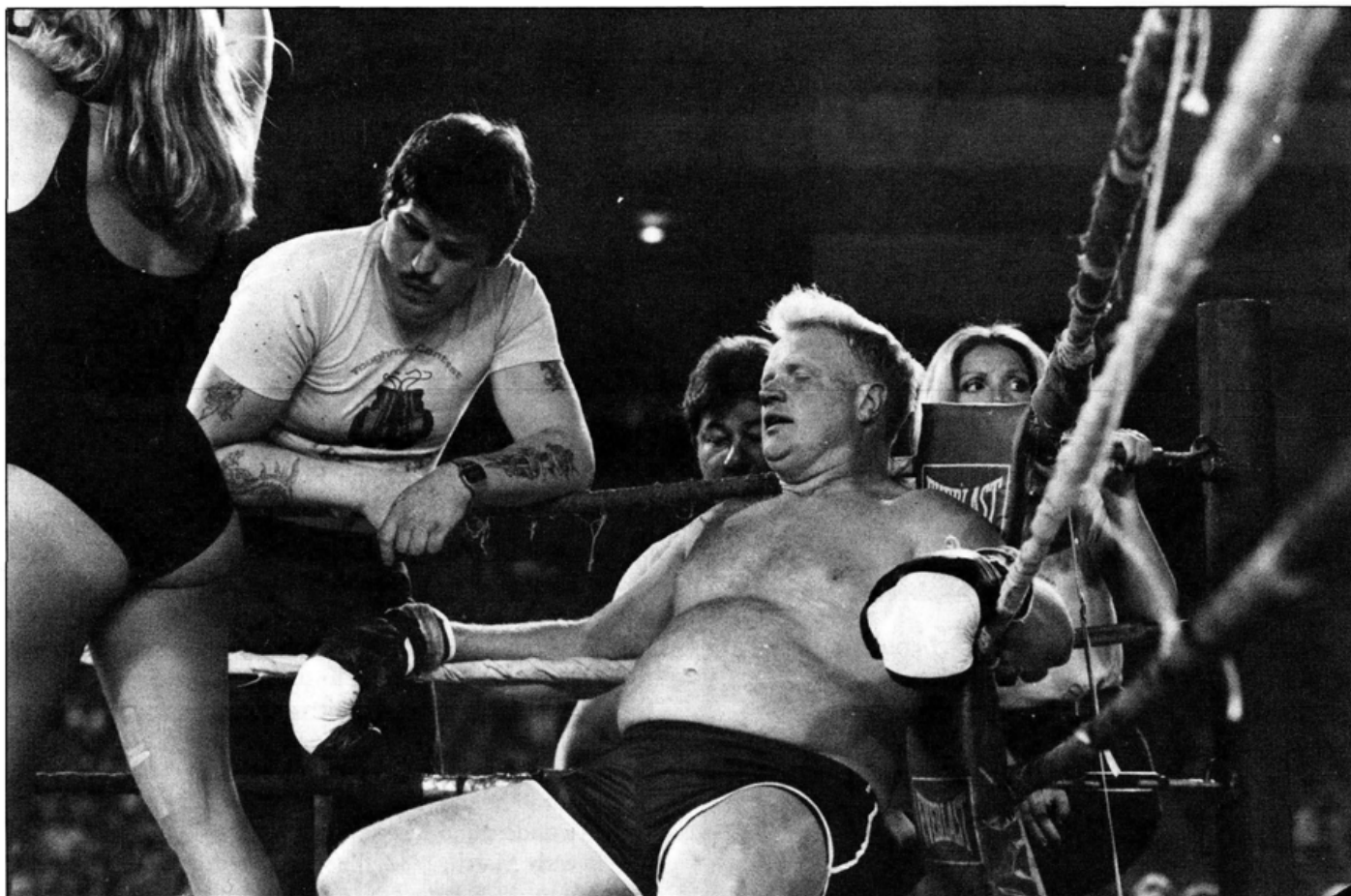
Thanksgiving Day, San Francisco County Jail. After special show by church group, inmates are waiting to go back to cells.



George Romney during Republican Convention, Detroit



Winner of Miss Petite beauty contest, Detroit



Between rounds, a hog farmer in Tough Man competition at Pontiac Silverdome, Michigan

"I don't know what my favorite all-time picture is, but my favorite picture taken while at the *Detroit News* is the scene between rounds where this real nice guy is waiting for the bell. I saw him being weighed in and I thought this man's crazy — he's 42 and he's fighting against a 22-year-old boy. He'll have a heart attack.

"Why would a hog farmer do that? He was a member of the county council and he said he was doing it for the honor of his county.

"He looked like an angel sitting in the corner. There is so much going on in that photo — that other guy looks at the woman holding the card, and I thought that's like Michelangelo's painting where the finger of God reaches out to touch creation.

"Well, the farmer gave it his best shot; he was so courageous it was just wonderful. How can you go to war when you're scared to death? He represented something of the bright side in each of us. I enjoy what it says about optimism."



Barbara Greene, Detroit artist



Political rally, San Salvador, El Salvador



Early morning, Charley Company prepares to move out to search for guerillas in El Salvador

"After I had been with the *San Francisco Examiner* for a while, I started to think about Central America because of the news coming out of there. Then I began to want a close-up look.

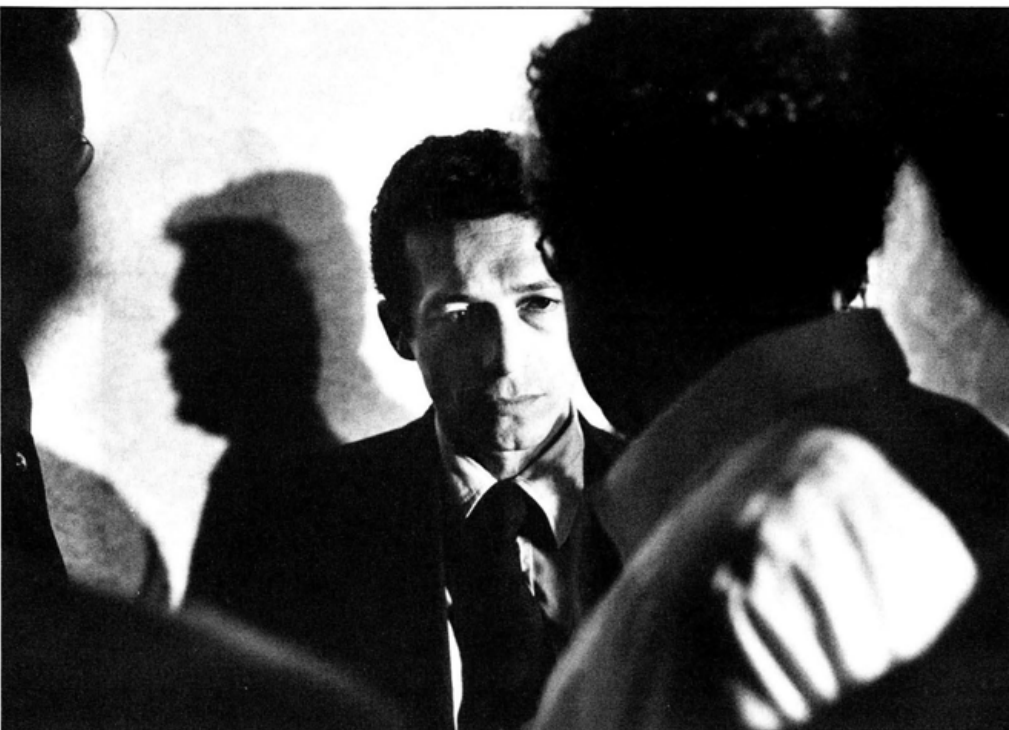
"San Francisco has a large *Latino* population; my friends from Nicaragua were trying to tell me about Sandinista and the Somoza regime and what it was like. I knew I should go down and see for myself what was happening. Why are these people getting killed? Central America is so close; the killing in El Salvador and Guatemala seemed very savage, and I couldn't understand it.

"In early March, 1982, the *Examiner* decided to put a team together to do a primer on Central America, and I got my chance.

"We spent three months in Central America. I found more questions than answers. I saw the complexities and our country's involvement. There's nothing like watching a troop commander who looks like Marlon Brando giving orders.

"The people I met and the things I saw were at such a personal level. I respect the dignity of how some of these people live; they survive day to day. To see that and then go back to the so-called real world, where no one wants to know what is going on down there — it's really messy.

"Same thing with questions and answers this year at Harvard. I found a lot of answers, but then those brought up a lot more questions. I took classes with Stanley Hoffmann [War in History] and John Womack [History of Latin America, World War I to Present]. I feel like my first step was at the *Middletown* (N.Y.) *Times Herald-Record*, learning how to communicate through a newspaper as a photographer. The second step was Detroit, and my third one was getting the opportunity to work on just one important subject in detail — Central America."



Major Roberto d'Aubisson, leader of ARENA party, El Salvador

"You work to please yourself; you are your harshest critic. You learn to be a photojournalist first; a photographer second; and then you get the best — as much as you can. It's all personal and tied in in very complex ways.

"Instinct is very important — not just to see a good picture — but if you listen to it carefully, instinct will tell you if you are doing the right thing at that particular moment. In Central America I put ultimate trust in my instincts. It was a chance to photograph a place where you can connect how similar, in some ways, are human beings who survive, and to make that place understandable to someone who had not been there. I always hope that the pictures will show the complexities better than my words will."



Tegucigalpa, capital city, Honduras



Green Cross member, victim of execution during political upheaval, El Salvador



"Even now I have a rough time with this picture. It's so simple. I had been thinking for a couple of days that I needed one photograph that would be representative of some of the feelings I had about El Salvador. Part of the

reason was that I knew the *Examiner* would want a strong opening picture, and even though I had a lot that I liked, I was still looking for something special.

"I was in a taxi when I saw it. I yelled in English, "Stop! Stop!" and grabbed

the driver's arm to make him understand.

"It was one of these times when you have managed to place yourself near the photograph and then you let the photograph take you."

Reporting the Courts

Donna Lee Dickerson

A compendium of the fine points and frustrations of courtroom reporting.

There are many questions in communications law which have yet to be answered by the U.S. Supreme Court. When dealing with these questions, each state must find answers that fall within the broad mandates of the First Amendment.

In this excerpt from *Florida Media Law*, the author explains current law for those who cover the courts.

Second of a two-part series.

With the demise of restrictive orders (none has been held constitutional since 1976), judges and attorneys have been forced to be more resourceful in finding ways to safeguard defendants' rights without the inconvenience associated with traditional safeguards such as continuance, change of venue, or sequestration. This resourcefulness turned up a little used tactic which most courts had dismissed long ago as being contrary to common

law: the closing of the courtroom to the public and press. The judge, knowing he cannot prohibit publication of information, has found that restricting the ability of the media to gather that information is just as effective. Exclusionary orders, orders to exclude the press from the courtroom, may be issued not only for the trial itself but also for pretrial and posttrial hearings in criminal and civil cases.

After criminal charges are brought, either by way of a grand jury indictment or an information, the defendant may begin a trek through a labyrinth of pretrial hearings. These hearings may be held on motion of defense or prosecution before or after the preliminary hearing for probable cause. Typical pretrial hearings include suppression hearings, in which the admissibility of evidence or confessions is determined; fitness and sanity hearings, where the fitness of the defendant to stand trial is examined; and jurisdictional hearings, which determine a court's jurisdiction over the offense. An addition to these common pretrial

hearings is the preliminary hearing (probable cause hearing) at which the judge reviews the facts, listens to testimony, acts on motions, and determines whether there is reasonable and probable cause to bind the defendant over for trial. The most common posttrial hearing is a sentencing hearing.

It is well understood that a judge has the discretion to control his courtroom in order to maintain order and decorum. Over many years, exclusionary orders have been found valid and necessary to preserve the order of the courtroom, to protect the identity of undercover agents or sources, to protect minors, and to preserve the confidentiality of vital investigative material. However, when none of these extraordinary circumstances exist, courts had adopted the common law rule of open proceedings even in civil trials.

Beginning in 1977, closure orders became more common. Some of these orders were sustained on appeal and others rescinded, creating uncertainty among state and federal jurisdictions about the status of such orders. The American Bar Association was the first to move toward solving the dilemma with its revised Reardon Report. The ABA's old guidelines, adopted after the *Sheppard* decision, had made closure easy by requiring a finding of "reasonable likelihood" of a threat to fair trial. The ABA's Fair Trial — Free Press Committee, headed by Ninth Circuit Judge Alfred Goodwin, drafted new guidelines which were adopted in August 1978. The new statement of policy reads that hearings may be closed only if there is a clear and present danger

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of prejudicial information influencing a jury and that any such effect cannot be avoided by alternative means.

Early closure cases in Florida involved civil litigation and produced contradictions about a judge's prerogative to close courts and about the remedies available to challenge such orders. Closure is common in civil trials. In fact, Florida statutes either allow or require closure in certain sensitive proceedings such as paternity suits, adoption or juvenile hearings. Otherwise, parties in litigation must seek an administrative order from a judge to close the courtroom.

Augustin Collazo was shot by a Miami policeman during a burglary investigation and was paralyzed. He filed a civil suit against the city, but before final settlement, all parties agreed that the terms would not be made public. The terms were decided in closed proceedings and the settlement records were sealed. The *Miami Herald* filed a petition for reconsideration of the order, but the petition was denied. The district court of appeals reversed the closure and sealing orders stating that no justification was given except a preference for closure and an unsupported fear that there would be adverse effects on other pending litigation. The court ruled that a trial, in the absence of an immediate threat to the administration of justice, is a public event which "takes place on public property and over which the

judiciary possesses no special editorial, censorial, or suppression powers."

Divorce proceedings in Florida are not required to be closed, but they have been closed whenever both parties agreed. The press was excluded from the divorce proceedings of comedian Jackie Gleason at the request of both parties. Also, the transcripts of the proceeding were ordered sealed. A news reporter sought and was granted a writ of prohibition from the district court of appeals. The court explained that the power to exclude does exist, particularly where an open trial would inhibit testimony necessary to a fair trial, where testimony would be offensive to young persons, or where there is a question of the safety of witnesses. However, in civil cases, closure can be granted only "for the most cogent of reasons." The court found no such reasons in the Gleason proceeding. It was not enough to want a proceeding held away from prying eyes: "the right to one's privacy is secondary to public access especially when public figures are of public interest. . . . Access to the courthouse is and should be through the front door and not the rear door." The court also found the writ of prohibition a proper remedy for press challenges.

That decision was overturned two years later by the Florida Supreme Court in *English v. McCrary* because the writ of prohibition was held not to be the

proper remedy. In that case a reporter for the *Tallahassee Democrat* was barred from the divorce hearing of a state attorney. The newspaper then sought a writ of prohibition from the district court of appeals which was denied. A writ of prohibition theoretically is used only to prohibit or prevent a court from exceeding its jurisdiction, not to correct a lower court's action. In this case, the reporter had already been barred and the dissolution proceedings were finished. The district court of appeals said that since the circuit court judge had jurisdiction in the divorce proceeding, he also had the discretion to determine whether the hearing should be closed. The Florida Supreme Court agreed, specifically recognizing a trial judge's discretion to close or restrict access in civil proceedings no matter who was involved. The court also ruled that where prohibited proceedings have been completed, as they were in this case, a writ of prohibition may not be used to establish precedent for future cases. Hence, the proceeding must be dismissed where the issue has become moot. The court in *English* was in effect leaving the media without a legal remedy once closure had been carried out despite the Florida Constitution's prohibition against dismissing any case just because improper remedy was sought.

While *English* was going through the Florida courts, the U.S. Supreme Court held that any time a state attempted to restrain full enjoyment of the First Amendment, process must be available for immediate review or for a stay pending review. This opinion plus the *English* decision made it imperative that the Florida judiciary devise a process for quick review of cases which touched upon First Amendment rights. In October 1977, the Florida Supreme Court adopted a revision of the Florida Rules of Appellate Procedures that was to take effect March 1, 1978. Two months later, on reconsideration of the rules, the Florida court agreed to a last-minute addition — Rule 9,100(d) — to meet the appellate aspects of the problem confronted in *English*.

The new rule allows the media to petition the district court of appeals for



the review of any order excluding them from any proceeding, any part of a proceeding, or from any access to judicial record, as long as the proceedings or records are not confidential by law. The petition for review may be filed as soon as an order has been issued. The district court of appeals must immediately consider the petition and determine whether a stay of the proceedings in the lower court is appropriate. The rule also allows oral arguments on the petition to review the restrictive order. Rule 9.100(d) established an entirely new appellate procedure for quick review in the district courts.

By 1978, closure orders were still a new idea in Florida courts and lawyers were uncertain about their usage. However, lawyers were certain that if they sought closure the media would react vehemently, demanding a hearing which would delay a trial. So lawyers in at least two trials decided to avoid the problem altogether by subpoenaing and sequestering reporters as possible witnesses. Any person who has information relating to a case may be subpoenaed and then sequestered until it is time to testify. This tactic against reporters is unconstitutional and has not been used in Florida for several years. The first such case occurred in a federal drug smuggling trial in Tallahassee. The defense attorneys wanted to exclude one particular reporter from covering the trial because they felt his coverage had been biased toward the prosecution. Attorneys subpoenaed the *Tallahassee Democrat* reporter to give testimony in the trial. Lawyers said that the reporter's testimony might be needed to undermine the testimony of other witnesses. The judge ruled that the reporter could be sequestered on the possibility that he might be called as a witness. By the end of the four-week trial none of the attorneys had called the reporter to testify. Another *Tallahassee Democrat* reporter did cover the trial.

In a similar case, a Fort Lauderdale attorney excluded three news reporters from a suppression hearing. As each reporter from the *Fort Lauderdale News* walked into the courtroom each was compelled to be sworn as a witness and

then sequestered. This process occurred over the repeated protests of the state attorney. On appeal, the district court of appeals decried the failure of the circuit court judge to exercise his authority. "Unless these tactics used to close the courtroom to the public and the press are condemned, they could fall into common usage by counsel who wish their cases to be tried in a non-public setting," said the appeals court.

The "quick" appeals rule passed by the Florida Supreme Court states the procedures available to the media when they feel First Amendment rights have been abridged by a court. However, the rule does not set forth the guidelines appeals judges should use when determining whether a lower court's ruling has actually infringed on protected rights. For example, in March 1978, a circuit court in Bradenton was preparing for the trial of Wilfred A. Bannister, who was accused of the 1976 kidnapping and sexual battery of a fifteen-year-old Girl Scout. Ten days before the trial was scheduled to begin, the judge issued orders excluding the press from the courtroom when the girl testified. The *Bradenton Herald* and the *St. Petersburg Times* filed a petition with the district court of appeals to review the order. However, before the hearing on the order was held, the circuit judge rescinded the exclusionary order. Other orders, restraining statements from police, witnesses, and lawyers, as well as a pending order that said cameras might be excluded if the judge felt it was necessary, were challenged. The district court of appeals ruled that the judge must hold a hearing prior to the trial to determine whether any of the orders against the press were proper. However, the court did not specify what guidelines the judge should use in making the determination. The judge in this case never issued an order against the presence of cameras so the question of camera guidelines was never brought up.

Some kind of substantive guidelines for judges are necessary so that decisions are not made in an arbitrary manner and are uniform across the state court system. In 1978 the U.S. Supreme Court had not made any rulings about court

closure, so it was up to the state courts to propose such guidelines. Late in 1978, a district court of appeals judge in Miami proposed that the three-pronged guidelines used in *Nebraska* for determining the constitutionality of gag orders be used for determining the validity of closure orders as well. That case, *Miami Herald v. State* involved international jewel thief Peter Salerno, who was convicted of burglary and grand larceny. Almost a year after the conviction, the judge granted Salerno's motion to close the posttrial proceedings and to seal the transcript of the sentencing hearing. No hearing on the closure order was held; a hearing on the sealing order was held after the fact. The press was invited back into the courtroom to hear the sentence pronounced. The circuit judge's orders were based on his belief that certain information would jeopardize the personal safety of one or more persons. The district court of appeals looked at both *Nebraska* and the Florida Supreme Court's decision on gag orders in *McIntosh* and ruled that although those cases did not involve access to courtrooms, "the distinction is one of form rather than substance, inasmuch as the end result in both cases is a withholding of the publication of a court proceedings." The court ruled that closure must be preceded by a hearing, and the judge must show that no less restrictive alternatives are available and that closure is the only way to guarantee a fair trial.

The judge did note that the media are at a severe disadvantage at hearings on motions to close because they do not know what is being closed nor do they know the cogent and compelling reasons for the closing. If they knew all of this, then closure would be worthless. Surprisingly, the solution adopted by the district court of appeals was to resort to a "subsequent" gag order. The judge suggested that the media be allowed into the court to hear the specific information given for closure; thereafter, the judge could issue a gag order not to reveal information learned in that closure hearing. That process, said the court, would allow the media to know what they were challenging and be able to make

a better argument against closure.

It is doubtful that the suggestion for a subsequent gag would pass constitutional muster, particularly in light of the U.S. Supreme Court's rulings in *Nebraska* and *Oklahoma Publishing Co. v. District Court*. In the latter case, a judge prohibited the press from publishing the name of a juvenile on trial for murdering a railroad switchman. The order was issued after the media had already learned the defendant's name. The Court intimated that if the legislature wishes to pass laws closing certain types of proceedings, it may do so. However, a court cannot prohibit publication of events that occur in the open courtroom or of information received from public sources.

In two decisions handed down a year apart, the U.S. Supreme Court finally dealt with the constitutional status of exclusionary orders. The first case was in 1979. *Gannett v. DePasquale* held that the Sixth Amendment's guarantee of a public trial was a right which belonged solely to the defendant and not to the public. *Gannett* involved closing a pretrial suppression hearing in which lawyers argued the admissibility of certain evidence in a murder trial. The Court's opinion, however, spoke only of "criminal trials" without making any distinction between actual jury trials and other types of pretrial and posttrial hearings. Also, the Court based its decision solely upon its interpretation of the Sixth Amendment, purposefully shunning any First Amendment arguments. The Sixth Amendment, said the Court, required only that a judge find a "reasonable probability of prejudice" before closing a courtroom. The Court rejected the presumption that the three-pronged *Nebraska* guidelines applied to closure, explaining that the guidelines were to prevent prior restraints on information already held by the media. Since closing a courtroom does not prevent publication, it is not a prior restraint, reasoned the Court. This reasoning is contrary to that used by the Florida court of appeals in *Miami Herald v. State*, which argued that there was no difference between restricting access to information and restricting publication of material the

media already has.

A year later, in *Richmond Newspapers v. Virginia*, the Court held that jury trials are required by the Constitution to be open but that no such requirement needs to be made of other types of hearings. The decision overturned a Virginia court ruling that permitted a two-day murder trial to be closed. The opinion

developed over just what types of proceedings were covered and what effect *Gannett* would have on existing state precedents regarding pretrial hearings. While *Richmond Newspapers* helped answer the first question, it did not clarify the last. In fact, one district court of appeals was so confounded by the effect of *Gannett* on this state's precedents in

As each reporter from the *Fort Lauderdale News* walked into the courtroom each was compelled to be sworn as a witness and then sequestered.

stated that "A presumption of openness inheres in the very nature of the criminal trial under our system of justice." After reviewing the history of open courts, Chief Justice Warren Burger held that the "explicit guaranteed rights to speak and to publish concerning what takes place at a trial would lose much meaning if access to observe the trial could . . . be foreclosed arbitrarily."

The Court found that although public attendance at criminal trials was guaranteed, such a right was not absolute. A court could be closed if a judge found an "overriding interest" in closure. The opinion did not specify how overriding interest would be determined, but did note that various alternatives are available to satisfy the demands of fairness. That statement was followed by reference to *Nebraska* and *Sheppard*. It is unlikely that the court was referring to the entire three-prong test of *Nebraska*; however, it is fairly certain that at the minimum, judges must exhaust alternatives, such as sequestration, before allowing closure.

The Court did not overturn its *Gannett* decision, explaining that pretrial hearings remain closed at the discretion of the judge. The court also did not require openness in civil proceedings, although Burger's opinion noted that openness is a tradition in civil as well as criminal cases.

During the year between *Gannett* and *Richmond Newspapers*, much confusion

Miami Herald v. State and *McIntosh* that it certified the confusion to the Florida Supreme Court. In *Miami Herald v. Lewis*, a fourteen-year-old boy was charged with rape and murder. After a motion for change of venue was denied, the defendant's attorney moved to close a suppression hearing at which the admissibility of a confession was to be determined. The media were notified of the motion and the judge held a hearing after which he ordered the suppression hearing closed. After the suppression hearing, the judge also ordered the records of the hearing sealed until the trial began. A contingent of Florida media appealed the orders, stating that at the hearing to determine closure, the judge was given no evidence to support his decision for closure. The district court of appeal lost no time in noting that the dilemma was similar to that of the chicken and the egg. If evidence is presented at the closure hearing, then the motion for closure becomes moot because the media will learn the information that is not to be disclosed. The appeals court, refusing to acknowledge the *Miami Herald v. State* decision of two years earlier, found no error by the judge in allowing closure since *Gannett* said there was no constitutional right of access and the judge did hold a hearing on the motion. The media petitioned the appeals court for a rehearing; one was granted so that the confusion could be certified to the state supreme court. The

questions to be certified were whether the *McIntosh* gag order ruling was binding on closure orders despite *Gannett* and how a court could meaningfully deal with hearings on motions to close evidentiary hearings. At this writing, the Florida Supreme Court had made no decision in this case.

Another court decided there was no confusion and held that since *McIntosh* dealt only with prior restraint and since *Gannett* rejected application of the *Nebraska* guidelines to closure, neither a hearing nor a finding of the three-prong test was required prior to closure. The case involved a wrongful death action against Kissimmee and its insurance carrier. The jury returned a verdict in favor of the city. However, an informant had been told by an alternate juror that the plaintiff would lose because of the jury's fear that utility rates would increase if the city were found liable. After learning of the conversation, the defendants moved for a new trial and moved to interview the informant and alternate. The circuit court ordered the interview hearings closed. The media challenged the closure, but after a hearing, the order stood. The appeal was heard by the Fifth District Court of Appeals, which conveniently chose to ignore the Fourth District Court of Appeal's holding in *Miami Herald v. State* that denial of access is a form of prior restraint. Although the district court of appeals found that *McIntosh* was not binding, it did acknowledge that the common law right of access (noted even in *Gannett*) required the judge to balance the rights and interests of the parties with those of the press. By virtue of this balancing, the closure order was reversed. The court reasoned that there is a common law right of access and that state law does allow courts to control juror interviews; however, it is also a well-settled area of law that jurors' motives in reaching a verdict should not be questioned or probed except in extraordinary circumstances. Since neither the informant nor the alternate was privy to the jury deliberations, there was no public interest in having their testimony closed. The court weighed the interests and found in favor

of the press and openness. Although the decision was favorable to the press, the method of reaching it was arbitrary and left too much discretion to the judge. The *Nebraska* guidelines take a great deal of the arbitrariness out of such decisions.

Most courts in Florida, however, have interpreted *Gannett* to mean that in pretrial situations the state is free to adopt stricter standards before closure is allowed as long as the constitutional rights of the defendant are not abridged. And in Florida those standards appear to be the three-part *Nebraska* guidelines which hold: (1) the judge must assess the nature of the coverage; (2) the judge must exhaust all other alternatives available for protecting the trial; and (3) the judge must show that closure is the only way of assuring a fair trial.

For example, before the trial of Theodore Bundy on charges of murdering two Florida State University students, his lawyer filed several motions to close pretrial hearings. Circuit Court Judge Cowart, citing *Miami Herald v. State*, ruled that closure could be ordered only if the *Nebraska* guidelines were met, a burden the defendant could not meet. Cowart recognized that closure could not reduce the publicity that was already widespread, and the trial was eventually moved to Miami. Dade county Judge Nesbitt made a similar ruling in March 1980, during the trial of several policemen charged with murdering black Miami insurance executive Arthur McDuffie. Defendants' lawyers moved to exclude the public from the pretrial hearings being held in Miami, but the judge stated that such hearings were public proceedings and closure could only be ordered after a showing that the *Nebraska* guidelines had been met. The McDuffie trial was moved to Tampa on a motion of change of venue. Again, in a case involving the *Pensacola News-Journal*, the First District Court of Appeals held that a trial judge's order closing a pretrial suppression hearing was contrary to *Miami Herald v. State*, which met all the accommodations required by *Gannett*.

Press Remedies

As stated earlier when discussing gag orders, it is imperative that reporters covering the courts know what due process rights they have when they encounter any administrative order from a court.

If a closure order is moved when the media are not present, Florida precedent requires that reasonable notice must be given the media. If such is the case, a written copy of the order should be picked up at the courthouse. If there is enough time to notify a lawyer, then do so.

If a motion for closure is made in the presence of a reporter, that reporter should object immediately with a statement similar to that used in gag order cases. The objection is really a motion for a hearing at which the media's lawyer will do the actual arguing. A typical statement might read:

Your Honor, my name is _____ and I am a working journalist representing _____. I challenge the motion to close this hearing. I move that a hearing be held on the motion at which time a lawyer representing my newspaper (station) will be present to make the proper legal arguments. The closing of a trial is a clear violation of the First Amendment rights of the public and the press. Court precedent in this state, particularly *Miami Herald v. State*, established that before such a motion can be granted, reasonable notice and a full hearing must be granted to those who oppose it. I move that such a hearing be held to determine the constitutionality of this order.

If a reporter arrives when a closed hearing is already in session, a written objection similar to the above but with an additional request for access and for a stay of the proceedings should be sent to the judge. A police officer or any court employee should give the written objection to the judge. The written objection should also be filed with the court clerk under the case being tried.

If the judge refuses to grant the motion for a hearing, the reporter should not leave the courtroom until

ordered to do so. It is not advisable to leave voluntarily, nor is it advisable to refuse to leave when ordered.

Whether a hearing is granted or not, the media should proceed to appeal the order to the district court of appeals and seek a stay of the order under Appellate Rule 9.100(d). If the district court of appeals should fail to stay the circuit court's order, the appeals process may continue through the court system to the Florida Supreme Court and to the U.S. Supreme Court, time and resources allowing.

PROTECTIVE ORDERS — SEALING COURT RECORDS

Just as closure orders became more popular after 1977, so did orders sealing depositions, transcripts, and other court records. According to Florida Rules of Civil and Criminal Procedures, sworn depositions are sealed until filed with the court in which the action is pending. Once the clerk receives the deposition, it is opened and made part of the public records, available to anyone for a reasonable charge. This is the normal procedure unless a protective order has been entered sealing certain records "for good cause." A motion for a protective order is not entered solely to prevent pretrial publication of information that will eventually be entered into court records. Like evidence, depositions may contain information that is inadmissible. A deposition does not automatically become evidence; it must first be ruled admissible by the court. In a criminal trial, depositions are limited in their actual use to impeaching the testimony of the deponent when being questioned as a witness in the courtroom or introducing testimony when a witness cannot be present at the trial. Therefore, much of what is contained in depositions will not be used in the trial.

Judges have a great deal of discretion in determining what dispositions and transcripts can be sealed. In addition, Florida law prohibits the release of certain court records. For example, state

law prohibits inspection of reports dealing with blood tests, records of a paternity suit where the parties eventually marry, reports of anyone examined or treated as a mentally disordered sex offender, records containing information received by wire tapping, and records of

the compelling reasons for denying access to the records. While the court did specify that privacy is not a sufficient state interest upon which to base a sealing order, it did not say what other interests might not be sufficient, thus leaving it up to the judge in the next case

It is imperative that reporters covering the courts know what due process rights they have when they encounter any administrative order from a court.

custody and adoption proceedings. The sealing of court records is a common practice in Florida courts. In some jurisdictions there appears to be a concerted effort to discourage sealing orders. Yet in other jurisdictions the trend toward sealing orders persists, and the media continue to fight these orders. The decision to seal a record is made on a case-by-case basis where state interests are balanced against press interests.

A recent case in Fort Myers is an example of this type of ad hoc balancing approach. Richard Woodrick had been indicted for first degree murder and the circuit sealed all depositions pending trial. Before trial, Woodrick pleaded guilty to second degree murder and was sentenced to fifteen years in prison. On the day of sentencing the *Fort Myers News Press* moved that the protective order be removed. A hearing was held on the motion, but the motion was denied. The newspaper appealed to the district court of appeals which ruled that a sealing order must state the compelling reason for the order. The reasons given in this order were vague, and their compelling nature was difficult to perceive, said the court. A sealing order, for example, may be constitutional when a life is endangered, but if the sealing is merely for a privacy interest, then that is not a compelling reason.

The court noted that a sealing order is not a prior restraint since it does not prevent the publishing of information. The district court of appeals remanded the case to the circuit judge to specify

to make further additions to this balancing.

Another case in North Florida also adopted the ad hoc balancing approach and refused to adopt the *Nebraska* guidelines. In March 1979, Judge Ben Willis, chief judge of the Second Florida Circuit, issued a blanket administrative order titled "*In Re Sealing of Deposition Transcription in Civil and Criminal Cases.*" Once sworn depositions are filed with the court clerk they become public documents unless sealed by a protective order. Judge Willis, arguing that the balance of state interest and press interest should always weigh out in favor of the former, ordered all depositions filed in his judicial circuit to be sealed and not opened until directed by the court. Willis feared that the "historical and routine" procedure of openness could affect the right to a fair trial by allowing the transcripts of depositions to be opened before the conclusion of the proceeding. Thus the normal procedure of "open until closed" was reversed to "closed until opened." The First District Court of Appeals set the orders aside, but allowed two weeks before its decision went into effect so that any defendant could seek a protective order individually. The appeals court distinguished between access to hearings and trials and access to records, saying that this was not a case of prior restraint, which would require compliance with the *Nebraska* guidelines. Protective orders, said the court, are permitted by the rules of criminal and civil procedure and "we are

aware of no authority that would give the press rights of access to sealed depositions superior to those enjoyed by members of the public at large."

Another case where the courts used the balancing test rather than the *Nebraska* guidelines was *Sentinel Star Co. v. Edwards*. In that case a circuit court judge sealed the transcripts of a closed hearing in which jurors were interviewed following a questionable verdict. The district court of appeals decided the case after the U.S. Supreme Court held in *Gannett* that the *Nebraska* guidelines were not required in access cases. The appeals court argued that Florida courts are not required to use the *Nebraska* guidelines and, in fact, to do so would be in direct conflict with *Gannett*. The court found that the judge's only obligation was to balance the public interest and that of the press. The court engaged in this balancing itself, yet it found no overriding public interest in closing the records. In other words, the balancing approach can work for the press as well as against it.

Neither the U.S. Supreme Court nor the Florida Supreme Court has issued a ruling on the constitutionality of sealing orders; therefore, there are courts in this state which disapprove of the case-by-case balancing approach and have adopted the *Nebraska* guidelines. In *Miami Herald v. State* the Fourth District Court of Appeals held that the *Nebraska* guidelines should be used in cases where judges issue protective orders to seal court records. This 1978 case involved the closing of Peter Salerno's sentencing hearing on charges of theft, after which the judge sealed the transcripts of that hearing because there was some indication that lives might be jeopardized if the records were released. When the sealing order was appealed by the *Miami Herald*, the appeals court stated that like gag and closure orders, sealing orders must be preceded by notice and hearing so the media may challenge the necessity of the orders. At such a hearing, the judge must apply the three-part *Nebraska* guidelines to determine the degree and extent of publicity or harm from publicity, to exhaust all alternative remedies for preventing the

injury, and to prove that the sealing order is the only way of preventing that injury. The appeals court in this case was satisfied that there was indeed a threat to personal safety at the time of the order and allowed the sealing order to remain. However, the transcripts were sealed for over a year, during which time new information was made available that appeared to remove the need for the order. The court remanded the matter to the trial court to determine whether the danger still existed, and, if so, whether it was necessary to seal all or only a part of the records and to determine whether an alternative to sealing the records was available.

In *Sentinel Star Co. v. Booth*, a Lake County judge sealed all defense discovery depositions because he agreed that press access would result in prejudicial publicity. The trial in question was that of Marvin and Preston Crum who had been indicted for first degree murder in January 1979. Before the trial began, the defense attorney filed a motion to seal various depositions, including a statement by Preston Crum. The *Orlando Sentinel Star* knew that a motion had been filed, but did not know when the hearing was to be held on the motion. The hearing was held ten days after the motion was filed. When a reporter appeared at what he thought was a hearing on another matter, the motion for the sealing order was granted. Although the reporter was present, the judge did not give the reporter an opportunity to be heard. When the newspaper appealed, the district court of appeals held that court records cannot be sealed unless the judge satisfies the *Nebraska* guidelines and specifies the compelling reasons for closure. The motion was remanded to

the circuit judge for a more thorough inquiry in which the media would have an opportunity to be heard.

In 1982, as this book goes to press, the constitutionality of sealing orders in this state is unresolved. There is obviously some controversy among Florida courts, and a journalist would be wise to determine from local lawyers just what the status of sealing orders is in a particular jurisdiction.

As for the closing of hearings where depositions are taken, there is also a split in the reported cases. When the First District court of Appeals overturned Judge Ben Willis' blanket protective order, it said that it knew of no authority that would require media access to such hearings beyond the access enjoyed by the public at large. However, at least one judge in that district did not agree that deposition testimony should be closed. In the pretrial hearings of Theodore Bundy, his lawyer moved to close the taking of depositions and the sealing of deposition transcripts. Judge Cowart denied the motion to close the taking of depositions unless the defendant could meet the *Nebraska* guidelines. The defendant could not justify closure, and the deposition process was opened.

Press Remedies

Usually a reporter will encounter the protective order when asking the clerk for the records in a particular case. If the clerk denies access based on a judge's order, then a written request for access should be made to the judge. State the materials you wish to inspect, but do not offer any reasons for wanting to see the documents. If the request is denied then the reporter should follow the same appeals procedures suggested for challenging closure orders.

Despite urgings from the press and their lawyers, there are still some types of information not available to the media. In *United States v. Gurney*, a federal district judge in Miami was trying former Senator Edward Gurney. Although numerous accommodations had been made to the media during the trial, the judge did restrict access to



certain portions of the trial and evidence. After a hearing on a motion to vacate certain restrictions on the media, the judge retained the prerogative not to disclose Senator Gurney's grand jury testimony, the names and addresses of jurors, exhibits identified but not received in evidence, bench conferences with counsel, written communication between the judge and the jury, and transcripts of a proffer of testimony received by the judge in camera. The media appealed the ruling to the Fifth Circuit, which affirmed the district court judge's discretion to deny access. The court reasoned that the rulings were not prior restraints because only the court had denied access; the media could still obtain the information from other sources. As for specific rulings, the court held that evidence not received by the court was not yet a part of the public domain; in camera conferences and bench conferences are part of the internal management of a trial and are controlled by the judge. As for grand jury testimony, no federal grand jury testimony is made public until released to the jury.

The court also ruled that the press clearly had no constitutional right of access to the written communications between judge and jury. "Compelling governmental interest in the integrity of jury deliberation requires that the privacy of such deliberations and communications . . . be preserved. . . . Juries must be permitted to deliberate fully and freely, unhampered by the pressures and extraneous influences which could result from access by the press. . . ." Labeling these exclusions as "incidental burdens on newsgathering," the Fifth Circuit said they were implemented to accomplish a legitimate governmental interest in securing a fair trial.

The *Gurney* case was a federal decision. A recent Florida decision indicates that access to bench conferences may be granted to the media by the courts. In *Levin v. Southeast Media*, the *St. Petersburg Times* sought access to testimony that occurred in two bench conferences during a libel trial. A circuit court judge, applying the three-prong *Nebraska* test, agreed that those standards had been

met in the second bench conference but not in the first. He ruled that the transcript and court reporter's notes of the first bench conference should be made available to the press.

GAGGING PARTICIPANTS

In *Sheppard v. Maxwell*, the Supreme Court held that proper trial management could include restricting trial participants, court officers, and jurors from talking about the case. Until recently, there had been little reason to challenge this gagging of participants; but, with an increasing number of courtrooms and court records being closed, the only alternative sources of information for the reporter are often the participants in the trial. *Sentinel Star v. Edwards*, the case which held the *Nebraska* guidelines were not required before issuing closure and sealing orders, also held that the guidelines need not be used when gagging participants. In that case, the court gagged all participants in a hearing called to determine whether the jury had acted illegally. Since the only purpose of the gag was to protect the privacy of jury deliberations, and the persons interviewed during the hearing were not jurors, the gag was lifted.

In another case, a federal district court ruled that a gag order on jurors adversely affects their First Amendment rights. The case involved Solomon Barnes, a codefendant in a grand theft trial. He severed his trial from that of his codefendant Johnny Jones, who was tried first. After the jury found Jones guilty, the Florida circuit court judge issued a gag order against the jury until selection of the jury for Barnes' trial was completed. The press opposed the gag without success. On appeal, the order was quashed by a district court of appeals and the media immediately began interviewing several of the jurors. Barnes filed for a permanent injunction in federal district court against the enforcement of the appellate order and for reinstatement of the gag. The federal district court refused to issue the injunction, stating that Barnes had no proof

that the stories published from the interviews would produce an irreparable harm. The court noted that even if the stories are prejudicial a number of alternatives still remained including the *voire dire* process, continuance, and change of venue.

CAMERAS IN THE COURTROOM

When the Florida Supreme Court, in April 1979, amended Canon 3A(7) of the Code of Judicial Conduct to authorize camera coverage of courts on a permanent basis, this state's judiciary was making an affirmative statement about openness in the judicial system. It was also paving the way for the U.S. Supreme Court to rule that the presence of cameras in a courtroom is not unconstitutional and that states such as Florida are free to allow camera coverage as long as the rules satisfy the defendant's rights to a fair trial.

In 1976, only four states allowed any type of camera coverage in their courts. By 1981, that number had increased to thirty-one states that either had permanent rules or were experimenting with cameras in one or more courts. Cameras are not new to our judiciary; in fact, cameras have been in and around courtrooms for the past thirty years, creating various problems for the court system. The trial of Bruno Hauptmann, who was found guilty of the kidnapping and murder of Charles Lindbergh's infant, was broadcast over radio in 1934. The Sheppard trial was covered extensively by television and film cameras. The bulky machines were placed around the room, their cables snaked down the length of the courtroom aisles, their noisy motors buzzed throughout the proceedings, and their hot and bright lights turned the courtroom into a steam bath. It was after the Hauptmann trial that the ABA adopted Canon 35 of the Canons of Judicial Ethics, prohibiting judges from allowing photography and radio broadcasting in a courtroom. In 1952, Canon 35 was amended to prohibit television cameras as well. Only two states, Colorado and Texas, did not

adopt the Canon as part of their judiciary's rules.

The question whether cameras in the courtroom present a clear and present danger to the administration of justice was first heard by the U.S. Supreme Court in *Estes v. Texas* in 1965. The trial of Bille Sol Estes received national attention because of the widespread political tie-ins that Estes had. Estes was charged with inducing farmers to buy nonexistent fertilizer tanks and to sign over to him the mortgage on the property. During the pretrial hearing, twelve cameras squeezed into a small Tyler, Texas, courtroom. Cables and wires were run across the aisles, and microphones were placed to pick up every noise in the courtroom. When it was obvious that the distraction of the cameras would be unavoidable, the judge ordered a partition built in the back of the room. Holes were cut out of the partition so that the camera lenses could protrude through. In 1962, when that trial occurred, camera technology had progressed only little since the 1954 Sheppard trial. Bright lights and bulky cameras were still the state of the art. Estes appealed his conviction on the ground that the presence of the television cameras had created an atmosphere in which a fair trial was impossible. The Court agreed: "Television in its present state and by its very nature, reaches into a variety of areas in which it may cause prejudice to an accused." After enumerating various ways television could prejudice the jury, witnesses, lawyers, judges, and defendants, the Court reversed Estes' conviction. The decision did not say the presence of cameras would always be a denial of a fair trial, noting that the "ever-advancing techniques of public communications and the adjustment of the public to its presence may bring about a change in the effect of telecasting upon the fairness of criminal trials."

By the early 1970s the "ever-advancing techniques" of television had reached the stage where cameras were less intrusive because they were smaller, required no special lighting, were noiseless, and required no extensive electrical hookups. In 1972, the ABA revised

Canon 35 to take into account these new advances. The new Canon 3A(7), while still prohibiting television cameras in the courtroom, acknowledged that television was a viable tool which the court system should not overlook. It suggested that television could be used to make a permanent record of a trial, to provide educational tapes for law classes, and to broadcast closed-circuit to adjoining rooms for the press, spectators, or even a defendant.

In 1976, Alabama and Washington were the first to amend their judicial rules to allow broadcasting with the consent of both parties. These two states were followed by others, including Florida, which instituted one-year experiments to determine the feasibility of cameras in the courtroom.



Florida's one-year experiment with cameras was the most widely publicized experiment in the country, for it was during the experimental phase that the murder trial of fifteen-year-old Ronny Zamora was televised from a Miami courtroom. Florida's emergence into the era of cameras in the courtroom began in January 1975, when television stations belonging to the Post-Newsweek chain filed a petition with the Florida Supreme Court either to adopt a substitute for Canon 3A(7) or to reexamine the canon for purposes of making the court's own revision. The court granted the later portion of the petition in May and began to review information on the subject, including a review of tapes made in Washington where that state was in the middle of its experiment. A year later, the court agreed to conduct its own limited experiment. It chose to televise one civil and one criminal trial in the second judicial circuit in Tallahassee, if it could find parties who would agree. After failing to get consent from persons on trial in that circuit, the court expanded the experiment to the

fourth, eighth, and ninth judicial circuits. Still, consent was impossible to obtain and the initial experiment was termed a failure. In April 1977, the court, by interlocutory decree, mandated a one-year experiment beginning July 1, 1977, when the electronic media would be permitted to cover all court sessions without participant permission pursuant to rules of conduct and technology set out by the court. By June 30, 1978, when the experiment ended, over 2,750 persons had been involved in trials covered by television cameras.

To determine whether cameras would become a permanent fixture in Florida's courtrooms, the state supreme court conducted a survey to determine what effects, if any, cameras had on various participants. They surveyed all participants except the actual litigants. Responses to the survey indicated that cameras did not create any undue stress, embarrassment, distraction, nervousness, lack of concentration, or flamboyance. The court concluded that "on balance there is more to be gained than lost by permitting electronic media coverage of judicial proceedings." Canon 3A(7) was amended to permit permanent camera access to Florida courtrooms effective May 1, 1979.

The amended canon now reads:

Subject at all times to the authority of the presiding judge to (i) control the conduct of proceedings before the court, (ii) ensure decorum and prevent distractions, and (iii) ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with standards of conduct and technology promulgated by the Supreme Court of Florida.

During the one-year experiment, several challenges were made to the constitutionality of the experiment and to the presence of cameras. The first challenge came in the first month of the experiment. Jules Briklod sought a temporary injunction in federal district court to stop the use of television and still cameras in the first of several con-

spiracy and grand larceny trials. The federal court agreed to hold an emergency hearing on the motion for a temporary injunction. Normally, a defendant must exhaust all of his state remedies before appealing to a federal district court. The federal court agreed to review the case because there was some question whether the cameras rule was "patently unconstitutional," one acceptable reason for going directly to a federal court before going through all the state courts. The federal court found that while the U.S. Supreme Court opinion in *Estes* expressly prohibited television cameras, the majority of the justices did not find cameras unconstitutional in all cases. The court denied the injunctive relief, saying that the experiment was not "patently and flagrantly unconstitutional," although it may well be unconstitutional in the future. The U.S. Supreme Court has agreed to review the case.

The second challenge during the experiment took the question of the constitutionality of cameras in the courtroom all the way to the U.S. Supreme Court, where, in January 1981, the Court ruled that the presence of cameras in the courtroom did not per se create a threat to a fair trial. This case involved the convictions of two former Miami policemen. The policemen, Noel Chandler and Robert Granger, were charged and convicted on four counts — burglary, grand larceny, possession of burglary tools, and conspiracy to commit a felony. Their trial began in December 1977, half-way through the year-long camera experiment. Before and during the trial, defendants filed various motions to exclude the cameras and entered several challenges to the constitutionality of the amended canon. They appealed their convictions based on several errors by the trial court, including the judge's refusal to prohibit the cameras. The district court of appeals ruled that there was no error in allowing the cameras to remain in the courtroom during the trial. The defendants were unable to bring evidence that the cameras caused any difficulty in the preparation presentation of the case, nor that the cameras deprived them of an

impartial jury. The Florida Supreme Court denied the petition for appeal and the U.S. Supreme Court granted certiorari. In an 8-0 opinion, the Court ruled that cameras may be allowed into a courtroom as long as they are carefully monitored so as not to produce prejudice against the defendant. The decision was not based upon a constitutional right of access by the media but upon the Sixth Amendment and the Florida Supreme Court's authority to supervise its court system. Also, the decision was not to be interpreted as a mandate requiring access, only as an affirmation that under carefully controlled situations, cameras may be allowed. The court did not issue guidelines to help a judge determine when camera coverage might create a clear and present danger to the administration of justice.

It was unclear during the experimental phase just what discretion a judge had over the cameras since the Florida rules mandated their presence. For example, the widow of a murder victim moved to prohibit cameras when she was to appear as a witness. The trial judge overruled her claim to privacy. During the same trial, a prison inmate refused to testify for fear of reprisals from fellow inmates and was held in contempt. The judge apparently did not realize that discretion reposed in him to grant the objections by these two witnesses. In *Time Publishing Co. v. Hall*, the presiding judge in the trial of Wilfred Bannister considered but refrained from prohibiting electronic media coverage of the testimony of a sixteen-year-old rape victim. However, the district court of appeals did hold that if such an order were entered, notice and hearing must be given the media.

Obviously, there are times when the electronic media can be prohibited from filming court proceedings. The Florida Supreme Court, in amending the canon, noted that cameras could be prohibited during child custody proceedings or when the witness is under protection of anonymity or threatened with reprisal, if a witness is the victim of sexual battery, is a relative of the victim, or is a confidential informant. The Florida Supreme Court adopted the following

standard for judges: "The presiding judge may exclude electronic media coverage of a particular participant only upon a finding that such coverage will have a substantial effect upon the particular individual which would be qualitatively different from the effect on members of the public in general and such effect will be qualitatively different from coverage by other types of media."

Determining the "qualitatively different effect" can be difficult. For example, in *Green v. Florida*, a lawyer appealed her conviction on two counts of embezzlement because she claimed that the television coverage of her trial had rendered her incompetent to assist with her defense. Adelita Green had been under psychiatric care several months after being found mentally incompetent to stand trial. After psychiatric counseling, a second competency hearing was held at which she was found competent to stand trial. None of the testimony at this second hearing dealt with the effect television coverage might have on her "fragile mental condition." Before trial began, the defendant's lawyers filed a motion to exclude television. Arguments were heard, but again, no testimony was heard about the effect of television's presence. When Green's trial began and several times throughout, the defense repeatedly moved to exclude the cameras, and each motion was denied without hearing. The district court of appeals reversed and remanded for a new trial with another competency hearing. The court said that public exposure through a televised trial is almost certain to create a greater level of anxiety in a defendant than if the trial were not televised. This increased anxiety may render a mentally disturbed, but technically competent, defendant unable to consult with counsel or unable to understand the proceedings. Two years later, an evidentiary hearing was held, and a circuit court judge found that camera coverage of Green's trial would deny her a fair trial.

The protection of witnesses for personal safety reasons was an issue in a recent case involving murder charges against a prison inmate. A grand jury indicted Arthur Sekell for first degree murder in the torching death of fellow

inmate William Wright. The state filed a pretrial motion requesting that the court prohibit the filming of two state witnesses who were inmates at Lantana Correctional Institute. The state based its motion on the fear that television coverage would subject the witnesses to prison reprisals by inmates who were friends of Sekell's. The circuit judge held a hearing on the motion, at which time the state gave the judge sealed affidavits from the witnesses which said they would not testify, on pain of contempt, if television coverage were allowed. The media were not allowed to see the contents of the affidavits. Also, the state said it could produce a prison officer to testify about the possibility of danger and reprisals. The prison officer was not asked to testify. The circuit judge granted the motion which also barred the sketching of the two witnesses. The names of the witnesses were not restricted.

The district court of appeals, on petition for review of the order, said that this situation might fall under the exceptions recognized by the Florida Supreme Court, and the refusal to testify on pain of contempt could well be a "qualitatively different effect." However, the court ruled that the trial judge's order was based only upon the subjective fears of the state and not upon objective facts. The court ordered the trial judge to hold a hearing at which time he must make the affidavits available to the media and must hear the testimony of the prison official. "To require less would result in an automatic exclusion of the media upon any witness simply by advising the court that he harbored some uncertainty about his safety should he be exposed to the media while testifying." This ruling was affirmed by the Florida Supreme Court, which warned that evidence of a "qualitatively different effect" must be open to the public.

At least two cases have involved challenges to the presence of cameras because of some presumed prejudicial publicity that might harm an upcoming trial. One involved five defendants' pending criminal trials in the eleventh and fifteenth judicial circuits. Although their trials had not yet begun, the defen-

dants challenged the amended Canon 3A(7) as unconstitutional and sought temporary restraining orders to prohibit cameras from their trials. Their complaints were brought in federal district court. The district court dismissed the motions because the defendants had failed to base their complaints upon an actual "case or controversy." The media had not yet attempted to cover the trials and the judges had not yet decided to allow the media's presence. The court refused to issue a restraining order to prevent something which was "suppositional, remote, and unforeseeable."

Similarly, after the trial of Ronny Zamora was televised, Zamora's codefendant in the slaying of an 84-year-old Miami woman moved to have charges dropped against him and his case discharged because of the publicity which had surrounded the Zamora trial. He contended that the broadcast and rebroadcast of the Zamora trial created conditions under which a fair trial for him would be impossible. Darrell Agrella had pled *nolo contendere* to charges of murder, robbery, and burglary but argued that his case should be discharged because of the publicity that surrounded the televised trial. The circuit court denied the motion to discharge and the district court of appeals agreed. There was no evidence to prove prejudice; no jury had been selected; and there was as yet no trial. Agrella appealed all the way to the U.S. Supreme court, which refused to review the case.

GRAND JURY COVERAGE

Historically, grand jury proceedings have always been closed to the public and their reports closed until opened by order of a court. Closure of a grand jury proceeding has never been challenged as an abridgement of the First Amendment; however, the sealing of indictments and presentments has been challenged on several occasions.

The grand jury is an arm of the judiciary; its responsibility is to determine whether there is sufficient information and evidence to bring a person to trial.

Grand juries in Florida range in size from eighteen to twenty-five members, depending on the size of the county, and they are appointed for the six-month term of the court. Grand juries in Florida fulfill two major functions: (1) to bring indictments against those being accused of a capital offense, and (2) to act as an investigative arm of the courts to study the performance of public offices and officers. In determining probable cause in a criminal action, the grand jury is charged with returning either a true bill (indictment) or a no bill. Indictments are sealed by law until the indicted person has been taken into custody. In investigative sessions, the grand jury may issue an indictment or it may return a report or presentment which criticizes, but does not indict.

Florida law requires the confidentiality of all testimony before it, of all deliberations, and of all votes of the grand jury. Testimony before a grand jury cannot be disclosed until that testimony becomes part of a court proceeding. If anyone appearing before a grand jury later discloses the testimony of any witness, he may be punished by fine or imprisonment. This law also applies to the news media. However, as stated in *Cox Broadcasting v. Cohn* and *Oklahoma Publishing Co. v. District Court*, if the media obtain information, the state cannot prevent its publication.

Of more concern than the actual grand jury proceedings are the presentments or indictments that name persons not indicted. Florida law provides that any grand jury report must remain sealed until unindicted persons have been furnished a copy of the report and have been given fifteen days to file for repression or expungement of the report. Also, a court may repress any portion of a grand jury report which is "improper or unlawful."

For example, in a 1957 case from Miami, a grand jury had filed an interim report investigating a judge and several lawyers who were curators of the estate of an incompetent. The report, while not indicting, made accusations and drew conclusions that were equated with indictable crimes. The defendants moved for repression of parts of the

report which were derogatory and defamatory, but the judge refused. The Florida Supreme Court reversed, saying that it was outside of the grand jury's lawful ambit to defame and deride without indicting and therefore the report should be repressed.

In a more recent case, after a Broward County grand jury filed its interim report on an investigation of the fatal shooting of J. W. Nimmo by two Florida Highway Patrolmen, the defendants filed motions to repress certain portions of the report. Following a hearing, the judge ordered all but one page of the report released, holding that the repressed portion was "improper and unlawful" and not a "fair report." The *Miami Herald* moved to set aside that order. The repressed section stated that the officers did not possess the qualities required of law officers and recommended that they be dismissed following an administrative hearing. The Florida Supreme Court found nothing improper or unlawful about the recommendation since the patrolmen were public officials. The high court held that a repression cannot be based upon the highly subjective standard of "fairness" but must be based on a finding that the report had no factual foundation or that the recommendations were not germane to the scope of the proceedings for which the grand jury was convened. The case was remanded to the trial court to determine repression based on impropriety and unlawfulness, rather than unfairness.

Federal grand juries operating in Florida have a different function than state grand juries. First, the Fifth Amendment requires that before anyone can be tried for a felony under federal law, they must be indicted by a grand jury. The only type of investigative power resting in a federal grand jury concerns organized crime or recommendations for removal of a public official because of noncriminal misconduct or misfeasance involving organized crime.

The secrecy of federal grand juries is similar to that of state grand juries with the exception that witnesses are free to disclose whatever they hear, see, or say while they are in the hearing. As in Florida, indictments are usually kept sealed

until the defendant is in custody.

The disclosure of a federal grand jury report has been an issue only twice in Florida. In a 1977 case, a federal grand jury in Miami filed a nonindicting report with the federal district court regarding an investigation into the Internal Revenue Service. The report condemned allegations made by certain newspapers including the *Miami Daily News*. Because the report was nonindicting, the district court did not make the report public until all parties named in the report had a chance to file for repression. The only party to file a motion to stay the disclosure of the unexpurgated portions of the report was the *Daily News*. The court granted the motion and ordered the report sealed until an appeal was decided by the Fifth Circuit. However, two days later, *The New York Times* published an article quoting verbatim portions of the sealed report. The *Miami Daily News'* motion to stay the disclosure had become moot.

In *United States v. Gurney*, the media petitioned to quash a federal district judge's order prohibiting the disclosure of Gurney's grand jury testimony. The media wanted "unlimited" access to the senator's testimony, but the district court judge refused, stating that the media could obtain transcripts from the court reporter of only those portions read to the jury. The media were not satisfied; they wanted a transcript of the original grand jury testimony, including the portions not read to the trial jury. The Fifth Circuit said Federal Rules of Criminal Procedure make portions not read to the jury confidential. Also, the Fifth Circuit held the district court was justified in refusing to deliver an unexcised grand jury transcript to the media; the trial transcript showing only those portions of the testimony read to the jury was sufficient.

SUMMARY

The Sixth Amendment guarantee of a fair trial and the First Amendment guarantee of freedom of the press come head to head in the context of a

criminal trial, and the balancing of these rights has not been easy. When too much information is released by the press about an upcoming trial, there is a fear that an impartial jury will not be found. Although a court can protect against such prejudice by using traditional safeguards such as *voire dire*, change of venue, continuance, or sequestration, courts often contend that these methods are costly and inconvenient. The result has been to restrain the press from publishing information, to close courtrooms, to seal court records, and to gag participants.

In 1976, the U.S. Supreme Court declared that, except in highly unusual circumstances, restricting the publication of information before and during a trial was unconstitutional, thus virtually ending the use of gags against the press. In 1980, the Court held that criminal trials must be open unless there is some overriding interest. This last decision left intact the 1979 *Gannett v. DePasquale* holding that allows the closing of pre-trial hearings.

Florida began adopting rules in 1978 for determining when trials, pretrial hearings, and records could be closed. Several decisions said that denial of access was a prior restraint and could not be countenanced unless the court held a hearing to determine whether alternative means were available and whether denying access would indeed guarantee a fair trial. Most Florida courts followed these precedents until *Gannett* created confusions about the necessity of protections for the media in access cases. These confusions remain for some courts. Other courts, relying on state precedent and the Florida Supreme Court's affirmative view toward camera coverage of trials, have held firm in the belief that closure is unwarranted except in highly unusual circumstances.

In January 1981, the U.S. Supreme Court agreed with the Florida high court's decision that cameras could be allowed in courtrooms as long as the defendant's interest in a fair trial was not overlooked. Florida is one of the few states currently allowing cameras in all courts without permission of the litigants. □

Fourth Estate Award Honors Simeon Booker for Lifetime Achievement

"Simeon has persevered over the years and has become one of those people we refer to as 'living legends.'"

Simeon S. Booker (NF '51), Washington bureau chief for the Johnson Publishing Company, was presented with the National Press Club's 1982 Fourth Estate Award in December at a Press Club dinner.

Booker opened the Washington bureau for Johnson, publisher of *Ebony*, *Jet*, *Ebony Jr.*, and *Black Stars*, in 1955 and has headed it continuously since then. While serving as bureau chief, he also was a syndicated radio commentator for the Westinghouse Broadcasting Company from 1969 to 1978.

From 1952 to 1954 he was a reporter for *The Washington Post*, the first full-time black reporter to be employed by that newspaper.

Booker is the author of *Black Man's America*, a reporter's view of the civil rights movement in the early 1960's, and *Susie King Taylor: Civil War Nurse*, a biography for children.

Jack Nelson (NF '62), Washington (D.C.) bureau chief for *The Los Angeles Times* and long-time friend and colleague of Booker, gave the introductory talk at the Award dinner.



JOE BROOKS

JACK NELSON

Most of you probably read the piece in *The Washington Post* this morning about Simeon Booker getting the Fourth Estate Award. The article noted that “the behind-the-scenes talk is that the nominating process was anything but harmonious, but the committee’s vote was unanimous.”

Well, I’ve known Simeon for a long time and his life has been anything but harmonious many times. And that certainly includes his experience as the *Post*’s first full-time black reporter in 1952. Simeon was a Jackie Robinson of journalism.

Things got so bad in the *Post* newsroom at times that *Post* publisher Philip Graham gave Simeon the same advice Dodgers’ general manager Branch Rickey had given Robinson a few years earlier: “Don’t ever hit anybody. If it gets too bad come up and sit in my office.” I don’t think Simeon ever hit anybody — he must have spent a lot of time in Philip Graham’s office.

Howard Bray, in his book, *The Pillars of the Post*, wrote that many years after Simeon left the *Post* he still seemed scarred by the experience; he looked back on the two years as “almost as a nightmare: I suffered all kinds of tensions and frustrations.”

But Simeon has persevered over the years and has become one of those people we refer to as “living legends.”

Simeon and I both covered the early days of the civil rights struggle in the South. Those were days when a reporter — black or white — had to use his wits to get anywhere close to the story — and sometimes even to stay alive.

Simeon and I used different tactics. I was born in Alabama, raised in Alabama, Mississippi, and Georgia, and where I was from always depended upon what sheriff in what state I was talking to. If I was in Mississippi, I told the sheriff I was from Biloxi where my mother still lives and he would say, “Is that right, boy, that’s all right.” And if I was in Alabama, I was always from Talladega, where my grandfather raised eleven children. And if I was in Georgia,

I was always from Decatur because to say you were from Atlanta was almost as bad as saying you were from the North.

There was a big difference in the dangers Simeon and most of us other reporters faced, of course. It was a helluva lot more dangerous for a black reporter than for a white reporter.

Simeon would never go as a reporter when he traveled South. He would carry a Bible and pose as a preacher. Or he would be a farmer in overalls. He would be anything but a reporter. And he would talk slowly so the Southern segregationists would think he was from the South.

Let me read you the opening graph from a letter I bet Simeon Booker has even forgotten he wrote. He wrote it in November 1955, three years after attending Harvard under a Nieman Fellowship. It was to a man with whom he had a long and close friendship — the late Louis Lyons, Curator of the Nieman Foundation.

“Dear Louie, I got your letter yesterday. I had to fly down to Mississippi to investigate the mysterious killing of an 11-year-old boy near Lamar (see enclosed story) and as you can imagine it was a rough assignment with me toggled in overalls and so forth to get about.”

Simeon was a lot younger then, of course, and he was all over the place. He went on in the letter to Lyons to say that he was trying to find the time to write an article for *Nieman Reports*, “That is if I get the chance to stay home. I’ve got a political story in Detroit and an integration of schools piece in Washington coming up and then the coverage of the Till kidnapping trial in Mississippi.”

They still talk about Simeon at Harvard and at the Nieman Foundation. I’ve been asked by Jim Thomson, the Curator, and Tenney Lehman, the Executive Director, and Totty Lyons, Louis Lyons’ widow, to deliver the following message:

“On behalf of the Nieman Foundation we enthusiastically add our greetings to those of others on this most special occasion, recognizing your fine journalistic career.

“Congratulations on receiving the prestigious Fourth Estate Award.”

In closing, I want to quote once more from something Simeon wrote long ago and this, too, he may have forgotten he wrote. He wrote it about Richard B. Harrison, famed as “De Lawd” of the theatrical production *Green Pastures* who had visited in Simeon’s hometown of Youngstown, Ohio, a number of years earlier.

“I remember quite distinctly his words of advice,” Simeon wrote: ‘Never give up, son. It took me fifty years to win a name in the theater.’”

It was fifty years ago — when Simeon was 14 years old — that he heard that advice. It didn’t take Simeon fifty years to win a name in journalism, but the Fourth Estate Award does help to further illuminate the name he won long ago. I’m proud to be one of his introducers.

SIMEON BOOKER

Journalism is a profession that my father hardly considered worthwhile. As a Midwest Baptist preacher, he clung to teaching and preaching as ladders for black advancement.

When my first by-line appeared in a newspaper, he ordered me to add “Jr.” to my name. And as a further safeguard, he began to use “Sr.” on his own.

Years later, that preacher’s son stands before you — the recipient of an award for his contributions to journalism — an award from one of the most critical groups of his peers in the world.

The club considered many candidates, all well known and qualified. Any choice would have been a plus. But you chose me. And the manner in which you chose me was noteworthy. Friends indicate that no committee or board member was pushed out of a window, or slugged during debate. Even women journalists, who have yearned to name one of their own, agreed to the decision. And to make it a great occasion, members immediately marched out to buy tickets, guaranteeing this sellout dinner

... It is a great honor.

Many Americans believe that only mavericks specialize in race relations reporting. Having covered the subject most of my life, I can't find fault with this generalization. I've earned a reputation as an honorable misfit, an integrationist for the wrong reason, a Republican who is a registered Democrat, and a man who runs from applause and awards.

Black people expect their advocates to possess a certain strident stance, to promote and not challenge black leaders, to deemphasize black crime, to think black, to relish soul food, and to affiliate with as many black organizations as possible.

While I haven't satisfied my own people, neither, on the other hand, have white people welcomed me into their arms as a long lost brother. I've been tossed out of front row seats at the White House press conferences. One President brought my publisher down to the White House and lectured him on constructive journalism — the opposite of which was allegedly pursued by yours truly. Although I once led a Newspaper Guild strike against the *Cleveland Call-Post*, I later found labor people barring me from their weekly radio show because of my opposition to their seniority policies.

But any reporter who writes independently and lets the chips fall where they may is bound to get bruises, and an occasional letter to the publisher. I've had my share of both, and I think my publisher will agree that neither has changed me.

I started off as the first graduate of Virginia Union University who didn't work his way through waiting tables or washing dishes. I handled the publicity for the football and basketball teams. In the summers, I promoted black professional baseball games in Youngstown, Ohio.

On graduation day, as my class marched to receive diplomas, I was already at work on the city desk of one of America's greatest black newspapers — the *Baltimore Afro-American*. Its publisher was Harvard-trained Carl Murphy. No black publisher was a

greater believer in furnishing his readers first-hand reports from throughout the country and the world. During World War II, I was the only male on a city desk staff of five reporters. I covered the crime beat at the police station and the criminal court, and watched some nine or ten men hang by the neck until dead at the Maryland State Penitentiary.

By the time I joined the *Cleveland Call-Post*, I had had enough of crime, and had seen more than enough bodies swinging from scaffolds. Having earned only \$18 a week, I was also thoroughly broke.

I had high hopes of changing all that in Cleveland, after winning two national awards for crusading series on housing and education. But the promise of national recognition promptly faded with the presentation of a pink slip — the publisher's award for organizing a Newspaper Guild unit. I spent the next year pumping gas at a filling station.

If that was a year of lost opportunity, 1950 was just the opposite. I suddenly had two enviable choices and wasn't sure which one would have the greater career impact. One was a chance to cover the Korean War as a correspondent for the black newspapers. The other was the highly prized Nieman Fellowship at Harvard — which I had finally won after applying for four consecutive years.

Nieman Curator Louis Lyons undoubtedly thought I was crazy when I notified him that I had chosen the Korean War over Harvard Yard. But he forgave all when I changed course, and showed up in Cambridge a few weeks later. And he lived up to his reputation as a "godfather" in this business. Learning that I was the lowest paid member of the class, he doubled my cash allowance.

By the end of that year, I had set as my goal a berth on a daily newspaper. I wrote the editors of some 50 major papers. The only publisher willing to gamble on me was Philip Graham of *The Washington Post*. He promised me the next vacancy — and six months later I was hired.

God knows I tried to succeed at the *Post*. I struggled so hard that friends thought I was dying — I looked so fatigued. After a year and a half, I had to give up. Trying to cover news in a city where even animal cemeteries were segregated, overwhelmed me.

With a used car bought for \$150, I drove across the country, absorbing the defeat alone as bravely as I could. I felt I was a loser. I had failed the chance. I couldn't measure up as a daily journalist.

When I linked up with John H. Johnson [the publisher of *Ebony* and *Jet* magazines], it was a remarkable match. He was headed upward, and I was headed downward.

I had one compelling ambition. I wanted to fight segregation on the front lines. I wanted to dedicate my writing skills to the cause. Segregation was beating down my people. I volunteered for every assignment, and suggested more. I stayed on the road, covering civil rights day and night. The names, the places, and the events became history.

We ducked into funeral homes at night to photograph the battered bodies of civil rights victims. The families were always frightened — afraid the sheriff would get angry about their talking.

We never traveled the same route, never used the same contacts on stories, and always acted in deep secrecy. We traveled to one Mississippi town in the back of a covered truck, shooting pictures when no one was looking — the murder scene, the court house, and when we were lucky, the sheriff and deputies.

It was a risky business. And you couldn't afford to take along anyone who wasn't cool and professional through and through. We drank and celebrated after we got the pictures to Chicago. Not until then. Many times we had to fly all night to carry the film back.

The Carolinas were states with some of the most dedicated blacks I've ever encountered. Determined believers, those folk would hide us in their homes and drive us by night to get into location. One time we got into position to photograph a Ku Klux Klan parade through

a black section of town. After spending two days to get to our destination, we missed the assignment because the Klan decided to go down the next street.

Few people in the movement ever knew me by name. I always moved around with a lot of names, and never allowed my picture to be run in newspapers. I couldn't be anybody when stopped by traffic cops.

Despite his reputation, John Edgar Hoover was at times an ally. A lot of times I could get protection from the FBI. On several occasions, FBI intervention helped us get stories too risky to go after alone. For example, after a lynching in Mississippi, I was allowed to talk with a black convict whose cellmate had been taken from the jail by a mob the night before. Admittedly, it was a short conversation. (We both were too scared to talk!) On the way out of town, we heard the local radio blare: "Two frightened Negroes showed up at the county jail this morning." My God, I thought, that was some accurate reporting!

When my publisher decided to open a Washington bureau, I was elated. It meant the second chance to make good in the nation's capital. But this time, I was better prepared. I hired E. Fannie Granton, a graduate social worker with a legal background, and Maurice Sorrell, the first black photographer accredited to the White House, who still remains at my side.

As I sought to make my mark in Washington, I found this club playing an important role. When I first walked the halls, the atmosphere was as cold as winter and as silent, too. Everywhere I went from bar to clubrooms, I was assured of privacy. Only the waiters acted as the hospitality committee. The club had survived the admission of black correspondent Louis Lautier, but he didn't come by often. So a group of Nieman Fellows, understandably missionary-like after the celebrated year in Cambridge, decided that I should be the point man.

It was a real challenge. Breaking in was tough. But the experience gave me the confidence I needed. As a reporter who had roamed the South covering

FOURTH ESTATE AWARD

Established in 1973, the award is conferred annually on the person who, in the judgment of the club's board of governors, has achieved distinction for a lifetime of contributions to American journalism. Previous winners have been: Walter Cronkite, James Reston, Richard L. Strout, John S. Knight, Herbert L. Block, Vermont Royster, Clayton Kirkpatrick, Theodore White, and Nick B. Williams.

black children daring to go to white schools, suddenly I faced the choice myself. How could I back down, and alibi that I was too busy or that I had no interest?

Today, this club represents what a lot of us have struggled for. My only regret is that not many brothers and sisters have joined.

The division between white and black in this country is too wide. We don't know one another. We don't realize the strength of our responsible segments — countless allies in spirit who never become partners in action.

Between my forays into the South, I experienced an encounter that washed away some of my own bitterness. Escorting my children for the first day of school in suburban Maryland, I was angry, suspicious, and ready to fight. I took them over to a bus stop where I fully expected a confrontation with white teenagers. Instead, a white girl from our church emerged from the group and said, "Mr. Booker, I'll take care of them. You won't have to stay."

I left that scene a vanquished man, a bigot in disguise.

I used this episode as the basis of a commentary a few years ago, and I was surprised at the reaction. There are a lot of Americans who want to hear both sides of race relations, not the continual stream of bad news. I found this out at Westinghouse Radio as a weekly commentator. After informing the Group W

executives that "pay was secondary to my own freedom of the press," I entered the arena like some Fourth Estate Joe Louis. Bang! Bang! Bang! I slammed and battered at the civil rights foes.

After a torrent of offensive letters about "that nasty communist," I ran to Sid Davis, the Washington bureau chief who had grown up in my Youngstown, Ohio, hometown. "Calm down," he cautioned, "Take it easy."

What was kosher in my black press was overkill in the mass media. Group W listeners were not about to sit still and be preached to every day.

The outbreak convinced me to develop a strategy, and still get the message across. I enlarged my audience with topics of interest to Hispanics, Jews, labor, and black Republicans.

Years ago, I was reminded in no uncertain terms that blacks weren't the only people making contributions worthy of reporting in the black press. Cleveland Indian baseball club owner Bill Veeck had hired the team's first black — outfielder Larry Doby. That, of course, was considered news by the *Call-Post*. But when the team enjoyed a four-game winning streak, while Doby went hitless, there was no mention of it. "The problem," complained Veeck, "is that Larry Doby has to hit a home run for the Indians to make a headline in your paper!"

His point was very clear — you make heroes on the basis of contribution, not on the basis of race. It was a point I've tried never to forget.

In closing, let me just say that in honoring me, you honor the brigades of the black press — our magazines, weekly newspapers, and a growing number of broadcast stations. You recognize the contributions of men and women who have long regarded their role as agents for social reform and the advancement of a people.

During the months ahead, its members face awesome challenges. Unemployment has devastated our neighborhoods. Social programs have been wiped out. Thousands line up for food at churches. Hard hit are our young people — the hope of tomorrow — with a jobless rate above fifty percent.

The two most effective institutions in America for reaching and motivating these people are the black churches and the black press. And yet, this press faces economic extinction because of the paucity of advertising from major corporations and businesses. The inner city market place seems to be red-lined in favor of the news apparatus geared to reaching a more prosperous white middle America. It is a trend to be watched with extreme concern.

Most readers of the black press will remember me for my coverage of civil rights, while whites may recall my efforts to integrate downtown news organizations in a peaceful manner.

What I'd like to be remembered for is that the preacher's son tried to put into journalism the values that his father said were missing from it — integrity, compassion for people, and service to all Americans, regardless of race, creed, or color.

God bless. □



In NR, Spring 1983, Julian Schuman's affiliation ("China Reporting Re-Visited") was incorrect. He was with United Press.

BOOKS

The Frontier Between Self-Censorship and Simple News Selection

Press Control Around the World

Edited by Jane Leftwich Curry and Joan R. Dassin. Praeger Publishers, New York, 1982. \$29.95.

by Guy Gugliotta

For most Americans the idea of news censorship comes wrapped in a cloak that portrays the news business at its theatrical best. The noble but harried reporter prepares a brilliant but controversial exposé only to have it blue-penciled to death by an uninformed pedant serving evil masters. The reporter submits, his crusade for truth suppressed and the public's right to know trampled in the dust. But only temporarily, of course. Right wins out in the end.

Reality, as almost any reporter or editor knows, is far more complex. Overt government strong-arming is censorship at its most flagrant. It is, however, only one method, and a not particularly popular one at that, among the diverse mechanisms that governments themselves use to pick and choose what shall be read, listened to, or watched.

Censorship, who does it and how it's done, is the subject of *Press Control Around the World*, a collection of twelve essays on the state of the art in countries that practice everything from total suppression to elaborate forms of institutionalized self-censorship. The basic message is that we all do it, whether we realize it or not.

Most newspeople should find at least parts of this book useful. Some of the essays are straightforward descriptions of how news organizations are related to their countries' governments and the societies at large. Others pose ethical questions about the ways that news or-

ganizations — particularly in the West — are manipulated, either with or without their own knowledge and complicity.

Editors and reporters tend to carry with them certain prejudices when they confront books written about them by academics. This book is no exception. The volume suffers, for example, from the endemic social science disease of poor prose (one essay speaks of the "true facts," another erects "protective barriers to protect" and the word "media" has finally become optionally singular). The reading is uniformly heavy going.

More important, however, the essays for the most part avoid other common academic pitfalls. There is, for instance, an almost complete absence of the ideological carping and railing against the press that accompanies much work of this kind. We can thus approach the material without outrage or fear of Spiro Agnew-type scolding.

Also refreshing is the willingness of many of the authors to interview reporters and editors instead of relying exclusively on esoteric secondary sources and analyses of the finished journalistic product. We thus get much serious discussion of what doesn't get printed or broadcast. Particularly in countries with a "free" press, this approach enables the reader to explore the dimly lit frontier between self-censorship and simple news selection, a topic that seldom receives the attention it deserves.

This is the province of the most ambitious of the essays, the opening paper on

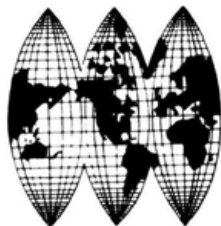
the press in the United States. Author Gaye Tuchman contends that censorship — self-censorship for the most part — is built into the routines that govern how stories are ordered up, promoted, perceived by editors, and budgeted. Touched on here are several phenomena: the beat reporter who feels he has to file every day regardless of the merit of the available material; the editor who invests money and reputation in a venture that turns out to be a non-story, then attempts to vindicate himself by using it anyway; the publisher who orders a story to make an important advertiser or friend happy; the reporter who asks the same questions all the time, perhaps missing the deeper significance of what appears to be a routine story; the ways in which the rich and powerful stay in or out of the news; the reporter who angles a story to please an important editor or simply to evade the spike. All of this results in a product buffeted by a host of forces tangent to the news itself.

No modestly experienced reporter or editor will find anything to argue with in this largely non-polemical essay. What Tuchman presents as a novel idea — but one which should be apparent to any newsman — is her repeated assertion that researchers should talk to people in the newsroom rather than relying on “content analysis.” This seems to belabor the obvious. Also, the essay barely scratches the surface of a complicated but important subject: the relationships between reporters and editors in some detail. This is where the majority of the decisions that interest Tuchman are made and it is an area of potential conflict that researchers seem often to ignore.

Other essays are narrower in scope but probably more useful to newspeople. One paper describes the web of French laws and regulations that restrict news organizations’ ability to criticize the government or manhandle public figures in print or on the air. These “sticks” also have corresponding “carrots”: journalists’ vacations, leaves, differentials, end-of-year bonuses, etc., all guaranteed by law; hundreds of millions of dollars in government subsidies doled

out annually to privately owned news organizations.

An essay on the Soviet Union examines the tools that shape perhaps the most elaborate system of direct prior censorship in the world. Like most writing about Soviet institutions, the



essay reads like an organigram without the arrows, but it is packed with information. It also pairs nicely with the following paper on censorship in Eastern Europe in which author Jane Leftwich Curry finds that censorship works best and is least necessary in Yugoslavia and Hungary, where governments and societies are most comfortable with each other. In Poland (1956, 1980) and Czechoslovakia (1968), however, censorship was pervasive, but often ineffective. Newspeople, rather than keeping clean noses through self-censorship, are always trying to “sneak something by,” and take advantage of the slightest relaxation of censors’ vigilance. Curry also points out that prior censorship can act as a safety net. If a reporter gets something passed by a censor he is no longer responsible for it should it later prove objectionable to higher authority.

Two essays on Third World news, in sub-Saharan Africa and Brazil, show how authoritarian and one-party states of the right and the left manage their news packages. The African paper discusses the implications of government ownership of airwaves, newspapers, printing plants, and newsprint distributorships, all common phenomena in the Third World. There is also some attention given to denial of access to foreign correspondents, refusal to let foreign news agencies serve clients directly, harassment and intimidation of domestic and foreign reporters in general. The treatment breaks no new ground, but should prove useful to editors and reporters who have never thought about

Third World news coverage before.

In the Brazilian essay, author Joan Dassin shows how a Latin American government shapes laws or writes new ones to justify censorship or whatever else it wants to do. She chronicles a decade of Brazilian censorship to its formal cessation in 1978. Its perspective is largely historical, but it also raises several points about the vagaries of government news management in a relatively sophisticated authoritarian setting. Dassin shows, for instance, how major newspapers — the industry leaders — dropped their adversarial relationship to the military government and gradually became its unwitting accomplices in order to survive and eventually to prosper as controls relaxed. Dassin also makes the point that newspapers can hardly be called mass media in a country with tens of millions of illiterates. The government and the prestige press played out their struggles in an elitist environment that continued to leave television and radio — Brazil’s most important communications vehicles — subject to close government monitoring.

Four of the essays might be ignored. One paper on censorship in China is chatty but uninformative and the only piece in the book to make the mistake of judging a Marxist press by Western standards. It is also the only essay written by a newsman. Ironically, it is at once the most readable and least significant in the book. This may tell us something.

Also of small use is an essay on Egyptian journalism which is little more than a chronicling of press suppression during the Nasser and Sadat years. A paper on censorship in occupied Japan suggests that the United States used press controls to “remake the country in its own image” and, according to the author, succeeded. Aside from prompting a reader to wonder whether this is true, the essay seems to merit little more than a shoulder shrug.

The most disappointing piece, however, is Phillip Schlesinger’s discussion of the government and press during the hostage-taking, siege and eventual storming by Special Air Service commandoes of the Iranian embassy in

London in April-May 1980. The event itself provides textbook material for a study of television's effects on the outcome of a sensational occurrence. It had everything: knowledgeable people on both sides bent on manipulating the news coverage; television newsmen inside the embassy as hostages; television newsmen outside the embassy serving as messengers and communicators between guerillas and government; television newsmen apparently receiving private briefings and agreeing not to reveal information. There is enough here for several seminars.

Instead, Schlesinger begins by describing Great Britain as an authoritarian state increasingly relying on police and the armed forces to ensure "law and order" during a time of rising social tension. BBC-television in the context of

the embassy siege is portrayed as its willing accomplice, an assumption which oversimplifies the analysis almost to the point of rendering it absurd. The author used "instant books" for most of his data and, according to the voluminous footnotes, interviewed none of the principals, either newsmen or officials, after the fact. In its polemical tone, its reliance on self-serving secondary sources and its failure to mine an almost limitless supply of rich raw material, this essay makes most of the mistakes that the rest of the book happily avoids.

Guy Gugliotta, *Nieman Fellow '83*, covers foreign news, especially Latin America, for The Miami (Florida) Herald.

The Child Is Father Of The Man

Black Child

Peter Magubane. Alfred A. Knopf, New York, 1982, \$16.50

by John Alhauser

In much of the world, violence has become trite. Terror, abuse, subjugation, even killing, are so commonplace that their occurrences cannot be told with meaning. They can only be recounted.

Peter Magubane, the black South African photojournalist, faced that problem in telling of the oppression his people encounter in his remote and controversial country.

In 1978 he produced *Magubane's South Africa*. In text and pictures he portrayed the turmoil caused by segregation and a severely oppressive white government. A gripping visual record of tumult, it was also a personal account of his own struggles — his arrests, imprisonment, solitary confinements, banning and harassment. Although his *South Africa* will be remembered as a

grim record of violence and repression, a dozen pages in the middle depict delightful images of exuberant South African youth, a playful celebration of life amidst barren conditions. They seemed out of place but are there because of some inner demand in Magubane. He said, simply, "I enjoy taking pictures of children."

Magubane is now a mature, 50-year-old veteran reporter for the South African press (largely the *Rand Daily Mail*) and for such international magazines as *Time* and *Geo*. His own children are now grown, but he still retains his fascination for children and youth. He finds joy in revealing the delights and abandon of childhood, but he is likewise compelled to show the injustice, frustration, and injury that so early condition South African blacks for lives beset by violence.

Magubane is convinced that this

conditioning has accelerated so much that youth no longer will wait for adulthood to rebel. His story culminates in the youth riots in Soweto and elsewhere in June of 1976.

Black Child starts with deceptively heart-warming, charming and disarming photographs of family scenes — feeding babies, happy toddlers, proud siblings, beaming birthday broods. They reveal children who, despite extreme economic hardship, are suffused with the universal joy of youth and hope and expectation. They are pictures in the *Family of Man* tradition, displaying the world-wide characteristics of mirth, hope, pride in beginning accomplishments.

Then comes a subtle, but clearly discernible, turning point. In the fifteenth picture we see representatives of a white school presenting gifts of oranges and paraffin heaters in an assembly hall full of black students. The message seems to be one of genuine brotherly love and mutual affection, but the framework of segregation's ominous workings is foreshadowed in this token event.

The difference — and the point of *Black Child* — is that segregation is not just a sad story which arouses sympathy for black children, but it is — more importantly — the catalyst which drives the children to *become* the resistance movement.

From this point on, the inferiority of the segregated schools, housing, and economic and social conditions is documented in every image. The corrugated iron school bears a resemblance to ill-kept prison camps. Health care is minimal and malnutrition is manifested as *kwashiorkor* and other grotesque misshapings of young bodies. A mother sits on a sledge drawn by four plodding oxen to take her sick baby to a distant doctor.

Still, youth will not be repressed. Boys play a spirited game of street football and a community celebrates a wedding. These are normal kids exuding their potential for happiness and hope for success, but destined for frustration.

Magubane shows us that there are black children who do not go to school at all. South Africa has a Children's Act

but it protects only white children. Blacks, some as young as 9 years, must seek work to exist. In cities, boys work selling newspapers for fifteen and more hours a day. Day workers on farms leave home at 6:30 A.M., not to return until after sundown. In the Eastern Transvaal, migrants are recruited as young as 12 years and separated from their families for months. In one area, children of 6 years work in the fields from 7 A.M. to 5:30 P.M.

The child labor pictures are strongly reminiscent of the American work of Jacob Riis and Lewis Hine. In the 1890's, Riis, a newspaper reporter, photographed and wrote about the slums and poverty of New York City; much of his work was of homeless newspaper carrier boys known then as Street Arabs. In the early twentieth century, the sociologist Hine photographed children working in fields and factories and mines and also as newsboys.

Riis and Hines were technology pioneers in the use of flash photography. Magubane claims no technical marvels but relies on the ability to see and the courage to report. His work is in the modern tradition of photojournalism.

Magubane says that children are sought for field work because they are short and "can bend for a long time." Some few work with their families like American migrants — but thousands work away from home and some live in windowless hostels. The children shift for themselves in the work camps, preparing their own food.

On June 16, 1976, 20,000 of these children staged a demonstration in Soweto, a black section of Johannesburg, against the Bantu policy. In the riot that ensued and in disturbances since then, hundreds of children have been killed.

On that date, the youth ceased being only the victims; they became the protest movement.

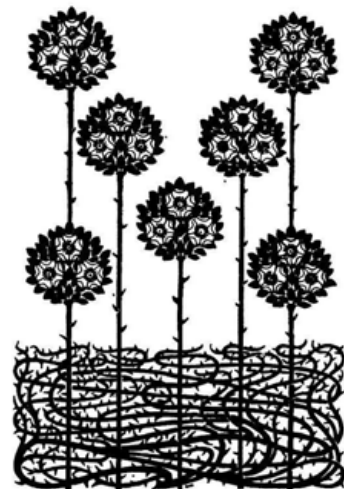
Photographically, the "winners" in this book are the happy children pictures: the Mandela granddaughter expressing delight at the birth of her new sister; the sparkling washing water at the infant baptism; the all-out abandon of the street football player; the trampoline

capable of lifting kids above their troubled world.

But the most telling pictures are also the hardest to look at: the children distorted by lack of protein; the hard eyes of a *kwashiorkor*-afflicted child waiting for treatment. The callous faces of the glue sniffers are as shocking as the pickpockets of Riis, and the migrant farm boys' windowless hovel is as oppressive as Riis' immigrant basements.

The power of *Black Child* is not in any single picture but in the whole. Magubane has managed to "de-trivialize" the oppression in South Africa and to impart this world with meaning.

John Alhauser is currently an associate professor at Indiana University's School



of Journalism. For twenty-five years he was with the Milwaukee Company, taking photographs for both the Milwaukee Sentinel and the Milwaukee Journal. He is a past president of the National Press Photographers Association.

From Keyboard To Cutting Room

Adventures in the Screen Trade

William Goldman. Warner Books, New York, 1983, \$17.50.

by David Himmelstein

In a movie of many funny and arresting moments, one of the most effective in *Butch Cassidy and the Sundance Kid* was the cliff scene. That was the one in which Newman and Redford, facing imminent extinction from the all-star posse recruited by the Union Pacific Railroad, start arguing about whether to jump into the river below.

They finally make the leap, but only after Redford, the fastest gun in the West, is forced to admit that he can't swim.

It was a scene that evoked a sympathetic response from the audience — mostly, I think, because it imparted to a tired cowboy character a fallibility that one could relate to his own humanness.

But as the screenwriter of *Butch Cassidy*, William Goldman, recounts in *Adventures in the Screen Trade*, it was

a scene that he had to fight to keep in the movie.

A studio executive, Goldman relates, declaimed that the American public would never accept cowboy heroes who ran from fights and confessed weakness. Better, he said, they should make a stand and fight it out.

It was advice like that, according to Goldman, which convinced him of what he states as the operative premise of both his book and the film industry:

"NOBODY KNOWS ANYTHING. Not one person in the entire motion picture field *knows* for a certainty what's going to work."

Later in the book, an easy read consisting of analysis, anecdotes, and "how-to" for aspiring screen writers, Goldman freely acknowledges that that condition of ignorance includes himself.

"Statistically, in my own case, I suppose that half of the screenplays I've

written have actually seen production. And I am being dead honest when I tell you this: I have absolutely no more idea as to why some of them happened than why some of them didn't."

At his darkest moments — and for a successful screenwriter (*Butch Cassidy, All the President's Men, Harper*) he had several — Goldman describes an ego-centric universe constructed by Kafka and run on an ineffable feel for what will be the next *E.T.* More to the point, it is also run on the gut-wrenching fear that one will end up like the Columbia executive who turned down *E.T.*

But at their best moments, screenwriting and the movie business, says Goldman, who is also a well-known novelist, can generate intoxicating highs when scattered moments of real emotion are depicted ten times larger than life.

Besides producing a generally informative mix of autobiography, movie critique, and anecdote, Goldman illustrates some of his basic points on screenwriting by first reprinting an early short story, laying out his thoughts on the problems of adapting it to a movie, and then revealing his screenplay version of the story.

Equally helpful in underlining the problems of translating concepts on

paper to images on screen are the critiques of his effort by a director, editor, cinematographer, production designer, and composer.

Throughout the book, Goldman deals in details and specifics. When he tells a story, he names names, taking on luminaries in journalism, such as former *Washington Post* reporter Carl Bernstein who allegedly tried to sabotage his script in *All the President's Men*, as well as powers in his own business, like Robert Redford, who produced *President's Men* and who, Goldman says, failed to back him up against Bernstein.

Having completed Goldman's tour through Fantasyland, one is left with the overriding impression that two sharks are circling beneath every lotus petal.

Small wonder, then, his admonition that "if all you do with your life is write screenplays, it ultimately has to denigrate the soul."

David Himmelstein, Nieman Fellow '83, is a reporter for the Maine Sunday Telegram in Portland. In January he was one of the winners in the third annual screen-writing competition sponsored by the Writers Guild of America.

produce and edit *Enterprise*, the PBS television documentary on business, conclude their commendable description of business-as-it-is-taught-and-practiced with this whimper: "A brilliant strategy may prevail in one instance and a brilliant product may spell victory in another, but behind the bottom line, there are many more crossed fingers than the traditional view of business would lead us to believe."

So the book ends with a thud, intellectual hands thrown in the air to the mysteries and unpredictability of business. Still, the body of the book should have practical value for many. Corporate managers may rethink their pasts and take a different view of their futures. Would-be entrepreneurs may anticipate pitfalls that might have swallowed their dreams. Professors and students of journalism, and particularly business reporters on the beat, will find a treasure of story ideas and angles for hometown enterprise.

The style reflects the case study method of Harvard Business School where Solman spent most of his Nieman year. In 234 anecdotal and breezily written pages, the reader will encounter among others, the Gillette stab at a new disposable razor and a would-be Killer Bee honey importer, who got stung. After the authors' somewhat weak conclusion — one among a handful of duds in the text — the immense sprawl of business in contemporary America has been informatively sketched, if not painted in depth. For anyone who wants to gain a number of important insights without actually attending Harvard or any other business school, this book is a quick and useful way to do it. It should have particular use for public officials trying to catch up to the rising debate over "industrial policy" in America, since government regulation so easily brings life and death to corporate America. This point, clearly made by the authors, resounds through the text like a resurgent gong of free enterprise.

Hardly a concept of current business practice goes unaddressed. Motives behind the controversial battle between Mobil Oil and U.S. Steel to take over Marathon Oil emerge as an exercise in

Basic Training: Surviving In Business

Life and Death on the Corporate Battlefield

Paul Solman and Thomas Friedman. Simon and Schuster, 1983, \$13.95.

by Eric Best

When the smoke clears on the corporate battlefield, irony wins. Stock analysts cannot perform their ascribed function (to ferret out the truth and tell it for others' profit) because insider trader laws prevent it. Managers cannot perform on the basis of long

term value and conviction, for they are prisoners of short term self-interest, the Achilles heel of capitalism. Bigness, rather than guaranteeing success, encourages stasis, resists new ideas and promotes risk minimalization, the myopia of corporate vision.

Little wonder that authors Paul Solman and Thomas Friedman, who now

practical accounting. Economies of scale — a linchpin in America's postwar prosperity and now a form of dry rot in a number of major industries — are lucidly explained and numerically illustrated with the precision that is supposed to guide the "scientific management" of today. From a corporate strategy consultant, a former stock specialist, a venerable venture capitalist and, one presumes, a host of Business School case studies (there are no footnotes) the reader gets an academic and practical view of takeover synergy, market positioning, product portfolios in diversification, market niches, and the experience curve. And major ethical and social issues in corporate America, including what has come to be known as "paper entrepreneurialism," emerge as much from what is not said as what is.

There is no attempt to moralize about business practice in corporate America. It seems the authors, who nurtured their early journalism-business careers at Boston's now defunct *Real Paper*, have adopted a pragmatic, if not entirely mainstream view of business as it is and must be. In one slightly overwritten chapter about the demise of the *Real Paper*, marital infidelity at high levels unraveled the spirit of democratic capitalism. Here the authors defrock themselves as egalitarian capitalists to embrace the more conventional notion that business, to be successful, must take its cues from profit. There is little room for experimentation in this world of bottom lines. The authors conclude that whatever the ills of autocracy and vertical organization, they offer the best of what is possible. In that sense, perhaps, *Life and Death on the Corporate Battlefield* is another guide up the organization.

Beneath the text, however, reverberates a beat that all is not right with corporate America. The dominant force not only in commerce but in social influence is pictured as an increasingly mechanistic system where short term profiteering, pursuit of self-interest and managerial loneliness strip the business community — and American society itself — of their humanity. The world of the manager is seen as "a mathematical regimen as far from the impulses of John

D. Rockefeller as it is from those of Napoleon." Individual insight and the passion of whoever provides the capital have given way to cold technocracy. The unknowns abound and surround, as this passage suggests:

Managerial self-interest increases the uncertainty of the corporate battlefield, which in turn fosters more self-interest. It's a vicious circle. If the future of a company is uncertain, it follows that the future of the average manager is uncertain as well. Business downturns or changes in top management, shifting corporate priorities or technological advancements, mergers or acquisitions can all jeopardize a manager's position. Consequently, many executives feel they must always look out for themselves. Just as the uncertainty of the economy promotes short-term corporate thinking (a company can hardly make reasonable long-term plans if it doesn't have the slightest idea what the future will bring), uncertainty also aggravates the problem of managers thinking short term when it comes to their professional — and emotional — commitment to their firms. Small wonder that many managers put their personal interests first. It may not be 'rational management,' but it is understandable.

What is less understandable — or at least less knowable — is whether the American business environment will ever transcend this state of cutthroat pragmatism, management by the numbers and random chance. The authors do not address the future of corporate America and the atmosphere in which entrepreneurial capitalism will flourish or falter. This is not a critique of American business values, but a handbook on the business teaching according to Harvard Business School. It is therefore more mechanistic than value laden, more concerned with winning and losing than how the game is played. It is a Darwinian battlefield where the fittest, if not the fairest, tend to survive. It is a field where most of the country plays and — like it not — where the growth or stagnation of the American economy will be decided. So it is well worth a walk through this characterization of American business to touch our commercial heart and mind — perhaps even our soul.

Eric Best, Nieman Fellow '83, is editorial page editor, the Stockton (California) Record.

The Hero-Villain: An Endangered Species

The Life and Death of the Press Barons

Piers Brendon. Atheneum, New York, 1983, \$14.95

by Nancy Day

In 1835, James Gordon Bennett, Sr. launched the *New York Herald*, a "cheap, sensational newspaper," designed "not to inform or to educate, but to entertain and to startle."

Bennett Senior is the first "baron" chronicled in Piers Brendon's richly detailed *The Life and Death of the Press Barons*. Here step famous names of Anglo-American newspaper history:

Greeley, Pulitzer, Scripps, Chandler, Northcliffe, Rothermere, Beaverbrook, and more.

Brendon, an English writer and editor, crisscrosses the Atlantic in alternating chapters to trace the rise and fall of newspaper magnates in the United States and Britain. He describes his press barons as men of "extraordinary quirkiness" and "ribald nonconformity," defined by "extravagant display of journalistic independence."

"All stamped the mark of rich personalities on their times," Brendon writes. "Thus Lord Northcliffe is included at the expense of C. P. Scott; William Randolph Hearst is preferred to Adolph Ochs."

The only woman he considers in more than an aside is Eleanor M. Patterson (*Washington Times-Herald*; sister of Joseph M. Patterson, *New York Daily News*; cousin of Robert R. McCormick, *Chicago Tribune*.)

The French and Industrial Revolutions, by generating a middle class with



the money and desire to advertise, spawned the press barons; the emergence of newspaper chains and diversified conglomerates spelled their doom. Australian-born Rupert Murdoch — dubbed a "potent hybrid" here — spans the eras. Murdoch's formula for success, illustrated most recently after his purchase of the Boston *Herald American* from the Hearst corporation, is remarkably similar to that of his journalistic forebears.

In addition to biographies, Brendon combed primary sources in libraries in the United States and Britain. His 256-page book is extensively footnoted, so much so that he even critiques one of the works cited in his bibliography, calling a biography of Murdoch "perhaps the worst book ever written about a press magnate."

Brendon provides a chronological list of the twenty-five barons he profiles. This scorecard is helpful, but the many names, titles, nicknames and epithets that fill these pages could be confusing

to one with only a passing knowledge of newspaper history.

He mines the wealth of raw material to produce telling anecdotes as well as some peculiar analogies. In describing the relationship of Horace Greeley (*New York Tribune*) with his then managing editor Charles Dana, Brendon writes: "The uncompromising logic of his lieutenant vexed him as much as one of his perennial boils."

The book includes trivia tidbits, such as the inventor of the box number for reply to advertisements (Lord Burnham of the *Telegraph*).

Occasionally, he tells more than one needs to know in a necessarily abbreviated account of each baron's private life. He writes that W. T. Stead of the *Pall Mall Gazette* "for many years practiced coitus interruptus twice a week... though when he 'worshipped (his) wife with (his) body' as many as three or four times a week it induced wax to form in his right ear and made him deaf."

In a chapter called "The New Journalists," Brendon credits Stead with inventing that phrase in the 1880's, long before Tom Wolfe and his cronies rediscovered it in recent years. The nineteenth-century version, Brendon said, described "much that was as old as journalism itself — the lurid treatment of news, for example." Devices of "new new journalism" seen as innovations in Britain, such as the interview, "eye-catching headlines... signed articles, a gossip column, the frequent use of maps, diagrams and drawings... were simply pirated from America."

"(Joseph) Pulitzer had given (Alfred) Harmsworth some of his first lessons in management (appointing two men to the same job) and in publicity (the *Mail* borrowed the *World's* 'ears')." Pulitzer also passed on the inverted pyramid style, or, as Harmsworth called it, putting "the big strawberry at the top of the basket."

In turn, the tabloid format of the *New York Daily News* was modeled on Britain's *Daily Mirror*.

While some of the barons' antics seem quaint, even ludicrous, some of their advice is echoed in newsrooms today. The admonition, for instance, of James

Gordon Bennett, Jr. that his papers be "fresh, lively and readable," his insistence on exclusives, his moves to improve graphics and give "inspired weather reports" (the latter a focus of much energy in local television across the country).

The barons could not be pigeonholed, and their paradoxes fascinate Brendon.

In 1898, for example, locked in a bitter circulation war with Hearst, Pulitzer "shrieked for war against Spain... The *World* gave itself over to scare headlines, to fraudulent stories, to fake pictures..." In contrast Pulitzer and his newspapers also were capable of performing significant public service. He exposed corruption, established his most famous legacy — prizes for distinguished writing — and endowed Columbia's School of Journalism with the mandate that ethics should be at the heart of its curriculum.

...

Brendon's aphorism:

As a rule in journalism, irresponsibility is the highest form of responsibility.

Amplified:

Often it was the most popular newspapers which were prepared, for reasons of sensationalism, to flout taboos, to rake muck and to divulge inconvenient information.

Today, Brendon says, that tradition is endangered if not dead:

The variety and the ideal of journalistic liberty which (the press barons) represented are now under threat from the media giants with their mass of impersonal publications, consensus-orientated, computer-programmed, boardroom dominated.

Nancy Day, *Nieman Fellow '79*, is a freelance writer in Massachusetts, and a former editor on the "Monarch of the Dailies," Hearst's flagship, The San Francisco Examiner.

LETTERS

Bound for Success

I have found *Nieman Reports* especially challenging for the past year or so. You're doing an exceedingly good job with the magazine. I wonder, have you ever considered perfect binding? It is, I believe, the kind of publication a lot of us out in the field would like standing up in our book cases, rather than lying face-up in a drawer.

Keep up the quality work, and thanks.

DANIEL W. PAWLEY
Wheaton, Illinois

Accuracy in Medium

I read with interest Mr. William Worthy's account [NR, Spring 1983] of the "Iranian Papers" case, which involved U.S. Embassy documents seized by Iranian students following the takeover of the U.S. Embassy in Tehran.

To put the record straight, however, it was *The Boston Globe*, not *The Washington Post*, that first "put everything in the public domain" with a series that began on January 29th, 1982, based on papers obtained in Paris.

The Washington Post series, based on a similar set of documents supplied by Mr. Worthy, began two days later.

H. D. S. GREENWAY
Nieman Fellow '72
National/Foreign Editor
The Boston Globe

A personal note from *Boston Globe* editor Tom Winship appropriately asks that a less-than-accurate impression in my Spring 1983 piece on "The Iranian Papers Case" be clarified.

The piece referred to a *Globe* series "based on a set of the books obtained in Paris" that ran "simultaneously" with

the six-part series in *The Washington Post*.

The two series did, in fact, overlap. But the *Globe* scooped the *Post* by two days. Its series began on Friday, January 29, 1982, while the first *Post* piece by Scott Armstrong wasn't published until Sunday, January 31.

For the record, I'm happy to give full credit where it's clearly due, and to correct what was an imprecise use of "simultaneously."

WILLIAM WORTHY
Nieman Fellow '57
Boston, Massachusetts

Foreign Correspondence

I read Professor Bernard Rubin of Boston University's article "Afrikaner View of Press and Government" (NR, Winter 1982) with some amazement. Professor Rubin described how concerned Afrikaners are about the biased coverage of their country in the foreign press, but did it in such a way that many Afrikaners would feel that his article is a further confirmation of those very concerns.

My main complaint (I would not name all) about the professor's article is that he succeeded in writing on the Afrikaans press, presumably without having spoken to a single practicing Afrikaans journalist. The only reference he makes to Afrikaans journalists or newspapers is a five-line quotation of what Professor P. J. Cillie, chairman of Nasionale Pers, once said to *The Argus*, an English daily in Cape Town. Furthermore, quite a few of the Afrikaner academics in Professor Rubin's field of interest — communications — whom he quotes, are completely unknown to me, although I have practiced journalism for sixteen years in South Africa.

In my view, that leaves Professor Rubin almost entirely with the usual

anti-Afrikaner sources with the usual negative interpretation of who my people — and, in this case, even me as a journalist — are. Not even his interview with Mr. Barend du Plessis, for whom I have a lot of respect but who was at that stage brand new in his job as Deputy Minister of Information, could prevent Professor Rubin from carrying on his tirade against the Afrikaners.

I also disagree with Professor Rubin on the following:

- "... The presumption that Mr. (P. W.) Botha spoke for his nation or for his fellow Afrikaners just doesn't bear up." Mr. Botha is still Prime Minister of South Africa, chosen with the support of the majority of the Afrikaners, and rules with a large majority in Parliament.

- It's a "myth" that a "white tribe" live in South Africa. Any Afrikaner journalist would have been able to prove the existence of an Afrikaner nation to Professor Rubin, if only he had spoken to one.

- He senses the "Afrikaners and Israelis look into the mirror of tragic circumstances" (their history), and don't seem to approve of these "links." I agree that the tragedies of history should not be overemphasized, but that tendency is not peculiar to South African whites and Israelis. Has Professor Rubin ever seen the 2,000 monuments at Gettysburg, to mention but one example of Americans' notion to look in this "mirror of tragedy"?

- The Afrikaners who want change in South Africa are not of a "minority standing." They are in the majority and support the South African government's reformist initiatives.

- Bloemfontein is not in the Transvaal, as stated or implied a few times in the article ("Transvaal, heartland city of Bloemfontein") and Professor Rubin even considers Bloemfontein "the heart of conservative thinking." What would Pretoria say about that?

• I understand Professor Rubin's urge to write an article on Southern Africa after spending a month in four countries in the area. But articles such as his are less than helpful for Afrikaners, including journalists, who feel concerned about their society and want to change it. Whirlwind experts on South Africa only add to the confusion about South African issues.

SALOMON S. DE SWARDT
Nieman Fellow '83
Assistant Editor, *Beeld*
Johannesburg

Professor Rubin replies:

My analysis, which Mr. de Swardt finds biased and a "tirade against Afrikaners," is biased in favor of the truth and was carefully based on extensive research. He describes me as a "whirlwind" expert, then mentions his own sixteen years as a journalist in South Africa. In that time, de Swardt seems not have learned that more than eighty percent of South Africa's people are virtually stripped of citizenship in their own land. He appears to prefer to defend the status quo with all that it means explicitly for men and women and children whose rights to travel, education, housing, participation, and leadership in government and equity in the law courts are denied.

As to my background, I am a political scientist with a specialty in communication studies at home and abroad. For a quarter century, I have done research and written in that field. In that time, my work has taken me repeatedly to Europe and Southeast Asia as well as to Africa. As one concerned about human rights, I have been especially curious about how those rights are enhanced or jeopardized, both in the United States and overseas.

My work in South Africa was part of a month-long journey to Southeast Africa, for which I spent half a year in preparation, to update my information.

Salomon de Swardt doesn't know the many influential individuals from government, law, and journalism with

whom I worked. That in itself is curious. Does he talk only to his familiar colleagues, when he wants to know what excesses are committed by those in charge of prisons or labor camps?

Mr. Barend du Plessis, the Deputy Minister of Information, was genuinely interested in dialogue; he desired to learn more about prevailing American reactions to the official actions of the South African government. Our talk was candid and friendly. I did not press him for instant responses to every question, and he was willing to delve deeply into certain crucial issues which I reported on. All my discussions and my meetings were with people who know what is going on and were conducted in the same manner. Most were extended sessions with honesty and respect from all for the facts. Nowhere in South Africa did I find objections to my questions or probings.

De Swardt may presume after sixteen years of journalism in his homeland that Mr. Botha, being elected by "the majority of the Afrikaners," speaks for the whole nation. Indeed, he also is certain about "the existence of an Afrikaner nation." On the first matter, let him understand my statement, "Afrikaners have virtually no idea of the words 'South African' taken to embrace nationality for all individuals." On his latter conclusion, even the United Nations would reject a passport from the Afrikaner nation.

When I met with one of the members of the South African Supreme Court, a judge of the Appellate Division, we got to talking about basic rights, prompted by his references to meeting with former Chief Justice Earle Warren of the U.S. Supreme Court some years ago. He assured me, and I accept his point, that most honest Afrikaners want to encourage dialogue with people in the Western democracies because they realize that change must come soon, and it must be beneficial to all the people of his country — blacks, whites, coloureds, and Asians. The Justice asked me what the turning points were in the history of American racial relations. Was it the Civil War? I replied that, in my opinion, there were two turning points. One was

the freeing of slaves and the abomination and abolition of the concept of slavery. The second was May 17, 1954 and the Supreme Court decision in *Brown v. The Board of Education of Topeka*. We both wondered aloud if and when South Africa would experience the equivalent of a decision like that. Neither of us glossed over the pain and anguish in U.S. race relations since then.

Everywhere I went in Africa, it was my hosts who turned the discussions to South Africa. History books and newspapers make the reasons clear. In South Africa I replied to honesty with honesty, to friendship with friendship, to tact with tact. The goal of my visit was to learn truth, not to placate or to denigrate on the basis of previous conclusions.

If I have earned the respect of the South Africans I met with, it is because I wrote about what is happening and what it means. There are many in that country who know that, for all the deference to slogans and illusions, the truth makes it easier for the engine of social progress to keep running.

My government believes, as I do, in dialogue on international issues. I engaged in such exchanges and brought to them the research and practical knowledge acquired over decades of studying the state of democracy and the threat of authoritarianism in the world.

De Swardt did me a favor in pointing out one indefensible error: Bloomfontein certainly is not in the Transvaal. It is, as always, in the Orange Free State.

There, in the city museum, I learned how much the Afrikaner has suffered over the years. For that reason, Afrikaners should be understanding about the sufferings of others. Now Afrikaners have options, and I learned that many people are sturdy and courageous enough to make difficult choices when they have to. In the meantime, they are increasingly willing to exchange views with candor and honesty.

BERNARD RUBIN
Professor of Government Affairs
and Communication
Boston University

The Nieman Fellowships: A Report

continued from page 2

sionism, we must continue to resist. The job we do best can only be done with modest numbers, for nine months, and with full attention focused on the needs of the Fellows.

•

Our final problem is inherent in success. That is the problem of proprietorship, and especially an issue pertinent to an alumni gathering in memory of Louis Lyons. As I read the record, the early architects of the Nieman Fellowships feared two quite different reactions from the barons of the press. On the one hand, hostility and even refusal to cooperate; on the other hand, efforts by those barons to control the program through financial or political pressures. Grounds for such fears have long since been eroded — though have not, I assure you, disappeared. And efforts at control by donors must continue to be fought.

But success — and the expansion of an intensely caring Nieman family — can create new issues of proprietorship. Our 700 alumni/ae are enormously loyal. They are also extraordinarily possessive — not only of the Nieman institution but also of the past: the Nieman program as they knew it, seen through a golden haze of nostalgia. The danger, of course, is that such loyalty and possessiveness will turn itself subtly into an assertion of control — efforts to re-create the past or to tamper with the present and the future.

The issue is not peculiar to Niemanism. One of the most eloquent and dramatic expressions of the doctrine of alumni/ae ownership of academic institutions was the argument made by my adversarial friend, Bill Buckley, thirty years ago in his famous book, *God and Man At Yale* — which called for alumni control of appointments, curriculum,

and budgetary allocations at my college and his, Yale College, and in all other private institutions. Every now and then we should all re-read that book as a sort of purgative.

•

The question raised by this final issue is, quite simply, who owns the Nieman program? And the answer, I submit, is not the donors, whether individuals or organizations; not the publishers and managers and editors who grant leaves of absence; not the Harvard faculty; not the Nieman Curator or the staff or the Fellows in residence; and not the Nieman alumni/ae — not even the one-fifth of them who walk the corridors of power in the Greater Washington area. Instead, those who own this program are the beneficiaries of Agnes Wahl Nieman and her other donor-successors, namely, the Governing Boards of Harvard University. They have, for instance, the authority to dismantle the program tomorrow, and to use the money for other purposes that

conform to Mrs. Nieman's very non-specific Will. I doubt that they will choose to do so; but if they do, neither your consent as alumni/ae, nor that of the media barons, nor mine as their steward, will be required. In short, the illusion of external proprietorship is as old as the Nieman program and, indeed, as old as academic freedom itself. But such illusions must be avoided, since they can only end in disillusionment.

So much for a brief report on progress and problems. I close by reporting to you something said to me by Louis Lyons a week or so before he died. "Jim," he said on the phone, in his weak but still clear voice, "you and the Niemans have created a new sense of community." When I asked him what he meant, he said, "Lippmann House — it has made all the difference. You have created wholly a new sense of community."

I hope that those words will give you as much reassurance as they gave to me. I won't ever forget that benediction — or the man who spoke it.

—J.C.T.Jr.

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Newsday Investigative Reporter Honored

The Nieman Foundation's Louis M. Lyons Award for conscience and integrity in journalism was awarded May 6 to Tom Renner, a specialist in organized crime reporting for *Newsday*, the Long Island, New York newspaper.

Renner, who is 54 years old, began reporting on organized crime for *Newsday* twenty-two years ago and was assigned to cover the beat full time in 1965, thus becoming the first full-time specialist on organized crime reporting in the United States. He often works undercover on stories that document how organized crime reaches into the pocketbooks and lives of ordinary Americans.

For example, Renner identified more than fifty corporations doing a half-billion dollars of business in U.S. supermarkets as being controlled by organized crime. He showed how the Mafia infiltrated the U.S. Postal Service and stole mail and how organized crime gained control of credit card rackets.

Renner revealed misconduct of Long Island judges and their connections to organized crime. He has written about international drug and weapons trafficking, and organized crime control of cigarette smuggling and a fish market.

Another of Renner's investigations exposed an attempt by a crime family to take over a Suffolk County, N.Y., quarterhorse track. Renner's reporting uncovered problems with the federal witness protection program. In other investigations, he infiltrated gambling operations; revealed the identities of 172 crime figures, of whom 135 were indicted or convicted; described smuggling of Mafia aliens from Sicily into the United States; and showed how organized crime gained control of sections of the pizza industry and related businesses as well as the carting industry.

Renner was a key member of the team of reporters from across the United States who investigated organized crime and official corruption in Arizona. The

1976-77 investigation continued the work of Don Bolles, the *Arizona Republic* reporter who was killed by a bomb placed in his car.

Investigative reporters are vulnerable to libel suits but Renner has never been successfully sued. His stories have resulted in indictments and convictions, deportations, law enforcement and congressional investigations, the strengthening of governmental investigation units, and tightened laws.

Renner is author of three books on organized crime, which are standards for reporters and have been used as textbooks at the FBI Academy, state police academies, and intelligence units. He has testified as an organized crime expert at congressional hearings and libel hearings and has spoken at journalism schools, investigative reporting seminars, and police academies.

Renner is vice president of the Investigative Reporters and Editors.

He joined *Newsday* in 1954 and worked for seven years as a local reporter before beginning his reporting on organized crime. He was born in Brookline, Massachusetts and attended Syracuse University School of Journalism, Hofstra University, and is a graduate of the Armed Forces Information School. He served for five and a half years in the U.S. Air Force.

Renner was selected for the honor by American and foreign journalists who are studying at Harvard University as Nieman Fellows for the academic year 1982-83.

The Nieman Fellowships were established in 1938 through a bequest of Agnes Wahl Nieman in memory of her husband, Lucius, founder of *The Milwaukee Journal*. Louis Lyons, a member of the first class of Nieman Fellows, was the Foundation's Curator from 1939 to 1964, and died last year.

The award, honoring his leadership, was established by the Nieman Class of 1964. Recent recipients have included,

in 1981, Joe Alex Morris Jr. a *Los Angeles Times* correspondent who was killed in 1979 while covering the Iranian Revolution, and Joseph Thloloe in 1982, a black South African labor reporter banned from working as a journalist by the South African government. □

Journalist Jailed For Owning Book

JOHANNESBURG — Joe Thloloe, the black South African journalist who was the 1982 winner of the Louis M. Lyons Award, has been jailed for two and a half years for possessing a banned book.

The book that Thloloe had, *The New Road*, is an eighty-page volume published by the Pan Africanist Congress, an outlawed black nationalist organization committed to overthrowing white minority rule by force.

In a plea for leniency, Thloloe's lawyer pointed out that Pan Africanist Congress literature is legally available in university and public libraries. The magistrate, however, said that he regarded the offense as serious.

Thloloe worked for the *Sowetan*, a daily newspaper for blacks in Johannesburg, and had been detained for six months in 1976, and for two months between 1977 and 1978 without having been charged with any offense.

James C. Thomson, Curator of the Nieman Foundation, presented the Lyons award at a banquet in Harvard's Faculty Club to a colleague of Thloloe, Ameen Akhalwaya, who was there as a Nieman Fellow. Before Akhalwaya returned home with the award, Thloloe was detained again, on June 24. He has not been free since.

"I have still not been able to give him his certificate," Akhalwaya said, "Now I shall have to wait another two and a half years before I can do so."

Excerpted from *The Washington Post*, April 25 and *The New York Times*, May 8.

NIEMAN NOTES

As we put these news items together, we remain caught up in the bright excitement of an evening in the midst of the 180 Nieman Fellows and guests who convened in Washington last month to honor the memory of Louis Lyons.

The occasion illustrated a lively and important fact: The Nieman network continues to flourish. No matter what part of the world they call home, when Niemans meet and reminisce and relive their common experiences at Harvard or on assignment, the exchange rings true, and the Nieman bond is strengthened yet again.

— 1943 —

E. W. KIECKHEFER, formerly editorial page editor of *The Commercial Appeal* (Memphis, Tennessee), retired at the end of February after 23 years with that newspaper. His forty-seven-year career included work at the *Milwaukee Sentinel*, *Minneapolis Star and Tribune*, *Courier-Journal* (Louisville, Kentucky), and the *Huron* (South Dakota) *Daily Plainsman*.

He was twice winner of the Wallaces' Farmer award for "best editorials in the metropolitan press interpreting farm problems for city readers." In 1958 he was named by the Ford Foundation as a Fund for Adult Education Fellow to help improve understanding of agriculture in the metropolitan media. In 1977, as Food and Farm columnist and editorial writer for *The Commercial Appeal*, he received the J. S. Russell Award from the Newspaper Farm Editors of America. The memorial award, named for a former farm editor of the *Des Moines Register and Tribune*, honored him for excellence in coverage of farm news and agricultural commentary throughout his career.

Kieckhefer, a former president of Newspaper Farm Editors of America, has returned to his native Milwaukee, where he plans writing projects on United States and Canadian relations and agriculture.

He sends word, "I have good contacts at the University of Wisconsin-Milwaukee and at U.W.-Madison, and my son is a member of the faculty at Northwestern University, so I anticipate a retirement with good intellectual stimulation. No shuffleboard for me."

His new address: 7736 West North Ave-

nue, Apt. 2, Milwaukee, WI 53213.

— 1953 —

MELVIN MENCHER, professor at the Graduate School of Journalism, Columbia University, is the author of *Basic News Writing*, published in February by W. C. Brown Company. A third edition of his earlier textbook, *News Reporting and Writing*, used by more than 350 colleges and universities, is to be printed soon.

JOHN STROHMEYER, vice president and editor of the *Globe-Times* (Bethlehem, Pennsylvania) will receive the honorary degree of Doctor of Humane Letters, to be conferred at Lehigh University's 115th commencement on June 5, 1983.

Strohmeyer has been editor of the *Globe-Times* since 1956.

— 1959 —

PHIL JOHNSON, writing from New Orleans, Louisiana, informs us about some awards and a change in his position at WWL-TV.

"We have just won a Peabody Award for the documentary, *The Search for Alexander*, that photographer Jim Tolhurst and I filmed last year in Greece and Egypt. We sort of traced Alexander's conquering route through much of Asia, concentrating not so much on his victories but on the culture he left behind, and on the treasures found in the tomb of his father, Philip II, in Macedonia.

"This is the third Peabody we've won. The first was in 1970 for a documentary on the guerilla war in Israel; and the second for a documentary in 1972 on China. . . .

"As you can see by the letterhead, I'm no longer news director, but assistant manager of the station. It was a traumatic thing to walk away from the news department. It's been over a year now and I still find myself picking up the phone to call or complain or to congratulate on a particular story. Thank goodness I still do the documentaries and a daily on-air editorial."

JOHN SEIGENTHALER, publisher and editor of *The Tennessean* and editorial di-

rector of *USA Today*, is chairman of the American Society of Newspaper Editors Minorities Committee. In ASNE's new program, called "Project Focus: Newspaper Opportunities for Minority Students," summer newspaper jobs will be offered to black and Hispanic freshmen and sophomores — a group up to now largely overlooked by recruiters. Ads will be placed in black college newspapers around the country, and an attempt will be made to match the students with jobs at their hometown papers.

— 1960 —

JACK BURBY, formerly editorial writer, has been named assistant editor of the editorial pages, *The Los Angeles Times*.

Burby moved to the Los Angeles paper in 1978 after being a consultant to the federal government on technology, energy, and environment, and served variously as editor and publisher of the *National Journal* in Washington, D.C.

— 1961 —

PETER GOLDMAN, senior editor of *Newsweek*, and Tony Fuller, national correspondent, are the authors of *Charlie Company: What Vietnam Did to Us*, published in April by Morrow and Company.

A portion of the book appeared earlier as *Newsweek's* Special Report, published December 14, 1981, entitled "What Vietnam Did to Us: A Combat Unit Relives the War in the Decade Since." In February 1983, Goldman and Fuller were co-recipients of the George Washington Honor Medal in recognition of their outstanding journalistic efforts in the "published article" category.

The medal is the principal prize from the Freedoms Foundation at Valley Forge, Pennsylvania. Awards were made in twenty categories within the general areas of corporate advertising, electronic communications, journalism, education, and individual achievement; they are intended to recognize voluntary actions of individuals and organizations which serve as examples of responsible citizenship, offer solutions to contemporary problems, or promote the benefits of a free society.

— 1962 —

TE-CHENG CHIANG, most recently director of the Information Division, Coordination Council for North American Affairs, left the United States this spring to become the press counselor of Taiwan's embassy in Johannesburg, South Africa.

Chiang had been in the country since 1967, first as deputy director of the Chinese Information Service in New York and, after the severance of diplomatic ties between Taiwan and the U.S., the director of CCNAA, Taiwan's representation in the States.

— 1963 —

ALLISTER SPARKS, a correspondent in Johannesburg, South Africa, for *The Washington Post* and *The London Observer*, was subjected to a search of his residence and office by security police on March 16th. He later said that they had told him they were looking for evidence that he had illegally quoted Winnie Mandela, the wife of Nelson Mandela, imprisoned leader of the outlawed African National Congress.

In an early morning search of Sparks' home in a Johannesburg suburb, five officers went through his books, papers, and files, and confiscated three blank tapes before proceeding downtown to his office. There, during a four-hour search, they took his typewriter, clippings of his stories on Mandela, a number of messages to the *Post* and the *Observer*, and copies of columns he wrote while he was editor of the *Rand Daily Mail*.

Sparks said that the authorities were using the Mandela stories "as a pretext to make an intimidating raid. That is very obvious."

The Foreign Correspondents Association of Southern Africa issued a statement protesting "the outrageous harassment by security police of a journalist working for overseas publications."

Sparks was not charged, but police detained Bernard Simon, a South African financial journalist with an office nearby, for removing documents from Sparks' office while the search was under way. Simon writes regularly for the AP-Dow Jones Service, the *Financial Times* of London, and *The New York Times*.

One month later, on April 15th, Sue Sparks, wife of Allister, was taken to the police station in Johannesburg for fingerprinting and interrogation. She appeared in Magistrate's Court in connection with a charge of trying to defeat the ends of justice.

Bernard Simon appeared in court with her; a similar charge against him is under investigation. She was released on her own recognizance; the hearing was postponed until May 9th.

— 1966 —

As we go to press, we note a squib in *The Boston Globe* of May 1, datelined Washington: "Oakland Tribune is sold. . . The sale of the *Tribune* in Oakland, California, to a group headed by ROBERT C. MAYNARD, editor and publisher, was completed Friday for \$22 million, the Gannett Company announced yesterday. Maynard is a majority shareholder in a new corporation owning the 109-year-old newspaper. Maynard became editor in 1979 and became publisher as well in 1981. (AP)"

— 1967 —

ALVIN SHUSTER, formerly assistant editor of the editorial pages, has been named foreign editor of *The Los Angeles Times*. He joined that newspaper in 1977 after holding a post as Washington news editor for *The New York Times* and serving as correspondent in London, Saigon, and Rome.

— 1968 —

JEROME AUMENTE, formerly chairman of the Department of Journalism and Mass Media, Rutgers University, has relinquished that post to devote himself to the development of the University's Journalism Resources Institute, where he is director. He has presided over the Department of Journalism for fourteen years; in 1969 he founded the Department of Journalism and Urban Communications at Livingston College, Rutgers University.

Aumente also founded the Journalism Resources Institute in 1978 and has been working with the Rutgers Foundation to provide an endowment. The New York Times Foundation, the American Broadcasting Company, RKO-TV, and Johnson & Johnson have provided more than \$100,000 in support of this endeavor.

The New Jersey Scholastic Press Association, which offers seminars to high school teachers and a conference for high school editors and teachers, now makes its home at the Institute.

Working with the Associated Press,

Aumente has developed plans for a program to train correspondents for assignments overseas.

Professor David R. Sachsman, who joined the Rutgers faculty in 1971, will succeed Aumente as chairman of the Department of Journalism and Mass Media.

— 1970 —

WILLIAM MONTALBANO, formerly foreign correspondent with the *Miami Herald*, has joined the staff of *The Los Angeles Times* as foreign correspondent and will start his new post in May with a three-month assignment covering El Salvador before he replaces KEN FREED (NF78) as South American bureau chief in Buenos Aires, Argentina. Freed will become bureau chief for *The Los Angeles Times* in Toronto, Canada.

— 1971 —

Margaret Ann Ahearn, daughter of JAMES AHEARN, is one of three New Jersey high school seniors, all honor students, named in April as 1983 recipients of the Donald and Flora Borg Merit Scholarship Awards. The prize provides a sum of money toward college tuitions in a program established as a tribute to the late owners of *The Record*, Hackensack, New Jersey. The scholarships go to students in *Record* families.

James Ahearn is managing editor of *The Record*.

— 1973 —

Marylyn and ED WILLIAMS are the parents of Jonathan Lentine, born on January 7th in Charlotte (N.C.) Memorial Hospital. Ed writes: "He arrived feet first, 31 minutes after Marylyn checked into the hospital. . . . He met his first deadline by arriving on his due date. Mother and son are fine, father still a bit awed by it all. At birth, Jonathan weighed 6 lbs. 10 oz. He's our first child.

"Marylyn is taking six months off from her job in the city's administration department. You may recall that I met her when she was working as Frank Freidel's assistant at the Charles Warren Center and I was a Nieman Fellow."

William has been named associate editor of *The Charlotte Observer*; he formerly was editor of the editorial pages.

— 1974 —

PAUL BICHARA writes: "I have moved to Brussels, where I should be in the cabinet of one of the European "Ministres" of the European community, after six years of banking in Paris, Bahrain, and Saudi Arabia and one year in the French equivalent of the World Bank. . . . I should be responsible for the relations between the European community and the Mediterranean States."

MORTON KONDRACK, executive editor of *The New Republic* magazine, also writes a political commentary column, "Neoliberal," now being nationally distributed twice a week by United Feature Syndicate.

Kondracke, who has been given much of the credit for developing the neoliberal philosophy, said its program proposals include "consumption-based taxes to encourage savings; government planning to direct private-sector investment; increased worker participation in management; typing of wage increases to productivity to hold down inflation; and expanded education and job training to build America's human capital."

He has written a monthly column on the op-ed page of *The Wall Street Journal* since 1980. He also has been a contributor to *The Economist* and *Public Opinion* magazines, a commentator on National Public Radio's *All Things Considered*, and *Communique* since 1979, and a panelist on NBC-TV's *Meet the Press* and CBS-TV's *Face the Nation*.

Kondracke joined the *Chicago Sun-Times* in 1963, moved to its Washington bureau in 1968, and became White House correspondent in 1974. He joined the staff of *The New Republic* in 1977.

— 1975 —

TOM DOLAN, after fifteen years in Chicago, joined the staff of the *Buffalo* (N.Y.) *Evening News* in October 1982. He reports on housing; he has been married since 1980; and he and his wife are renovating a Victorian house in Buffalo.

— 1976 —

FOSTER DAVIS, formerly government and politics editor with *The Charlotte Observer* (N.C.), has been named metropolitan editor.

JIM HENDERSON, national correspon-

dent for the *Dallas Times Herald*, has won a George Polk Award in Journalism for Regional Reporting with his series "Racism in the South." (See also Random Notes for an additional award.) This same series earlier won the top prize from the National Association of Black Journalists; it also received honorable mention in the Robert F. Kennedy competition.

The George Polk Awards in Journalism were established by Long Island University in 1949 to honor the memory of the CBS correspondent who was killed the previous year while covering the Greek civil war.

In addition, Henderson has won the 1982 Thomas L. Stokes Award for his sixteen-part series of articles on the legacy of the nuclear age and its effects on human health and safety.

The Stokes Award has been given annually since 1958 for the best reporting, analysis, or comment in a daily newspaper in the United States or Canada on the protection of the environment, energy, conservation or other natural-resource issues. It was established in memory of Thomas L. Stokes, a nationally syndicated columnist who wrote on natural-resources subjects.

The 1982 award was announced in April by JULIUS DUSCHA ('56), director of the Washington Journalism Center.

Both of the above series were among the finalists considered by the judges on the Pulitzer Prize Board in the "National Affairs" category.

— 1978 —

MOLLY SINCLAIR, reporter with *The Washington Post*, is also writing a consumer column for *Family Circle* magazine.

— 1979 —

Emily and GRAEME BEATON are the parents of Jack Kimenker born on February 18, 1983, weighing nine pounds. Their first son, Benjamin Hugh, is now 2½-years-old.

The Beatons make their home in Silver Spring, Maryland. Graeme is working on a novel.

SABAM SIAGIAN, formerly deputy chief editor, *Sinar Harapan Daily* (Jakarta), as of April 1st took on an assignment as chief editor of the *Jakarta Post*, a newly established English language newspaper.

He writes, "It's a joint enterprise of the major Indonesian newspapers (including the

Sinar Harapan Daily) and the Indonesian newsweekly *Tempo*. But I maintain my editorial links with *Sinar Harapan*. . . . It is important for a nation with a total population of approximately 150 million like Indonesia, strategically located, that the English-speaking world is familiar with her problems, ideas, and aspirations. . . . Our newspaper will be out in the market for full circulation on Monday, April 25th."

PEGGY SIMPSON, economics reporter for Hearst Newspapers in Washington, is also a contributing editor and D.C. correspondent for *Working Woman* magazine.

— 1981 —

A postcard received in April from Sandy and DAVID LAMB reads, "We are here for a week as tourists, doing Moscow and Lenin-grad. Had dinner last night with [classmate] DON McNEILL — looking as dashing as ever — at the *L.A. Times* flat with Elizabeth Gillette. BOB ['75] was in NYC briefly. All the best."

Lamb is based in Egypt as Cairo bureau chief for *The Los Angeles Times*.

In February a card arrived from Colombia: "Where is everybody else! The first annual Nieman Class of '81 Reunion was held here in beautiful Cartagena. . . . We're having a great time reminiscing and envying the present class. We miss you all. Melinda, DOUG [MARLETTE], Pilar, DANIEL [SAMPER]."

The New York Times of March 11, 1983, carried a piece, "A Chinese Journalist on the American Way" that described random impressions of ZHAO JINGLUN, "a journalist and economist from China who has been traveling the United States for three years to see 'what holds this country together.'"

"In the past month, among the melange of legislators, lobbyists, aides and journalists here, the 59-year-old Mr. Zhao has been wandering into committee hearings, appearing at the Governor's news conferences and strolling the sweeping sandstone staircases of the Capitol.

"Who is the typical American?" asked Mr. Zhao. "Of all the people I encountered, only some Texans claimed to be typical. But the rodeo and the ten-gallon hat for that matter, are no more typical then, say, New England's town meetings.

"I'm not exactly trying to sell the Western democratic system, but I think there are

things that China can learn from it.”

Accompanying the article was a photograph of Zhao Jinglun working on his notes outside the State Capitol in Albany.

— 1982 —

CHRISTOPHER BOGAN, formerly columnist and the chief writer of a special assignments team at the *Spokesman-Review* in Spokane, Washington, sends word from Texas that he has joined the staff of the *Dallas Times Herald*. . . “As of May 1st, I will be living in Dallas — licking my fingers and eating ribs, perfecting my chili recipe, and polishing my two-step. . . and always ready to receive friends, phone calls, and postal dispatches.”

His new address: 3919 Hawthorne Street, Dallas, TX 75219.

RAM LOEVY wrote in March: “Since our arrival in Israel and until a week ago I was so very busy that I had hardly any time for anything apart from work.

“I was working on a film covering the Arab-Jewish relationship by the name of *Between the River and the Sea*. I did it with Rafik Halabi. . .

“Last week it was broadcast in the British Channel 4 and I started breathing again. By the way, I hope it will reach the American television screen soon. If so, I’ll obviously let you know.

“We all had a very hectic time since we arrived home. Zipa is working very hard in a poor neighborhood of Tel Aviv as a community social worker and is very successful but tired. Our daughters flourish in their natural environment. Neta, our smallest, has almost completely forgotten her English. . . But we long for you all and for the marvelous time we had. . . .”

Loevy is senior director, Israeli Television in Tel Aviv.

— 1983 —

GILBERT GAUL, reporter for the *Pottsville* (Pennsylvania) *Republican*, has won first place for investigative reporting in the Pennsylvania Newspaper Publishers’ Association awards (circulation under 50,000) for an eleven-part, fifty-five-page series on fiscal abuse and mismanagement in the Schuylkill County Government. (See also Random Notes for an additional prize.)

In April, Gil ran in the 87th edition of the Boston Marathon, finishing in three hours

and four minutes. It was his second time for Boston, having run in 1979 on the same day he won the Pulitzer Prize for Special Local Reporting.

Cathy, Gil’s wife, has spent much of her time in Cambridge perfecting the art of Pennsylvania Dutch Tulip Ware pottery, a folk art using traditional designs of the Pennsylvania Dutch for birth plates and wedding plates. She has also created a design featuring the Nieman-Harvard logo.

The plates, approximately nine inches in diameter, are coated with a red clay slip; the design is then carved through to the white in a sgraffito technique. Plates are often personalized with the name of the Fellow and class year on the front. Nieman who are interested in further information or in placing an order may get in touch with Cathy through the Nieman Foundation.

ZOU DEZHENG, editor with Radio Beijing in the People’s Republic of China, was featured in a *Boston Globe* article, March 12, 1983, entitled “Peking Visitor Compares Boston of Now to 1950.”

Zou lived in the United States from 1947 to 1950 and attended Watertown (Mass.) High School. She remembers walking quickly past the Mt. Auburn Cemetery in nearby Cambridge at night for fear the ghosts might get her, spending two years at small colleges in New York, then finally boarding a cargo steamer that took her back to China where the Communists had just come to power.

“Everything sounded so new,” says Zou, recalling her excitement at leaving for China in 1950. “New government, new policies, new hope for our people.”

Now, Zou, who is 52, spends her days attending lectures by Harvard professors. For the past thirty years, she has written commentaries on American life for Radio Peking. But before she arrived last year, she hadn’t visited America since 1950. Up until 1971, she was rarely allowed to read American magazines and newspapers.

During her Nieman year, she is having a chance to rediscover familiar places in the Cambridge area.

RANDOM NOTES

Four Nieman Fellows were represented in the 49th annual National Headliner Awards competition:

GILBERT GAUL (’83), as part of the *Pottsville* (Penn.) *Republican* team with Paul Carpenter and Robert Orenstein, was

honored for an eleven-part series on a county in fiscal chaos.

Two members of the Class of 1981 were also named winners: DOUGLAS MARLETTE of *The Charlotte* (N.C.) *Observer* for “consistently outstanding editorial cartoons.” Marlette’s political cartoons are syndicated by King Features three times a week to more than one hundred newspapers worldwide.

NANCY WARNECKE RHODA, staff photographer with *The Tennessean*, took the pictures accompanying the article, “Justice Betrayed: A Sin of Silence,” which earned a special citation for *The Tennessean* for its “painstaking investigation” that had unearthed new evidence in the infamous Leo Frank lynching in Georgia in 1913.

JIM HENDERSON (’76) of the *Dallas Times Herald* was honored for outstanding news reporting (circulation over 150,000) for “Racism in the South.”

The Headliner awards are given annually by the Press Club of Atlantic City for excellence in the categories of newspaper, television, radio, magazine, and photographic journalism.

ANNELIES FURTMAYR-SCHUH (’80) and GUNTER HAAF (’76) were recent visitors at Lippmann House on their way back to West Germany. Both are science writers, and had just completed a tour of several Midwestern cities where they had studied and observed new medical imaging techniques.

Annelies makes her home in Munchen-Grafelfing; Elga and Gunter and their son and daughter live in Aumühle.

At the edge of the Fellows’ Garden adjoining Lippmann House, a pair of cardinals has just finished building a nest high in the branches of an evergreen tree.

During seminars, the whistles and calls of the birds sound an exuberant descant to the even rise and fall of the speaker’s voice. One can glimpse flashes of red outside the windows. Springtime produces these cheery bonuses.

To human beings, building a shelter is an act of trust. To birds, we suppose, constructing a nest is a simple ritual in the natural order of things.

In any event, hope always is the foundation.

— T.B.K.L. —



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