

# NiemanReports

---

December 1968

## Pressures on the Press

Dr. Frank Stanton



### Also in this Issue:

William B. Dickinson

Irving Dilliard

Norman E. Isaacs

Howard C. Cleavinger

Cal M. Logue

Howard A. James

Nieman Notes



New Committee Appointed  
To Select 1969-70 Nieman Fellows

# NiemanReports

VOL. XXII, NO. 4

DECEMBER 1968

Louis M. Lyons, Editor, 1947-64

Dwight E. Sargent, Editor

## Editorial Board of the Society of Nieman Fellows

Robert W. Brown  
Augusta ChronicleMillard C. Browne  
Buffalo NewsWilliam B. Dickinson  
Philadelphia BulletinTillman Durdin  
New York TimesRoy M. Fisher  
Chicago Daily NewsRobert B. Frazier  
Eugene Register-GuardThomas H. Griffith  
Life MagazineRebecca Gross  
Lock Haven ExpressC. Ray Jenkins  
Alabama JournalJohn Strohmeier  
Bethlehem Globe-TimesE. J. Paxton, Jr.  
Paducah Sun-DemocratHarry T. Montgomery  
Associated PressSylvan Meyer  
Gainesville Daily TimesRobert Lasch  
St. Louis Post-DispatchEdwin A. Lahey  
Knight NewspapersSmith Hempstone, Jr.  
Washington Star

Published quarterly by the Society of Nieman Fellows from 77 Dunster Street, Cambridge, Massachusetts, 02138. Subscription \$3 a year. Second-class postage paid at Boston, Massachusetts.

## How to Cooperate

By Howard C. Cleavinger

Mr. Cleavinger is managing editor of the Spokane Chronicle. These remarks, and those of Mr. Dickinson in the following article, were made at the last annual meeting of the American Society of Newspaper Editors.

It wasn't easy and I don't expect that it will be easy in the future but we do have a successful, voluntary, cooperative bench-bar program in the State of Washington. It is the product of the Bench-Bar Press Committee of Washington which was appointed by the Chief Justice of our Supreme Court in February of 1964, long before the

Reardon Plan was conceived. It was not developed overnight. A lot of work, a lot of debate and a lot of understanding fashioned that program.

There were problems, obviously, and there will be problems in the future but we think we have the best approach by far to solving them. We have and we are confident that we will continue to have free press, fair trial and an informed citizenry in our state.

We don't expect the Reardon Plan will affect us at all. For example, our Chief Justice has said that we have no need for the Reardon program and he predicted that the bench and the bar, the news media and law enforcement in our state will have no part of it.

Now, I don't believe there is any stigma attached to being called a dove in this field but, even if there were, I would gladly assume that appellation if what we have been doing in the State of Washington is dove-ish. We have achieved a common sense accommodation of the problems involving bench, bar and press. We have done it voluntarily with the full cooperation of news media, the courts, lawyers and law enforcement.

Now, I should point out right here that the newspaper members of the State Bench-Bar Press Committee include battle-scarred veterans from the Freedom of Information fight who have been fighting a good fight for years. Our group certainly was not led down the primrose path.

The impetus for our state program came from the Washington Judicial Conference which is composed of all the Supreme Court Judges and all of the Superior Court Judges in our state. The Conference passed a resolution asking the Chief Justice to appoint the Committee.

Some of the first meetings of the full Committee were hairy. The tension was electric. We were suspicious of the motives of the bench and the bar and I'm sure they were suspicious of us. I know that I was one of the real doubting Thomases.

I was skeptical about the Committee's value or its future. I felt essentially that we had good relationships and that nothing much would come out of the Committee's work except attempts to restrict the press.

Then we had more meetings and the problem was discussed frankly. There were some sharp differences but gradually, through discussion and communication, understanding developed and with it mutual respect and confidence.

The result: we have progressed a long way in the field of bench-bar-press relationships. Our Committee has adopted a statement of principles and also guidelines on the reporting of criminal proceedings, civil proceedings, juvenile court proceedings and public records. We are doing

(Continued on page 10)

# Pressures on the Press

By Dr. Frank Stanton

C. P. Snow has painted a rather grim picture of this world of ours. In a lecture at Westminster College in Fulton, Missouri, he said—in fact—that he was on the brink of total despair. What is going wrong with us, he asked? Why is there all this suffering, hatred and unease around us?

Frankly, I do not share this dark, almost morbid sense of hopelessness that many people feel today. But I do concede that there are tremendous forces of change tearing at our world—and particularly at our country and its institutions. We are the richest, strongest and most advanced nation in the history of the world. Yet we are bogged down in a war that none of us wants and few understand. Discipline is breaking down in our homes, our schools and our churches. Our cities are in disarray. Assassins plot against our public officials.

At a time when science is literally lifting us to the stars, the major issues of our election came down to the deceptively simple question of law and order, and man's relentless inhumanity to man. This turmoil is tragic. But it is also, as James Reston wrote, "the biggest story in the world today."

As journalists, it is our job to tell that story—*all* of it, the good and the bad, the beautiful and the ugly, the noble and the ignoble. Yet increasingly, attempts are being made to block us in that job. The people behind these attempts feel that something other than professional news judgment should control the flow of information to the public. They

would have us suppress anything which they find disagreeable, troublesome or embarrassing, and publish or broadcast only that which serves some loftier social or ethical purpose—as they see it. As a result, the fundamental freedom of the press, as guaranteed by the First Amendment, is in grave danger—not, of course, of outright repudiation but from constant erosion and qualification. And unless we turn back these threats, journalism as we know it today—and indeed, the whole nature of our democracy itself and the people's right to know—may never be the same again.

The warning signs are all around us. We hear the suggestion that right-of-reply regulations now confined to broadcasting—which we are now contesting in the courts—be imposed upon newspapers. These regulations amount to an extension of the equal-time doctrine which has locked broadcast coverage of election campaigns into a straitjacket.

The idea of applying right-of-reply regulations to newspapers is now supported by the American Civil Liberties Union, which is considering a series of lawsuits to force the issue to a court test. At the same time, we have judges, prosecuting attorneys and police chiefs who are using the Reardon report on fair trial and free press as an excuse to close the doors and records of our courts, and to slap far heavier restrictions on reporters than Judge Reardon ever intended. There is also, as Sigma Delta Chi recently warned, a continuing trend in Washington toward greater management of the news and manipulation of reporters.

In electronic journalism, we are subject to even more

pressures. After last year's wave of ghetto riots, one public official after another criticized television for its thorough coverage of the disturbances and threatened the network news services with all sorts of investigations. As with other disturbances in the past, we were accused of inflaming and sometimes escalating the riots by the mere act of reporting them.

While we did not welcome the involvement of the President's National Advisory Commission on Civil Disorders, we note that its report concluded that, far from aggravating the riots, broadcast reporters "made a real effort to give a balanced, factual account" of such disorders and were no more a cause of riots than they are a cause of anything else they report. However, we take little comfort from this, for a Presidential commission which could presume to give journalists a clean bill of health had the potential of releasing a report that could be used as a basis of attack on the free press tradition.

Last May, CBS News produced a hard-hitting, one-hour broadcast, "Hunger in America." The main point of this broadcast was that of 30 million impoverished Americans who earn less than \$3000 a year, 10 million—or 5 percent of our total population—are hungry. The official reaction was immediate and vehement. Secretary of Agriculture Freeman accused CBS News of "shoddy journalism" and of blackening the good name of his department; from there, he went on to demand equal time to defend his food programs. Because we had dealt fairly with the issues, we refused the request. Parenthetically, it is also worth noting that equal-time regulations apply only to candidates seeking office. So Secretary Freeman wrote us again; this time, he threatened the imposition of what he called "even more stringent statutory requirements" against our medium.

While he was thus attacking the broadcast, however, Secretary Freeman was officially conceding its main point—that Federal programs were inadequate to the needs of America's hungry. Almost immediately after the broadcast, the department: (1) abandoned a fixed ceiling on the food stamp program and sharply expanded the number of counties where the Federal government handles the program, (2) enlarged the quantity and variety of food in surplus packages, and (3) won Senate approval to spend an additional \$200 to \$300 million for food relief.

I have no doubt that Secretary Freeman and many of his top aides—insulated as they are from many of the unpleasant realities that our broadcast depicted—had no idea how serious the problem of American hunger really is. As the Federal bureaucracy grows steadily larger and more complex, John P. Leacacos points out in his excellent book, *Fires in The In-Basket*, more and more government officials rely on the press for what Mr. Leacacos calls the "implications, inferences, overtones, impressions, atmospherics, and undertones" of what is going on even in their own area of

government. Thus the value of such hard-hitting reporting is not only that it keeps the public informed—but that it keeps the government informed, as well.

The three television networks encountered another kind of governmental surveillance as a result of their coverage of the Democratic National Convention. The FCC sent each of us a 20-day letter. We were told that the FCC had received "hundreds of complaints" about television's treatment of the convention, and that we, therefore, had 20 days in which to explain why we made the news judgments that we did in Chicago. I feel that television rose admirably to the unprecedented demands put to it on that occasion. Certainly, we made mistakes. But we also made history, in our running report of an extremely complex and fast-breaking situation.

One of our Delaware viewers, who was shocked over the FCC ultimatum, put it very well. "It is your duty," he wrote to the FCC, "to protect the free circulation of information in this country, NOT to impede it." He added that he would not be so high-handed as to give the FCC 20 days in which to comment on his letter. He would prefer, he said, "that you"—meaning the FCC—"channel your energies into reexamining your ultimatum, and working out some method of exonerating the networks from the presumption of guilt you have placed upon them."

This FCC ultimatum was only part of our post-convention headache. A Federal grand jury also began investigating television's convention coverage, the Department of Justice did the same, and both the Senate Subcommittee on Communications and the House Interstate and Foreign Commerce Committee announced plans to make similar inquiries. These investigations of our coverage not only propose to review the content of our broadcasts, but involve demands for our outtakes—material which we shot but did not go on the air. This is the equivalent of a governmental committee asking for a reporter's confidential notebooks and seems to us to raise serious First Amendment questions.

Another serious example of government interference was touched off by a 14-minute, two-part news segment. This broadcast—"Pot Party at a University"—was produced by WBBM-TV, our CBS-owned station in Chicago, and aired more than a year ago. Though it represented only the barest fraction of the station's total news and public affairs programming for that particular week, we are still involved in burdensome investigations, and because of these, the FCC has to date held up renewal of WBBM-TV's license for 11 months.

The broadcast itself was conceived by a bright, young WBBM-TV reporter who had recently graduated from Northwestern University's Medill School of Journalism, and who was aware that marijuana smoking at Northwestern—as at many other universities across the country—was a serious and growing problem. Through his North-



western contacts, the reporter talked to users of marijuana and received an invitation to photograph an actual pot party—which he did. Following the broadcast, both the FCC and the House Special Subcommittee on Investigations charged WBBM-TV with “staging” the party. Several subcommittee members also criticized WBBM-TV for witnessing a crime in progress and not reporting it to the police.

Despite two days of hearings in Washington and two weeks of hearings in Chicago, nothing has been turned up that persuades us that our news personnel in Chicago staged the broadcast or departed in any way from their normal, high journalistic standards. The second point—failing to notify the police in advance—would have been valid if we were talking about a crime that might have imminently resulted in serious injury or loss of life. That was not the case with the Chicago pot party. This was a gathering of persons who had long been involved with marijuana, and both university authorities and local police had substantially turned their backs on such gatherings. Had we alerted the police, of course, they would simply have broken up this particular party—but the next night there would be others, and the public would have been no wiser for it.

The *Providence Journal* once summed up this need for journalistic independence and initiative. “To the extent that we ‘cooperate’ with public authorities,” the paper editorialized, “we compromise our right to report and criticize their activities. . . . Our real purpose is to protect the right of the people—their right to be informed about their government through sources independent of that government.”

We at CBS are determined to maintain the same independence. “Pot Party at a University,” “Hunger in America” and our coverage of the Chicago convention and other urban disorders represent legitimate and responsible reporting of serious social problems. As such, they constitute an important contribution to the public interest. And despite government intrusion and threats of intrusion, we are determined to continue covering controversial issues as a public service, and exercising our own independent news judgment and enterprise. I, for one, refuse to allow that judgment and enterprise to be affected by official intimidation.

To those who say that broadcasters are licensed and, therefore, must submit to greater controls and regulations of content than those imposed upon the print media, I say, in turn, that freedom of the press is not divisible. You cannot have one measure of freedom if journalism is broadcast and another if it is printed. We are all in this together, and we must recognize that the future of journalism depends upon the position that we in all news media take in this very critical hour.

Much of the world and our society has lost its logic and its boundaries, and has gone into flux. In some ways, this is healthy. But inevitably, it is in such periods of change and stress that freedom of the press is most seriously threatened.

It was of such a period that William Allen White wrote an eloquent Pulitzer Prize-winning editorial of striking relevance to our own times. “You say that freedom of utterance is not for time of stress,” he wrote, “and I reply with the sad truth that only in time of stress is freedom of utterance in danger. No one questions it in calm days because it is not needed. And the reverse is true also; only when free utterance is suppressed is it needed, and when it is needed, it is most vital to justice. . . . This state today,” he continued, “is in more danger from suppression than from violence, because in the end, suppression leads to violence. Violence, indeed, is the child of suppression.”

Because society has achieved such an excess of power and knowledge beyond its ability to manage, there may be some who believe that we cannot afford the free flow, interchange and clash of ideas that William Allen White advocated. I am not one of them. But none of us can afford to sit complacently by and assume that this gathering storm will spend itself or blow over.

Government officials and any others who would curtail or qualify the freedom of the press overlook the basic theory and reality upon which the First Amendment was originally built—that there is no single universal standard of journalistic truth. There can only be different approximations of truth. The more numerous the sources of those approximations, the less likely is the persistence of error. Judge Learned Hand saw this clearly when he said that the First Amendment “presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all.”

Like Judge Learned Hand, we at CBS have also staked our faith in a strong and viable electronic journalism on a “multitude of tongues.” At CBS we have always urged that any technical, economic, social or other measure that promises to increase the sources of journalism receive the most serious consideration and, when of clear worth, the strongest support.

Another vital aspect of a press that is free in reality as well as in theory is the right to be wrong, to offend on occasion, and to report the disagreeable. This is not to condone unfair, inaccurate or biased reporting. But the reporter guilty of such lapses should be accountable—not to a handful of Federal officials with a little book of rules—but to his editors, his employers, and his readers or listeners or viewers. They constitute a watchful and tough jury that sits in continuous session and draws not on a single news source, but on competing ones in order to make a judgment on what is truth. For as Walter Lippmann said, “The theory of a free press is that the truth will *emerge* from free reporting and free discussion, not that it will be presented perfectly and instantly in any one account.”

Every journalist has an immense responsibility to the

public, for there is no more vital role in a free society than informing the people—fully, freely and without accountability to anyone except the people themselves. A nation not fully informed is a nation in trouble. And a sense of the uncompromisable urgency of our mission must never desert us. There can be no question that a litmus paper test of a viable democracy is the freedom of its press. The totalitarian governments seem to recognize this fact more quickly than some of our own officials. For it was when the press of Czechoslovakia began to conduct itself as a free press that the USSR read this signal of freedom as so dangerous to the Soviets. That issue remains as the major one between the USSR and the Czech people. The Russian pressures and the Russian troops are imposed on the Czechoslovakians as long as the spirit of a free press flickers in that country.

That lesson must not be lost here, or anywhere in the world. There can be no free society without a free press. Once the freedom of the press is diminished—and the broadcast press is always the first target—so is democracy. The

Russians surely have demonstrated how well they know this. We in this nation must be equally aware of it—but to preserve, not to destroy, a free people.

It is therefore imperative that we as journalists act with a sense of urgency and dedication. We would all of us do well to keep in mind the example of the *Chicago Daily News* reporter, George Thiem, who broke the Orville Hodge scandal in 1956. After his paper won a Pulitzer Prize for the effort, someone suggested to the Governor that Thiem be nominated for public office. Thiem would have none of it. "Tell 'em," he said, "I'd rather be a reporter."

---

**Dr. Stanton**, president of the Columbia Broadcasting System, has been honorary president of Sigma Delta Chi during the past year. The above is the text of his keynote address at the annual SDX convention at Atlanta.

---

## Book Reviews

### From Three Friends

By Irving Dilliard

*A CONTINUING JOURNEY: ESSAYS AND ADDRESSES.* by Archibald MacLeish.

Houghton Mifflin Co., Boston, 374 pp. \$5.95

*ON LAW AND JUSTICE.* By Paul A. Freund.

The Belknap Press of the Harvard University Press, Cambridge, 259 pp. \$4.95.

*THE WARREN COURT: CONSTITUTIONAL DECISION AS AN INSTRUMENT OF REFORM.*

By Archibald Cox. Harvard University Press, Cambridge, 144 pp. \$4.95.

These three new books have several wholly commendatory things in common. All are by friends of the Nieman Foundation, its curators and Fellows. All make contributions toward the improvement of the vital function of communication, through newspapers and other forms, in our increasingly complex society. All are by members of the Harvard faculty, either current or recent. All are concerned with urgent aspects of public affairs.

"A Continuing Journey" is a most welcome book. For many of us Archibald MacLeish's prose is equally valuable with his poetry and drama. And while we have been preserving pieces of his from *Life*, from the *Saturday Review* and the *Atlantic*, from the *Nation* and the *New Republic*, we missed his commencement address in the *Smith Alumnae Quarterly*, his Carleton library dedication address in the *Carleton College Bulletin*, his retiring address to the Harvard Department of English, and so on.

Here are approximately 40 such essays and addresses spanning the troubled times from the Middle Forties to the Middle Fifties. The new collection joins three other exceedingly rewarding harvests of MacLeish prose, "A Time to Speak" (1941), "A Time to Act" (1942) and

"Freedom Is the Right to Choose" (1951). Of the score of years here under review the author writes:

"In retrospect the Fifties and the years before and after take on a certain sad coherence. We can see now, with Vietnam to teach us, what our foreign policy in that period really was—what 'containment' meant. We can understand with the help of the Goldwater campaign and the spokesmen of the New Right what 'Anti-Communism' actually signified. We are even beginning to guess, with the 'literature of extreme situations,' where the Existentialist fad of the post-war years was headed. But at the time, in the Forties and Fifties themselves, patterns had not yet appeared. All one had was one's sense that something had gone wrong, even tragically wrong: that somehow, somewhere, the country—perhaps the age itself—had lost its bearings."

Becoming more specific, he says: "...wrong, that is to say, at the heart, at the human heart, at the point of man's conception of himself as a man."

When the first Nieman curator retired from the Boylston professorship in 1963 and he wanted to show the meaning of Harvard, not in terms of age, or esteem, or wealth, but the true meaning, he recalled this scene, well worth sharing now after the passage of the intervening years:

(It) "was in Sanders Theater late on a wet afternoon with a few professors on the wooden benches and a new President of the University on the stage with the retiring Provost beside him and the Senior Fellow and the Dean of the Law School and a few more. There was no formality; no ceremony. Members of the Faculty had drawn up resolutions which they wished to present and did present—resolutions commending the courage of the University administration in standing, wholly alone and without measurable public support, against the most vicious menace to

intellectual freedom in the history of Harvard—which means, in the history of the country.

"The resolutions had no authority but the authority of the names signed to them—professors' names. The event had no public recognition: no reporter was there or would have found anything to report if he had been. But in that almost empty room and in that failing light was the presence of the thing we mean."

\* \* \*

One of Archie MacLeish's greatest skills is in getting at the essence of people. Here are glimpses of a few of those he knew and saluted as no one else could.

**Eleanor Roosevelt:** "What she did was useful and generous and good, but what she was will be remembered longer. In a starved and hungry time haunted by intellectual abstractions and scientific divinations, she remained a woman. Others might identify themselves by their dogmas, as we all are expected to do in this century—Communist or anti-Communist or Nationalist or Pacifist or whatever. Others might think in terms of their slot in the census, as black or white or Jew or gentile, or judge themselves by their status in the statistics. Mrs. Roosevelt identified herself by herself and judged herself in the old American way of belonging to one's self and thus belonging to everyone as a human being always does who reminds the rest of us what human beings ought to be."

**Felix Frankfurter:** "Because he was a highly intelligent and shrewdly skeptical human being, because he was aware as few of his contemporaries were aware, of the actualities of his country and his time and because, for all his awareness, for all his skepticism and for all his intelligence, he still believed in the American adventure, the American hope, others believed in it. Faith is not taught by arguments. It is taught by lives. It was Felix Frankfurter's life which was the secret of his influence on his century and his republic—the life itself—the indescribable, inexhaustible, various vehement, creative understanding, generous man who had the courage to be whole and happy in a tragic time."

**Adlai E. Stevenson:** "Those of us who mourn him and will always mourn him, think of him not as a man defeated in his purpose but as a man fulfilled in it; not as a man whose life was a contradiction and a paradox but as a man whose life had particular singleness, an unusual wholeness, its own law—What we have lost as he said of his friend, Mrs. Roosevelt, is not his life. He lived that out, if not to the full, at least more fully than almost any other man. What we have lost is himself. And who can name the warmth and richness of it?"

**Jane Addams:** "Hull House changed Chicago and changed the United States, not because it was a successful institution but because it was an eloquent action by a woman cap-

able of action regardless of the dark ahead. We talk as though the great question before our society was whether the things that need to be done in America to keep this last best hope of earth alive should be done by the Federal Government or by the states or perhaps by the cities or by industries or some other kind of organization. But that, of course, is not the question. The question before our society is simply whether or not those things *will* be *done*. And the answer is that they will be done if we ourselves see to it as Jane Addams and her friends saw it—if we accept, as she accepted, responsibility for our lives. That, when all is said and done, is why our time remembers her—that she accepted for herself responsibility for the 'common life.'"

\* \* \*

The second and third books are by prominent members of the Harvard law faculty, both of whom are former officials in the Department of Justice. The Freund volume, like the MacLeish, is a collection of essays and addresses, mostly from recent years. Having sampled MacLeish's appraisals of persons, let us savor highly-articulate Paul Freund via his views of issues and problems in the legal-judicial field which he knows as do few others.

**Attacks on the Supreme Court:** "It is sometimes said that attacks on the Court are to be expected because nobody loves an umpire. But unlike an umpire the Court exposes the reasons for its decisions and the disagreements entering into them. This practice of candor, which is far from characteristic of courts around the world, presupposes a mature people who in the end will judge rationally. Unless this maturity exists, the whole system is in danger of breaking down."

**Prayer Decisions:** "I would wish to dissociate myself from those who cite the school prayer decisions as yielding to absolutes. In the result the decisions do not, as is often loosely asserted, ban prayer and Bible-reading from the public schools. They ban prescribed public prayer and devotional Bible-reading—a rather different thing. The difference between such prayer and a period of meditation during which each student may recite silently what his spirit or training prompts is a considerable constitutional difference but hardly a drastic one in practice; to regard it as drastic for religions is to exalt the words of the mouth over the meditations of the heart in a way repugnant to the great religious traditions and to exalt official conforming over religious voluntarism in a way offensive to the American political tradition."

**Use of Precedent:** "Law in its groping way seeks to mediate between expectations old and new. When Lincoln proposed that slaveholders be compensated for freeing their slaves he was thinking, as he characteristically did, as a lawyer. Although Franklin Roosevelt's legal training was far less likely to show in his thinking, the New Deal owed

so much to the lawyers about him that the measures were at least as remarkable for their grounding in precedent as for their innovations; despite the accelerated pace and the creative novelty of combination, they owed part of their tonic effect to the shock of recognition."

**One Judge's Impact:** "How are we to account for the profound impression that Justice Black has made on the public law of our time? He is without doubt the most influential of the many strong figures who have sat during the thirty years that have passed in his Justiceship. He has exhibited to a singular degree an intense moral commitment, concentrated through the focus of an unwavering vision, and brought to bear with immense prowess.

"One thinks of Justice Brandeis' confident formula for achievement: brains, rectitude, singleness of purpose, and time. One thinks, too, of an integrity like Brandeis', which is faithful to principle when on occasion that fidelity has to be set above a more comfortable result.

"Both have met the confrontation unflinchingly: Brandeis voting against his sponsor, President Wilson, in the removal-from-office case, and later in support of President Hoover's authority to proceed with the appointment of a Federal Power Commissioner over the belated protest of the Progressive majority in the Senate; Black ordering President Truman to return the seized steel plants to the custody of their owners, denying that there is any class of publications that can be suppressed as obscene, and finding himself unable to strike down an anti-birth control law that he found unspeakably obnoxious.

"The cumulative moral force of Justice Black has grown prodigious. Happily it continues unabated, in the service of an undimmed vision."

\* \* \*

Archibald Cox, who served as Solicitor General from 1961 to 1965 when Paul Freund elected to stay with his major undertaking as editor-in-chief and an author of the multivolume "History of the Supreme Court," and who has been succeeded by his late chief at Harvard, Dean Erwin N. Griswold, gave a series of lectures at the University of Hawaii (1967) on the issues before and decisions of the Supreme Court in recent years. His book is an expansion of what he had to say in Honolulu, in essence about the Supreme Court as a means of bringing about social and political reform.

Since he was connected, as Solicitor General, with many cases that went to the Supreme Court in the Warren Chief Justiceship, the author says at the outset that "the reader

will have to judge how far personal involvement has impaired my ability to review them with academic detachment."

Admitting that his view is deeply prejudiced, he says that "one who has sat in the Supreme Court almost daily awaiting oral argument or the delivery of opinions acquires both admiration and affection for the Court and for all the Justices. The problems with which they deal are so difficult, the number and variety of cases are so overwhelming, the implications are so far-reaching, that one sits humbled by the demands upon them. That the institution of constitutional adjudication works so well on the whole is testimony not only to the genius of the institution but to the wisdom and courage of the individual justices."

Those who raise the cry of "law and order" against "crime in the streets" and unhesitatingly lay it all on the Supreme Court steps may benefit from these words from the section on criminal procedure:

"The active intervention of the Warren Court into the administration of criminal justice followed State defaults, both legislative and judicial. It would have been better if the States had themselves reformed their criminal procedure by providing counsel for all indigent defendants at public expense, but the simple fact is that a minority of States failed to act despite a long period of warning. For years it was plain that State and local police often resorted to unlawful searches and seizures, but the local courts continued to offer incentives for misconduct by receiving the fruits of the illegality as evidence without adopting other measures to restrain the officials from invading constitutional rights... If one arm of government cannot or will not solve an insistent problem, the pressure falls upon another. This has been a major factor in the Supreme Court's activity in the field of criminal law."

The emphasis on the present Supreme Court as "activist" may tend to give comfort to the Supreme Court's enemies who insist that it is so activist as to be far out of bounds. After all, Chief Justice Warren and his colleagues have engaged in "reform" only by deciding cases taken to them by representative citizens who have invoked either laws or constitutional provisions to right what they consider to be grievances and wrongs. How could it do less today?

---

(Mr. Dilliard is Ferris Professor of Journalism and Senior Fellow in the Council of the Humanities, Princeton University. He was a Nieman Fellow in 1938-39.)

---



## How to Cooperate

(Continued from page 2)

research, using modern techniques and equipment, on courtroom photography.

The guidelines are just that: guidelines. They are not a code. The statement of principles points out that decisions about handling the news rest with editors but in the exercise of news judgments the editor should remember that an accused person is presumed innocent until proven guilty. Readers and listeners are potential jurors. No person's reputation should be injured needlessly.

That judgment by the editor incidentally should be exercised with prudence and responsibility in the context of 1968, and the added problems of law enforcement resulting from recent decisions or relatively recent decisions of the United States Supreme Court.

The guidelines, of course, are more specific than the statement of principles but they, likewise, are voluntary. They raise warning flags about confessions, prior criminal records and the like, but they do not suggest undue restrictions that would violate freedom of the press, and they do note that exceptions may be in order if information to the public is essential to the apprehension of a suspect or where other public interests will be served.

There are many ways, incidentally, in which the guidelines are helpful to the press and in some of these areas they differ widely from the Reardon Committee proposal. Let's take a look at a couple.

Reardon would seek to prohibit release of prior criminal records. The Washington State guidelines provide prior criminal charges and convictions are matters of public record and are available to the news media through police agencies or court clerks. Law enforcement agencies should make such information available to the news media after a legitimate inquiry.

The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully reviewed, but, again, it is in the judgment of the editor.

Reardon would seek to require closing of preliminary hearings or pretrial hearings to the public and the press on motion of the defendant. The Washington State guidelines provide: it is inherent in the concept of freedom of the press that the news media be free to report what occurs in public proceedings such as criminal trials. The bench should utilize available measures such as cautionary in-

structions, sequestration of the jury, and the holding of hearings on evidence after the empaneling of the jury to insure that the jury's deliberations are based upon evidence presented to them in court.

Our state guidelines also provide law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. It goes on to add, however, they should not encourage pictures or televising, nor should they pose the defendant.

Time does not permit going into detail about other guidelines but I do wish to emphasize again that they are voluntary. As a result of our Committee's work, there has been a great change in attitudes. Knowledgeable members of the bench and the bar now recognize that the press is just as interested in fair trial as they are.

The press now is extremely careful about its use of criminal records and confessions and rarely does so unless they have been presented in court.

The courts realize that after juries have been selected, hearings held in open court will be covered by the press. As we have done for years, the press insists that it operate on a basis of full information available from law enforcement agencies, with the newspaper editors making the judgment on whether the information should be presented to the public.

Now, we are doing a great deal to implement the work of our Committee. We have printed the statement of principles and guidelines for wide distribution. The allied daily newspapers of Washington, which represents all of the dailies in our state, sponsored a seminar for courthouse reporters and other news media representatives from around the state. Sigma Delta Chi held a similar seminar for all news media representatives.

Committee members presented panel discussions before the Superior Court Judges Association, before the Washington State Prosecuting Attorneys Association. We are now in the process of conducting a series of committee-sponsored workshops in various cities of the state. These are for newsmen, lawyers, judges and representatives of law enforcement.

The Chief Justice of our Supreme Court acts as Chairman of the panel. Other speakers are a newspaperman, a judge and a lawyer. They explain the program and answer questions.

The workshops have been well attended and, incidentally, it is my observation that as a group the lawyers have been the least informed about the Reardon Report, about the bench-bar-press problem in general, and about the program in our state. Yet many have expressed opinions despite this lack of knowledge.

Now, how does our Committee handle the delicate problem of complaints that guidelines have not been followed? We do not have an enforcement program. We do not

operate a police department. It wouldn't work. This is a voluntary program with no sanctions.

But, if there is a question on news handling, a member of the Committee representing that particular news medium will explain informally to the individual, newspaper or broadcasting station that a question has been raised. Once, when a judge, a trial judge, sought to keep the press from reporting a hearing on the admissibility of evidence after the jury had been selected but not sequestered, the Chief Justice of the Supreme Court sent a letter to all trial judges. He pointed out that there had been no suggestion that the press forego coverage of such matters under circumstances where a jury has been selected, and the judge can shield it from news reports either by sequestration or by cautionary instructions.

The Bench-Bar-Press Committee of Washington has been firmly against the Reardon Plan since the first preliminary Reardon Report came out. In March, 1967, we addressed a resolution to the Reardon Committee emphasizing that the bench-bar-press problem can be resolved only at the state or local level.

In February of this year the Committee asked the Washington Delegation to the ABA House of Delegates to vote for a delay of at least a year in the consideration of the Reardon Report. The Washington delegates voted unanimously for the delay.

We think we have a good program in our state. It required firmness and patience on the part of the news media and, most especially, two-way communication with the bench and the bar. One big necessity is to continue that communication.

## How to Fight Back

By William B. Dickinson

---

**Mr. Dickinson** is the managing editor of the Philadelphia Bulletin, and was a Nieman Fellow in 1939-40.

---

I am here to talk about How to Fight Back against the Reardon Report, how to defend the free press, because I think the time for cooperation is past. I am not against talking to representatives of the bar, if they are *sincerely* interested and informed about the Reardon Report and about the Constitution and about how the free press functions. But such gentlemen of the bar are hard to find. Some of my best friends are lawyers—and many are on our side—

but I have yet to find one who has read the Reardon Report, all 287 pages of it, all the way through.

I think the vote for the Report in Chicago by the House of Delegates of the ABA was really a popularity contest. They were voting in favor of a popular and distinguished judge and forgetting all about the fact that this included a set of proposed rules for something that they call fair trial which really, of course, means public trial.

Anyhow, the issue is now joined and our only course is to fight back. Now, how do we do this? I think our course is fairly simple. We do it the same way that a clever tennis player beats the overanxious opponent. We keep getting the ball back and wait for the lawyers to make the errors.

I needn't elaborate on what I mean by "getting the ball back". All newsmen know how to cover the police and the courts competently and ethically. It is important at present, however, that we make an extra effort in that area. Big brother is watching us and we must be painstakingly thorough and precise when dealing with criminal news, with the police and with court action.

I just want to zero in on one example of the kind of error that the lawyers and judges may make, and how we can take full defensive advantage of that sort of error. This is an experience which we had in Philadelphia only last month.

A judge of our Common Pleas Court, Judge Stanley M. Greenberg, was indicted on March 20th by the Federal Grand Jury on the charge of using the mails in a scheme to defraud. He and two other men, neither of them lawyers, are alleged to have bilked at least nine banks, including three in Philadelphia, of some \$200,000 by kiting checks and other devious maneuvers. The frauds are alleged to have taken place between September 1961 and July 1965. Incidentally, shortly after July 1965, Judge Greenberg was appointed to the Common Pleas Court.

When the indictment was handed down, we, of course, published the story but we didn't know, and don't know yet, whether Judge Greenberg is guilty or not so we *just* ran our usual straightaway story. Then we were going to follow the usual practice of waiting for him to be tried and then reporting on that. But this—although the lawyers say that's the way they would like to have us do it, they don't seem to want it that way.

Less than 24 hours after the indictment was returned and just about six weeks after the House of Delegates had approved the Reardon Report, we received statements about this case from the following:

The Chancellor of the Philadelphia Bar Association, a former Chancellor of the Philadelphia Bar Association who is the lawyer for Judge Greenberg, the Administrative Judge of the Common Pleas Court and the Philadelphia District Attorney.

And what had these gentlemen to say in these unsolicited

statements? Well, the present Bar Chancellor said the officers of the Bar Association "have great confidence" in Greenberg as a "citizen, lawyer and judge."

The former Chancellor said, "Normally, as counsel, I would issue no statement. I must set aside my policy because of the extreme circumstances of this case which justify a statement to the public. I am indeed outraged by the return of this indictment because, in my opinion, there is no basis for these charges and the judge will be vindicated."

The Administrative Judge said: "I am confident that when this matter is disposed of, which I hope will be done promptly, Judge Greenberg will be completely vindicated." That quote was only part of a longer statement that the Administrative Judge made in which he revealed that Judge Greenberg would continue "his arduous judicial duties which he has performed in an exemplary manner and in accordance with the highest traditions of the legal profession".

This statement actually caused Judge Greenberg the following day to say he would handle only civil cases while the indictment against him was pending. Because, he said, "I wouldn't feel comfortable sitting in a criminal court."

Now, the Philadelphia District Attorney, Arlen Spector, got in on the act and he said he was shocked by the indictment of Judge Greenberg and he added: "Everyone is presumed innocent, and in my opinion that certainly applies to Judge Greenberg especially".

Well, we printed all of these prejudicial statements because we thought they were news, and then about three days later after District Attorney Spector had thought it all over—he had had some encouragement in thinking about it from our city hall reporters—he said that he felt at that point the Philadelphia judges and lawyers had violated the guidelines proposed by the Reardon Report.

He added that he was guilty along with the others. He said the Greenberg case illustrated that "the important time

for comment is when the incident is first called to public attention, not when the trial is over and the issue stale. Newspapers reflect the reality of public concern.... They are concerned when an event happens, not a month later when it is all over". He said quite flatly that he thought the ABA "has gone too far" in adopting the Reardon Report.

Well, we printed his statement too. We didn't think that was news but we felt that it might be to some of our readers.

Then the Bulletin let a decent interval of four days elapse before remarking editorially about the statements made by the lawyers and the judge regarding the case. The Bulletin said, "The statements do honor to the judge who has been accused and he can be proud of them. Certainly they will not prejudice any jury unfairly against him if and when he is brought to trial."

Nor does it seem possible that men of bench and bar, by fervently attesting their confidence in the accused, seek to have any influence on the case other than to urge against unfair prejudgment in the public mind. A free press gladly publishes these statements saying that fair play, and fair trial, if it comes to that, is proper for an accused who is honored by his colleagues of bench and bar. Whether these colleagues could have made their statements in the spirit of the Reardon Report adopted by the American Bar Association, attempting to restrict lawyers' comments on pending cases to news media, might seem a bit doubtful; but is it not encouraging that in this instance lawyers have been able to reconcile getting a fair trial with statements to a free press?

That's the end of my story. Justice Reardon is having doubts and a lot of other lawyers are too. What we must do is cover our police and our courts better than we ever have before, print the news and, above all, let's keep our cool. The lawyers themselves will dynamite the Reardon Report if we give them a chance.

# Ralph McGill on Objectivity

By Cal M. Logue

---

Dr. Logue is an Assistant Professor of speech communication at the University of Georgia.

---

More than forty-five years have passed since Ralph McGill "went to work, while struggling to stay in college, as a glorified copy boy whose chief chore was to take the play-by-play detail of the baseball game over the telephone. In all those years," wrote the *Atlanta Constitution's* Ralph McGill, "the job has never lost its appeal or fascination for me. So it is I like to talk and speak about newspapers..."

(This and subsequent quotations are from newspaper columns written by Ralph McGill.)

Gleaning through the works of this Pulitzer Prize winner, one can find ideals which he considers important to the profession of journalism. Having worked for Major Edward Stahlman, whose *Nashville Banner* "mirrored not so much the news as it did his personality and convictions," McGill early developed a liking for what he calls "personal journalism." This philosophy has permeated McGill's premises concerning newspaper work. He argues that one must go "down in the market place" if he is to be an influence in his community:

"I know editors, writers and persons who live in pleasant ivory towers... They can write, speak and argue from a distance, and much of what they say is fine and true and strong. But it is from a distance, pretty as a star and equally unobtainable. At times I envy them. They can set up a lofty and spotless ideal and defend it strongly... They never get down and walk around the streets, getting moats and beams in their eyes, blown there by the controversial winds..."

"When you get to know what is going on... you have a very real regard for compromise, that word so despised by idealists, looking down upon the vulgar crowd. Indeed, compromise is the one vehicle which moves the world and society along in its inch-by-inch progress... You learn when you walk with men, that an ideal is not worth a tinker's dam if it fails to understand human limitations... The people are individuals. They include every degree of educa-

tion and ignorance. They are filled with racial and other prejudices. They discriminate. They like and dislike. Greed moves them. So does pity... People continue to reflect their own individualism. An ideal which fails to take that into consideration is useless as a tool of progress.

"So we must deal with the bricks and mortar we have... We must work with the tools which will lift people and change their thinking. In this we can use ideals which understand human limitations. That's where I like to work. That is the field in which I like best to write. It involves no surrender of personal principle. It accepts the inevitable fact that progress moves like an inch-worm. It is accelerated only when human limitations are relaxed or removed."

When trying to answer his own question, "What makes writers—real writers?" McGill could only answer, "God only knows... No matter how hard one strives to put the little words, simply and plainly one after the other, one does not always succeed... One of the unfailing questions from younger persons standing questioningly before the career of newspaper work," said McGill, "is 'What Should I Study?'"

"Here there is only one answer for sure. That is history. About that there can be no argument. It should be a history which teaches events, but which also reveals the social, economic and political forces which bring the events into being... A man may speak out of his own experience. The subjects I have needed most are history and economics. That one should study his own language also goes without saying. But, also, one of the great lacks of most American newspaper people is a foreign language. And then I would urge reading."

"I recommend reading and memorizing great amounts of poetry. It is a necessary part of the habit of reading voluminously. And, of course, write. And always know that people and their lives are the most important studies outside books."

While McGill doesn't "have any rules" and "doesn't like rules," he has developed certain convictions concerning newspaper work which he believes are important. "I learned long ago," maintained McGill, "that the typewriter is a two-edged instrument, and so I approach it with humility



and never with arrogance or a feeling of superiority. It is not that I attach any supernatural qualities to the typewriter. It is merely that I learned, by being wounded, it has the power to cut both ways. So I respect it and approach it always with that understanding. Once I figured up an approximate number of words I had written, and that made me the more humble. The total ran into the millions. In the course of the years many of my ideas have changed. I have always looked with pride on the fact that today I find it easy to change my mind when confronted with reasons to do so. A philosopher once declared 'a foolish consistency is the hobgoblin of little minds.' A person should continue to learn as he goes along. If one learns then one changes one's mind. It is quite inevitable."

A principle which is most important to McGill, again reflecting his preference for a kind of personal journalism, is the distinction he makes between "truth" and "objectivity":

"For a long time now I have been a voice crying in the wilderness of journalistic teaching. I think that as newspapers generally we have not done the mass job of informing the people of the United States on matters about which they should have been informed, for the simple reason that we have been taught to worship a word—objectivity. Truth, I want. But not objectivity. I want truth and not objectivity, for the simple reason there isn't any such thing as objectivity, and cannot be any such thing. Not only that, there shouldn't be. Objectivity is a phantom.

"In chasing it we have dulled our stories. We too often made them frightfully boring, plodding unfoldings of events, in which the words, like plowmen plodding their weary way, were strung together like mud balls when they might as well have been pearls. No story worth reading seeks to be "objective." It seeks, or should seek, two things—to tell the truth and to be read. If it tells the truth so dully that it is not read, then it has failed utterly, no matter how "objective" it may be rated. If it is to be read it must inform.

"To inform it must carry with it the weight of the reporter's experience, his background, his ability to use words, and his feeling for the story. All this along with the facts. Any well-written story, which readers find 'good,' must of necessity carry with it some of the reporter's opinion. But, in writing it he cannot fail to give certain weight and importance to the various phases of the story. He has an opinion as to what is the most important factor in it... also... I deny stoutly the accepted dictum that politics and the editorial comment should be separated... if by editorial comment you mean to include factual comment.

"I think one of the worst crimes we have committed as newspapers is to allow irresponsible, extravagant and willfully distorted political speeches to be printed as news while we waited—of necessity—until the next day to comment and deny on the editorial page. There should be found a way to insert, perhaps parenthetically, when possible, the

actual facts when they may be obtained from accepted statistics and records, such as the Bureau of Statistics on business, exports, imports, crops, foreign countries, and so on.

"Thousands of persons, reading political speeches which we faithfully reproduce as 'objective' news, get false information and distorted ideas as to facts which are never corrected. And the newspapers, radio and press services are responsible."

McGill's belief concerning a newspaper's role in society grows out of his understanding of the democratic system. "The Jeffersonian idea is mine—that the democratic way is slow, cumbersome, awkward and inefficient," wrote McGill, "but that finally, often after long travail, the voice of the people makes itself heard and felt." Newspapers, contends McGill, "are enjoying their greatest influence—because they are supplying information and interpretative comment which make people think and decide issues for themselves. ... As freedom of the ballot expands, government expands.

"Free government is subject to change because of the very fact of their freedom. Therefore, it is important to debate, talk, write and discuss—and that is where a newspaper comes in. ... Newspapers," continued McGill, "exist to inform—not inflame or deceive." Thus, "editors, governors, commentators, ministers—all those who speak out—will do well to remember the old text: 'Be ill at ease when your words and deeds please the mob.'"

When asked by the dean of a school of journalism, "What do you think readers expect of their newspapers?" McGill reflected: "It seems to me readers would insist their newspaper not merely provide information, but also stir the minds of its readers with opinions and with positive editorial participation in the issues which arise. Such newspapers will, of course, arouse some degree of conflicting opinion. This is inevitable. It also is healthy. ... Newspapers in their editorials and editorial columns, have the duty to exercise the freedom of making a choice and to so discuss *issues* that the readers also exercise a choice. Certainly no thoughtful citizen would want always to read that which fits his own opinion. In its news columns the newspaper must be scrupulously fair as fallible human effort can be. But in its discussion pages it has an obligation to say what it thinks. ... A newspaper and its readers must participate.

"Those newspapers which stir their communities to debate by presenting them with the whole story have served that community well," wrote McGill. "One of the great failures, to my way of thinking, in the great national issues of race and civil rights... has been that too many newspapers have earnestly, often in inflammatory manner, presented only what they chose to call 'the Southern viewpoint,' to the great disservice of the South and its generations to come. ... A free people must be free to discuss and debate—because they have been informed."



# The Meaning of Responsibility

By Norman E. Isaacs

---

Mr. Isaacs is vice president and executive editor of The Courier-Journal and The Louisville Times. He is first vice president of the American Society of Newspaper Editors and a former president of the Associated Press Managing Editors. These remarks were made to members of the National Newspaper Photographers' Association.

---

If I were to confine myself to the title of this brief talk today, I could content myself with one word—and sit down to a wave of applause. For the one word would be: No! Instead, I'm going to be candid about what it is we do—and I suppose the result is likely to be something less than warm approval.

I want to concentrate, if I can without too much straying, on the new journalist—the new young reporters and photographers and, yes, the new young editors. Like almost all of today's young people, these new journalists are terribly critical of my generation. And, I would say, properly so. For in the main, my generation has talked too big and delivered too little.

We have substituted slogans for thought. We have piled study on top of study—and dragged our feet when it came to action. We have helped create a nation of headline-hunters.

My generation of newspapermen, I regret having to say, has contributed tremendously to a general distortion of values—in the fuzzing-over of priorities—of highlighting the superficial and the trivial—of casting aside the really significant on the grounds that it wasn't readily understandable and, hence, not newsworthy.

I am among those who have sought out the new, young

generation—and I believe that the new young reporters and photographers are better educated than any of us who have gone before—they are far more thoughtful—they have a higher sense of creativity—and they have a deep sense of purpose. That they still lack focus and follow-through does not disturb me. This will come with experience.

What does frighten me, though, is that this new young generation seems equally guilty of talking big and delivering little.

I subscribe to James B. Reston's comment in his book, "The Artillery of the Press," that the trouble with most American newspapermen is they would rather break a story than understand it. And I submit that this is a failing showing through in the young newspapermen as well as the old.

All of us engaged in journalism—and by journalism I encompass all the forms: newspapering, television, radio, magazines—all of us are caught in the middle of a revolution in both content and technique. While we have ideas about what the outcome will be, none of us can be terribly sure about it.

I want to steer away from the techniques for these are quite apart from the central issue, which is content. There have been many descriptions given of what it is we are seeking to achieve—in-depth reporting, interpretive journalism, the evolution to a form of daily newsmagazine.

Whatever the description, I think we can agree that what we are all driving for—or *say* we are driving for—is a journalism different from what we have today. What we are groping for is a way to take the news of this complex society of ours and present it in far more intelligible form to readers and viewers—not in the bits and pieces of today's journalism, but in a broader context with the background

and interpretation that makes it possible for the citizen to understand the real meaning of the events that swirl around us.

I might interpose that I have never liked to treat photography as a separate journalistic art. To me there is no essential difference between the writing reporter and the picture-taking reporter. They are equally specialists—and where they are partners, the results are spectacularly good.

The sad part—one of the sad parts—is that we find ourselves in a constant state of blame-laying and name-calling. Photographers gripe endlessly about editors. Editors about photographers. And I am sure the same is true on the TV side. But it's pot and kettle. We're in the same calling, we're guilty of the same errors, we share the same shortcomings.

I referred earlier to how we have for years distorted values. The new young generation is even more vocal than my old one—and I'm afraid giving signs of being just as unwilling to listen.

Newspapers and television are under persistent attack these days. Television deserves many of its knocks. It asks for them. Network executives are quick to make extravagant statements about what it is they intend to do—and then they continue to crowd network time with the same kind of tripe. Some of the most exalted statements about assuming responsibility in covering crime news have been made by top-ranking television executives, whose own reporters have then proceeded to violate every one of the exalted boasts.

Newspapers have built a credibility gap of their own. The remark that "you can't believe what you read in the papers" is older than I am—but there's an awful lot of reason for it—and it's hell getting the message to young reporters and young editors.

As is true in many of your cities, we here sponsor a "Newspaper in the Classroom" project in which teachers learn to use the newspaper more intelligently and usefully. I have talked to all of these groups and I well remember the time a teacher stood up to say:

"I agree that we have wonderful papers here. My experience isn't great. Perhaps I can only talk about six or eight or at the most ten instances. But every story I have ever really known anything about has been wrong. Why is this?"

I asked, "Wrong in what way?"

And the answer was: "Well, a name spelled wrong—or the place of a meeting wrong—or the time wrong. Nothing big. But just something not right."

But when I return to the office to report this kind of reaction, I meet on the part of the young a clear resistance to the thought that we owe it to ourselves, as well as the public, to clear the record in print.

Too many of us seem casual beyond belief about the power of the printed word—as well as the power—and what an awesome power it is—of the television screen. And "too many" of us includes too many of the young.

If I could use only one word to describe what we need most it would be responsibility. Responsibility on the part of editors, responsibility on the part of reporters, responsibility on the part of photographers.

Responsibility means serving with good sense. It means operating with some regard for the needs of the public. It means an absence of arrogance.

Unhappily, arrogance is one trait which news photographers have possessed in abundance over too many years.

Some years ago, I ventured into public debate with the bar associations to campaign against Canon 35. I was among those who argued that modern equipment had changed everything—that photographers could take pictures anywhere without being obtrusive or upsetting the normal tenor of public sessions, including courtrooms.

But, like others, I was to give up that crusade after repeatedly witnessing public displays of boorishness on the part of newspaper and newsreel and television people at newspaper meetings. I came to ask myself: if press photographers cannot operate at meetings of their publishers and editors with some decorum and good taste, what makes us think they would bother to do so on any other occasion?

This is one of the things I mean when I mention our proclivity for talking big and performing little.

Last year's meeting of the Associated Press Managing Editors in Chicago was a case in point. Senator Charles Percy of Illinois came to speak at a luncheon. The scene was on the fantastic side. Equipment for the communications media took up half of the whole front of the room. Those at the tables immediately behind this array could see nothing. And the moment Senator Percy finished talking, and even though there was a good part of the program yet to come, there ensued a disgraceful clatter as the news people dispersed and dismantled their equipment. I can say that all of us there—all editors—were openly, publicly ashamed of our profession.

Yet this is minor to the big picture with which we have to struggle—depicting the state of the world, of our nation, of our states, our cities. The degree of responsibility demanded of journalism today is far beyond anything any one could have dreamed possible.

You may already be tired of the word, but don't you dare forget it. Let's quit dealing, please, in empty slogans. For instance this oft-repeated one: "The Public's Right to Know." To me this is one of the corniest overstatements in use. What does it mean? The Public's Right to Know What? You and I can think of a score of things about which there is no public right to know anything. The public does have a right to know about the operation of

the public business—and about the essential workings of the nation and the community. Beyond that, we dip into areas of judgment—and, I fear, in too many instances, we have been all too ready to invade personal privacy. Your lawyers can tell you that libel is now not our No. 1 legal concern. It's invasion of privacy.

What is our responsibility in the coverage of a major story?

Certainly, it isn't to produce mass coverage—or mob coverage. I still think the mob coverage of the press—the baying for coverage—played a role in the public murder of Lee Harvey Oswald. To be sure, the Dallas police department bears the real responsibility. Transporting a prisoner accused of the assassination of a President called for the fullest security provisions. To have acceded to the desires of the press for mob coverage was cowardly—and, worse, stupid.

The Los Angeles Police Department has been operating with good sense in its handling of Sirhan. Mayor Yorty's headline-hunting remarks muddled up the waters some—and a Superior Court over-reacting to the Reardon proposals has helped muddy them more.

But why, I wonder, do so many newspapermen see some great crusade involved in trying to get to Sirhan—to photograph him, to try to interview him?

It's the old story: we'd rather break a story than understand it. Or perhaps for many—rather get the story than see justice done properly.

What is our responsibility in riot coverage? Obviously, to tell the story in words and pictures as honestly and as crisply and as clearly as we can.

But there does come a point when we have some responsibility to our communities—to take a step backward and see where we are, and what we are doing.

Vice-President Humphrey has posed the question very well in a statement to *Look Magazine*. Here's what he said:

"I would add one other lesson from my own observation. It is absolutely essential that TV in particular, and radio and press secondarily, accept their responsibility in these riot situations. If the media are going to broadcast the emotional appeals of the Stokely Carmichaels and the other agitators, it is like throwing gasoline on the flames. I have discovered even in my campaign that Negro youth particularly likes to get on television. Half of the jumping, pushing and shoving that goes on in a campaign is a desire on the part of the youngster in the ghetto to have some publicity, to see his picture on television. I am convinced that just as the media can tell the facts to the people, they can also exaggerate and inflame the situation. I am not a wise enough man to make a judgment as to how the media should respond to this situation. But I do know

that TV in particular has spread the message of rioting and looting, has displayed the carrying out of televisions, home appliances, groceries, etc., and has literally served as a catalyst to promote even more trouble. The basic question is how do you report the news and at the same time not add fuel to the fire."

It's a fascinating topic. We could spend a whole day, or more, discussing just this. One answer, I submit, is that the television industry simply has to invest some huge sums of money in the development of equipment which can be carried the same way newspaper photographers use their cameras.

All of us know by experience that the sight of big equipment and bright lights attracts crowds—unruly ones, often. Most of us now use unmarked cars. Some work has been done on lightweight equipment, I know, but not enough. We all know what technology can accomplish once it gets moving. Television ought to put up the required sums and we can then have a break-through.

Another answer is that we of the communications media are going to have to consult more. We should if we hope to serve the nation more responsibly. Police departments everywhere will tell you that the biggest problem for them is not the local photographer who knows the ropes, but the outsider who comes in, demanding "his rights."

This has a bearing on what I refer to as "mob-coverage." Some years ago, we of the American Society of Newspaper Editors suggested the formation of something tantamount to local news councils to make plans and lay out guidelines for the coverage of sudden, important news stories.

We in Louisville had the foresight to do such planning before the recent, unhappy disturbance in our West End—a very minor disturbance, indeed, compared to what some cities have undergone. We reached a newspaper-radio-TV understanding with ourselves and with our police department. The press itself drafted guidelines.

Further, at a meeting attended by all the executives of these communications media and the police, it was agreed that the exercise of responsibility was of prime importance. We agreed on the setting up of a hot line—a line running from the central police headquarters operation to each of the news media, one carrying the same information to all.

So when our riot began, the radio and TV stations operated with superb restraint. There was no surge of excited voices to arouse and upset the community. Only after the hot line information came did they go on the air. By eliminating the pressure of competition, all of us served our area with a sense of high responsibility.

What difficulties there were came later with the entry of out-of-town reporters and photographers. Some ran grave risks. It was all so unnecessary. If we could only get such collaborative planning going on in all our major

cities—some sensible appreciation of the problems which are likely to arise—and if out-of-town newsmen could check with the local news council representatives—editors or TV people—they could get counsel and suggestions and the guidelines—and all of us would avoid the kind of justified criticism like that of the Vice-President.

It reminds me very much of our present difficulties with the Bar over the Reardon Report. Some of us have been arguing for years that the press's conduct in some of the sensational cases has been so reprehensible as to have invited such crackdowns.

Those states where the newsmen and the Bar associations have worked together to establish guideline procedures and where press and bar have learned to work together are in no danger of swift adoption of the Reardon rules, which could be seriously crippling if accepted in toto.

Where the press has acted arrogantly and irresponsibly, there the press is in trouble—again, properly so.

There is nothing in society that matches the importance

of our function. The doctor touches just a handful of people. How many can a man see in a day? The minister? A few hundred in his congregation—once a week for the most part.

We have in our hands such great power that when we use the word responsibility it ceases to be a cliché.

The new young reporter and photographer has to learn that there is usually much more to a story than the first indications. The new journalist has to seek understanding. To seek to bring the information, explaining, backgrounding—all with a sense of decency and a sense of high purpose.

This emphasis on the young is intended—and deeply serious. For they are the people who are going to have to pick up the torch and carry on the mission.

This is what it's all about—the young and their sense of responsibility.

If we can't communicate how vital the role they are soon to inherit, then I ask what the hell's the use of what we've done?

---

## Legal Notice

---

Statement of Ownership, Management and Circulation (Act of October 23, 1962; Section 4369, Title 39, United States Code)

1. Date of Filing:  
October 1, 1968

2. Title of Publication:  
Nieman Reports

3. Frequency of Issue: Quarterly

4. Location of Known Office of Publication: 77 Dunster Street, Cambridge, Massachusetts 02138

5. Location of the Headquarters or General Business Offices of the Publishers, Same

6. Names and Addresses of Publisher, Editor and Managing Editor:  
Publisher: Nieman Alumni Council  
Editor: Dwight E. Sargent, 77 Dunster Street, Cambridge, Massachusetts  
Managing Editor: None  
77 Dunster Street, Cambridge, Massachusetts

7. Owner: Society of Nieman Fellows, 77 Dunster Street, Cambridge, Massachusetts

8. Known Bondholders, Mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages or other securities: None

10.

A. Total No. Copies Printed:  
Average No. Copies each issue during preceding 12 months 1800  
Single issue nearest filing date 1500

B. Paid Circulation:

1. Sales through dealers and carriers, street vendors and counter sales  
average none  
single issue nearest filing date none

2. mail subscriptions  
average 1325  
single issue nearest filing date 1175

C. Total Paid Circulation  
average 1325  
single issue nearest filing date 1175

D. Free Distribution By Mail, Carrier or Other Means  
average 10  
single issue nearest filing date 195

E. Total Distribution  
average 1335  
single issue nearest filing date 1370

F. Office Use, Left-over, Unaccounted, Spoiled After Printing  
average 125  
single issue nearest filing date 130

G. Total  
average 1450  
single issue nearest filing date 1500

I certify that the statements made by me above are correct and complete.  
(signed) Dwight E. Sargent

# The Crisis in Our Courts

By Howard A. James

---

**Mr. James** is chief of the Midwestern bureau of the *Christian Science Monitor* and the 1968 Pulitzer Prize winner for national reporting. He made these remarks at the last convention of the American Society of Newspaper Editors.

---

There is a rumor going around that I am prejudiced against judges and lawyers. I want to go on record to say that this is simply not true. Some of my best friends are judges and lawyers. No, none of them have tried to move into my block yet—

—and I suspect I will be the last to go if they try it. But if my daughter should want to marry one, I'd want to think about that for a while.

It's appropriate that we talk about our system of justice in view of the turmoil in our nation. Along this line, I have some harsh things to say about our system of justice and in a way what I have to say may sound like criticism of my own profession, newspapering. So be it.

Let's begin with some basics in all of this. Our high school textbooks assert that our courts form a third and equal branch of government. At least on the state level I think most of you will agree that this simply is not true today and we know that the court's main function is to be a dispute settler. Our system of justice serves to stabilize an effervescent society. We have ordained it the keeper of the peace, whether the occasion is a fist-flailing argument between husband and wife or a full-scale riot, a dispute over which driver was at fault at an intersection, or the question of what to do with the children when a marriage falls apart.

The job that we give our system of justice to do is a big

job, perhaps too large. Often our attention is focused only on the courts in all of this, a view that may be too narrow.

We must remember that in our system of justice we must include the police, the prosecutors, the lawyers, the judges, the corrections departments and, I suppose in a way, society as a whole.

For our system of justice to be successful it must be a coordinated team effort, and I can assure you that today it is not. Perhaps our first flaw then is our failure to see our system of justice as a whole. It is a disjointed, complex collection of people and agencies, some of them—in fact many of them—poorly trained and poorly skilled.

There is another point, a shortsightedness that follows and that is that many of us believe the courts belong to the professionals. This is nonsense. The courts belong to the people. This is such a simple statement that I think we should repeat it because sometimes we overlook the most simple things; that is, the courts do belong to you and me, the courts belong to the people, not to the judges and lawyers.

I found as I traveled the nation that many judges and lawyers and others who labor in our system of justice ignore this point, often for reasons of their own. I can't tell you how many times I have been asked as a newspaper reporter inquiring into the question of the courts, Are you a lawyer? And this is more often than not a subtle putdown which means that if you are not a brother of the bar, then you have no business in their sacred temple of justice.

Fortunately there are a number of judges and lawyers, many of them leaders in their field, who do not feel this way. They recognize the vital function of the press in keeping watch over government, whatever the branch. But is it not our responsibility to make it clear to all of them, the bench, the bar and the public at large, that this is so?

You see, somehow we have let the courts become sacro-



sanct and we, as reporters and editors, sometimes hesitate to tread on holy ground. Perhaps the Reardon Report is bringing this to our attention.

We see it perfectly natural to criticize operas and Broadway plays, city government, Congress, our foreign policy, Charles DeGaulle and the President of the United States, not to mention those who are running for that office, so why do we hesitate when it comes to the courts? Is it not an inconsistency? Are we not shirking our obligation?

In all of this I would like to make it clear that I am not calling for retaliation against the bench and bar because of the Reardon Report. From my vantage point this would serve no useful purpose. Instead we should monitor the bench and bar and the lawyers, prosecutors, policemen, probation officers and prison officials because it is right, because it is our responsibility.

Perhaps it is an overstatement to say this, but there are some who believe today that at this point in history it is essential to bring about reform of our judicial system, if our government and our way of life is to survive.

Now, what can the newspapers of America do? One of the strongest criticisms I have heard during dozens and perhaps hundreds of discussions with members of the bench and bar around the nation is that the reporters we send to cover the courts know little or nothing about our system of justice. Is this charge true? Perhaps in some cities it is.

You may want to ask yourself how many times you have sent some green general assignment reporter down to the courthouse to cover a trial. I know this happened to me in my early days of reporting.

Or perhaps some editors ask a veteran police reporter who may be on that assignment because he is not one of the best educated men to include the trial courts on his beat. He may by experience know how to cover them or he may not.

On the other hand, what kind of reporter do you send to cover the other two equal branches of government, perhaps the state house with a governor and the legislature? Is there a difference in the kind of reporter you ask to do this job and the kind of reporter you have covering the courts?

Now, the caliber of men we so often send to our courthouse is not the whole question. In the adversary process, as you know, two lawyers are there to battle it out. If our reporters get the story from one side or the other, they are going to get a poor story, an unbalanced story, and the press is going to be criticized.

Part of the problem, of course is, as you know, the language of the law. The bench and bar use Latin, Old English, Old French and other words that often keep laymen in the dark.

Now, what can we do about all this? Well, newspapers

develop specialists in the field of science, men who understand both the jargon and the mechanics of such complicated fields as biochemistry and nuclear physics. These writers may not be chemists or physicists, but they do know how to ask the right questions and how to put information down on paper in a way that will inform the reader without making the scientist shake his head.

Now, I know the arguments about the shortage of good reporters today and the high cost of training specialists and the problem of editorial budgets, but we do find men and money for the essential reporting jobs, whether for the business page or for football or baseball. Since this is true and since few papers have court specialists, does it not follow that for many years we have downgraded the importance of our courts?

In this age of turmoil, an era marked by rioting, juvenile crime, hundreds of thousands of automobile accidents, mass divorce and syndicated crime and many other problems, should we not rank our system of justice at least with football in the scale of importance?

Now, I have been asked to discuss how we can do a better job in covering our system of justice and the first step seems obvious. That is to recognize the importance of our court system. We should assign some of our best men to cover our system of justice.

We should also see the system as a whole and not as fragmented parts.

All of you can come up with a quick list of specific areas where we can begin digging. For example, let's start by looking at our judges. The first step is to find a yardstick to measure them by. I found when I began touring the nation for the Monitor to look at our courts that no one really has such a yardstick, so I had to devise my own and I began asking these questions of myself and measuring the judges against this yardstick.

Is the judge a political hack? Did he take the bench as semi-retirement because he is tired of practicing law or because he couldn't make a living as a lawyer?

I found that this is too often true.

Does he pay attention while he is on the bench or does he read newspaper comic strips, as I have seen, or does he doze, as I have seen?

How about the judge's temperament? Is he irascible? Does he come to the bench with his mind already made up? Is he an alcoholic? Can certain lawyers get next to him?

And I could tell you some interesting tales about lawyers getting next to judges.

Is the judge mentally and physically able to do his job? Does he know enough about the law to do his job? And this may surprise you, but there are a number of judges around this nation who are not familiar with the recent Supreme Court rulings. We have reporters and editors who

actually know more about what the Supreme Court has said in criminal law than some of our judges who are hearing these cases.

Also we should ask: is the judge strong enough to rule against men who have given him money to run for office? And in the case of those who are less than brilliant lawyers, when they were lawyers, is this judge afraid of the more brilliant lawyers or is he prejudiced?

This takes care of judges. I am sure there are other questions one can ask, but I think all of you will recognize that these are areas we should be looking into as members of the press, again not because of the Reardon Report but because it is something we should do because it is our obligation.

Now what about the courts' backlog? We have it in most of our major cities around the nation. Why are our courts jammed? How long does it take to go to trial in your city and why?

The third thought: How is our system of justice handling the riots? Are we in some instances, because of the way our system of justice operates, actually helping to provoke violence?

To me, this perhaps needs the most immediate attention. It seems that some of our elected officials, and I think you will recognize that Chicago's Mayor, Richard J. Daley, would quickly come to mind in this line, some of our elected officials would circumvent or even eliminate some sections of our judicial system and, if this can be done in the case of the violence in our cities today, then what will stop the politicians from bypassing constitutional safeguards and solutions to other problems in the future?

The fourth point: Why not do some digging in your minor courts? In a majority of states where you have these minor courts you will uncover scandals at nearly every turn, and those newspapers who have done this have recognized the problem. It is happening in Iowa right now. It happened in New Mexico and in a number of other states.

I have seen magistrates who know nothing of the law. They don't even know how to look it up. And there are others who have been found to be stealing large sums of money from the state and from the people. There are justices of the peace who serve merely as collection agents for small businessmen, and hundreds of minor magistrates who hold preliminary hearings in criminal cases as a supposed safeguard for the defendant, but who do exactly what the police or prosecutors tell them to do.

If we can't get into the preliminary hearings, then I think that our system of justice is in trouble. I have seen instances where youngsters seven years old and ten years old have been jailed by the police. This information has not been given to the local newspaper because the sheriff and the local judge were in cahoots. This came out when I went in there and demanded the information and, in fact, in one

city, Anderson, South Carolina, we had to go to court to get this information and it took several weeks, by the way, to get it because the court simply didn't want to give us what they didn't want us to know.

A fifth point. You might look at your state's prosecutors. Are they green men who are learning their trade at the expense of the public? This is true in many, many states. They simply don't know their job yet. They are using the prosecutor's office as a training school.

Or, as in other states, are they trying to build a political record for a run for higher office? And is this the best motivation for a prosecutor?

A sixth point: How about handling juveniles? Now, here is an area that is very ripe for plucking right now. You will find nearly total confusion in the juvenile courts, if you probe deeply enough. There is a serious controversy going on in how to handle juveniles today. It certainly seems to me that it should be part of our role as newspaper reporters and newspaper editors to take a part in this because, after all, it is our children involved in all of this.

A seventh point: Do you still have bail bondsmen in your community? This too is fertile ground and it won't be too tough for your investigative reporters to find out what is going on, and I think it will be shocking to your readers.

There are a number of other areas that you may want to take up. Sentencing and probation are bad, but our correction system is horrible beyond belief. We certainly have seen evidence of this in Arkansas and recently in our city in Chicago where we have had a number of shakeups in our local corrections system.

There are, as I pointed out, many areas that you will want to take up including the problem of who supervises the courts. In many states this is no one, but in the better states the state supreme court is taking supervisory control. In these states we hope to see some gains in the administration of justice.

And the questions of: how do we get rid of incompetent judges or unethical lawyers? Again in too many states we simply cannot get rid of them.

I should pause here to say that the picture is not entirely grim. There are islands of enlightenment. In several state courts modernization is already under way and I think we have some of the newspapers in those states to thank for this. The American Judicature Society has been holding citizens conferences and these have been useful.

Judicial training programs are being launched in various states, and some by the National College of State Trial Judges. Police pay and training is improving and more and more newspapers are taking a hard look at our system of justice.

I have seen a number of series written by a number of newspapers around the country in the past year or so and

some of them, in fact many of them, are excellent and we should be doing more of this. But it is only a beginning.

Some editors have thought of our system of justice as being rather dull and of little interest to the readers, but I assure you that if you can assign your best men to the job, and if you give them time to dig, you can change this and come up with plenty of useful, interesting copy.

It seems to me in these times of turmoil we dare not do less for those who remind us that our system of justice

must be strong and if it falters and fails, as too often seems to be the case today, then we are in trouble. We can pass laws every hour on the hour, seven days a week, but if our system of justice which is responsible for carrying out and enforcing these laws fails, then we face either anarchy or tyranny.

What we most need in our nation today is a higher concept of justice and it is up to us as reporters and editors to bring this about.

## Letter to the Editor

Dear Sir:

I think it a pity that your special supplement on the Press in Africa (Nieman Reports, September 1968) contained only one passing reference to the Press in South Africa. The supplement consisted of four papers presented to an International Press Institute meeting in Kenya, a country which has no special love for South Africa. Nevertheless, journalistic and academic accuracy should surely have compelled Mr. William A. Hachten, professor of journalism at the University of Wisconsin, to consider the South African Press in his survey of the four types of newspapers circulating in Africa today.

To put the record straight, I quote Edwin S. Munger, professor of geography at the California Institute of Technology and one of the foremost American authorities on Africa. Mr. Munger has, I think, visited every African country and knows many of them well. Writing in 1967, he had this to say: "South Africa has the most comprehensive, well edited and politically

free press on the African continent. This may not be a great distinction compared with the greater Press freedom in parts of Europe and North America. However, it is a fact that South African newspapers carry more and sharper criticism of the South African Government than does the Press of any other African country about its respective rulers".

I might add that my own employer, the Argus Printing and Publishing Company, is the largest newspaper organization in Africa. It publishes nine politically independent daily papers, three Sunday papers and several magazines. And lest it be thought that they are not "indigenous" publications, it is worth noting that all but one of these newspapers were established in the nineteenth century.

Yours faithfully,  
Michael J. Green

The Daily News  
Durban,  
South Africa

(Associate Nieman Fellow, 1967-68)

## Little Effort to Understand

Editorial in the Wall Street Journal

The editors of the *American Bar Association Journal* have a point when they complain that much of the press has indulged in "extravagant" reaction to the Association's proposals limiting disclosure of pre-trial information. Their own comments, though, display little apparent effort to understand the basic things the press has been saying.

Unlike some of our brethren of the press, we do not find the ABA's Reardon proposals a total abomination. They are directed at a real, if easily exaggerated, problem of distasteful and possibly prejudicial publicity in criminal trials. For the most part, they are directed at putting the bar's own house in order by curbing competing attorneys.

It seems likely, moreover, that some of the more questionable Reardon proposals will be eliminated by the courts and state bar associations, which have the actual power to promulgate and enforce such regulations. The United States Judicial Conference, for example, proposed rules for the Federal courts that are notably less restrictive than the ABA draft.

Thus we find it entirely conceivable that the ongoing debate can achieve a workable compromise in most jurisdictions. At the same time, we would feel far more confident of that outcome if the ABA's spokesmen showed a better grasp of why the press is leery of greater secrecy in law enforcement.

Specifically, an editorial in the April *ABA Journal* calls for cooperation and abjures "polemic editorial debate." Despite such high-minded professions, it manages to dismiss objections by the press as a reflection of economic interest in using crime news to sell newspapers.

That interest still infects a few sensational papers but is especially pertinent to today's typical newspaper, which sells papers mainly by subscription rather than from newsstands. To say the press, generically, has a direct economic interest in sensational crimes is no less a canard than to say lawyers, generically, are ambulance chasers.

The debate between bar and press is not so much a reflection of economic interests as of conflict in philosophical

assumptions. The press upholds the traditional democratic ideal that truth will win in a free and open marketplace. The bar tends to believe, on the other hand, that truth is best served when filtered through the various technicalities of the courtroom.

While we find some of those technicalities bizarre, we would certainly admit that the bar's general notion serves important purposes in many circumstances and that formal rules of justice are quite necessary. In the long run a free marketplace of ideas will refute a lynch mob, but that is cool comfort to the fellow it lynched. Even so, a democratic nation will move carefully indeed with measures that tend to choke off the information that fuels public discussion.

Anyone who argues that the ABA proposals can have no such effect is either foolish or entirely disingenuous. If statements by law enforcement and court officials are limited to a short list of specific formalities, the public clearly will have less opportunity to learn how law enforcement is carried out in their society.

To take an obvious case, allowing a police officer to announce he has obtained a confession at least has the virtue of putting him on the spot if further investigation proves the confession false. The confession would be unlikely to come to light if the initial announcement were not permitted, though the public should certainly know if false confessions are being extracted.

In approving the restrictions, the ABA assumed a responsibility to try to avert the dangers the press predicted. Justice Paul C. Reardon, who headed the committee drafting the standards, seems to realize as much. In the same issue of the *ABA Journal* he warns that his proposals should not "be heralded or employed as a cover for what should be out in the open. . . . The bar should be watchful on this score."

Yet Justice Reardon plays down this warning when he ought to stress it to his colleagues. To judge by its *Journal's* editorial, important officials of the ABA still refuse to recognize that such dangers exist at all.



Christopher Rand, who died in September, was a Nieman Fellow from the New York Herald Tribune in the class of 1948-49. He was graduated from Yale University in 1934, and had been a staff member of *The New Yorker* since 1951. During the last eight months he had been doing research on Mexico and its preparation for the forthcoming Olympic Games.

William Shawn, editor of *The New Yorker*, recalled him as "a serious man whose working method was to absorb

information slowly but deeply, and to write slowly and meticulously and thoughtfully. . . . He took into himself the spirit of whatever place or people he chose to write about. Facts were important, but only to convey the essence and the hour and some fragment of the interior truth of what he was observing."

The following is reprinted with permission of the editors of *The New Yorker*:

## Christopher Rand

He was a great walker and a far wanderer. Over more than thirty years, he travelled to almost every part of the world, doing much of his travelling on foot, in an attempt to learn and know that transcended any effort at mere reporting, and when he died, on September 26th, in Mexico City, he was still involved in the search that had occupied most of his life. Christopher Rand grew up in quiet farm country around Salisbury, Connecticut, and that is where he was buried last week, but by conscious choice he became a correspondent in faraway places. He was a man of intense curiosity and strong perceptive powers, whose writing showed the results of a quest for understanding through the amassing of relevant detail. He could drive himself mercilessly—he once walked a hundred miles over rough Himalayan terrain in two days—and at fifty-six, his age when he died, he had experienced more things than most men choose to experience or are able to. Nobody who knew Chris Rand would pretend that he was not a troubled man—one who found deep faults both in himself and in the world around him, and for whom travelling and exploration somehow had as their goal an attempt to set things right. His first piece of writing in *The New Yorker*, in 1947, was about Americans in southeast China during the Second World War. His last, an account of Mexico's preparations for the Olympic Games, appeared this past March. In between, he contributed sixty-four other articles to this magazine. Hong Kong, Macao, Darjeeling, Bhakra, Singapore, Chandigarh, Bethlehem, Mount Athos, San Juan, Los Angeles, the country around Salisbury—the list of the places and peoples he wrote about and tried to know reads like some improbable and finally enigmatic gazetteer.

One of Chris Rand's five children, his son Richard, spoke to us after his father's death, and perhaps his words are the most appropriate that could be set down here: "There was, I think, above all, Dad's fascination with Salisbury, his desire

to go back there again and again, which I understand as an effort to comprehend his life. I understand it as a taking stock. And he did this not only in going back to Salisbury but with everything. He tried to trace all things to their source, and one of these things was himself. Walking was a part of this. I have memories of him walking around New York, and Greece, and Kashmir. He would always start off very straight. He would walk slowly, his heels barely touching the ground. He would move slowly and steadily, looking and listening, sometimes muttering to himself, never altering his pace. He had withdrawn moments, but at other times he could light up a room with mirth. Somewhere in between these withdrawn moments and the moments of exhilaration were some very, very peaceful moments—usually after he had finished a piece of writing and felt that he thoroughly understood a subject. Although he never talked much about religion, he was, in the deeper sense, very religious. What he never lost was the attempt, the effort, to reach the Divinity, and this was tied up with the idea of comprehension—if you can comprehend the *source*, you really have total understanding. I think he was looking for a kind of universal comprehension, which, of course, he never found. He went everywhere—to every kind of community and every kind of climate. There was something circular about the way he would leave a place, or a person, and then come back, perhaps twenty years later, still trying to comprehend. One has the feeling of a man on a beach, picking up a seashell and looking at it, leaving the seashell and going off, and then coming back and picking up the seashell again, and again and again, riddling about it. I think this thing about the source, to him, was really all-important. It held the meaning of where life begins and where life ends. I believe he thought of death as being a return of this kind. I am glad that he was buried in Salisbury."

© 1968 The New Yorker Magazine, Inc.



# Nieman Notes

1944

**John W. Shively**, director of the Development Division of the Renewal Assistance Administration and a 24-year civil servant, has won a Federal Executive Fellowship at Brookings Institution, Washington, D.C. The award will make a year of study possible. He will trace legislative and administrative history of the Federal Urban Renewal Program through its nearly twenty years of existence. Now in its seventh year, the Brookings Federal Executive Fellowship Program is designed to increase knowledge, proficiency, and skill of senior civil servants and permit them to make a research contribution in their fields.

1948

In the September issue of Nieman Reports, Miss **Rebecca Gross** was listed as the president of the Lock Haven Express Printing Company. Her title is vice president and editor.

Nieman Reports was not in error, however, in stating that Miss Gross received the Pennsylvania Press Distinguished Service Award from the Pennsylvania Society of Newspaper Editors and the Pennsylvania Newspaper Publishers Association.

1950

**John McCormally** became the editor and the publisher of the Burlington (Iowa) Hawk-Eye on October 1st. He had been editor and co-publisher since 1965. The change was brought about by the retirement of John B. Bishop as general manager, publisher and president of the company.

1951

**Bob Eddy** has been appointed editor and publisher of the Hartford Courant. He previously had been editor and assistant to the publisher, John R. Reitemeyer. After his year at Harvard, Eddy was an Ogden Reid Fellow in 1956.

**Roy M. Fisher**, editor of the Chicago Daily News, has announced that **Hoke Norris**, former literary critic of the Chicago Sun-Times, has joined the Daily News as a member of the editorial board. Norris was a Nieman Fellow in 1950-51.

**Dana Adams Schmidt** left the London bureau of the New York Times in October to return to the Middle East. His headquarters will be in Beirut, where he was stationed for four years before going to London for a three-year tour of duty. An American edition of his London-published book, **YEMEN, THE UNKNOWN WAR**, was recently published by Holt, Rinehart & Winston.

## 1953

**Robert Frazier**, associate editor of the Eugene (Oregon) Register-Guard, had his editorial, "Those Oily Rags Under the Stairs," selected as best of the year in the Oregon Newspaper Publishers Association annual contest. The Register-Guard took first place in seven of eleven categories for daily newspapers.

## 1955

**Selig S. Harrison**, a foreign correspondent of The Washington Post, is the new Northeast Asia correspondent of the Post based in Tokyo. From March, 1967, until August, 1968, Harrison had been on a leave of absence conducting a study of American policy problems in Asia for the Brookings Institution in Washington.

## 1956

**Richard Harwood** has been named national editor of The Washington Post.

## 1958

**Thomas G. Wicker**, Washington correspondent (bureau chief) and columnist for The New York Times, has been named associate editor. He will continue to write his column, "In The Nation," from Washington.

## 1960

**John R. (Reg) Murphy** is now the editor of the editorial page, The Atlanta Constitution.

## 1962

**John O. Emmerich, Jr.**, editorial page editor of the Houston Chronicle, has been elected to membership in the American Society of Newspaper Editors.

**Te-cheng Chiang** is the Deputy Director

of the Chinese Information Service at 100 West 32nd Street in New York City. He was formerly with the Government Information office, Republic of China, in Taipei, Taiwan.

## 1964

**James H. McCartney**, city editor of the Chicago Daily News, has joined the Washington bureau of Knight Newspapers. **Clarence Jones**, editor of the Miami Herald, has succeeded Peter J. Lane as Florida correspondent. Lane has been appointed news editor in the Washington bureau.

Five members of the Knight Newspaper staff in Washington are former Fellows. Besides McCartney and Jones, they are: **Edwin A. Lahey** ('39), chief correspondent; **Philip E. Meyer** ('67), a national correspondent; and **Saul Friedman** ('63), Detroit Free Press correspondent.

## 1966

**Rodolfo T. Reyes** is a news director of ABS-CBN television in Manila, and is now in Scotland taking a specialist course for television news editors. The course is being given at the Thomson Foundation Television College in Glasgow.

**Hodding Carter, III**, editor and associate publisher of the Delta Democrat-Times in Greenville, Mississippi, was the first recipient of the Lawrence A. Appleby Youth Leadership Award. He was cited by the American Management Association at its 45th Anniversary convocation.

## 1969

**Pedronio O. Ramos** has been promoted from city editor to news editor of the Manila Chronicle. He started work on the Chronicle after being graduated from the University of the Philippines in 1958, and was named city editor in 1968.

## **IAPA SCHOLARSHIP FUND**

The Inter American Press Association Scholarship Fund has invited United States and Canadian working newspapermen and journalism graduates or students to apply for one of its scholarships to study in Latin America.

The deadline for submitting applications will be January 31, 1969. The Scholarship Awards Committee will meet in late February to examine them.

Candidates may request information and application forms from Carlos A. Jimenez, Secretary, IAPA Scholarship Fund, 667 Madison Avenue, Suite 704, New York, N.Y. 10021.

Applicants must have a working knowledge of the language of the country where they wish to study. Preference will be given to applicants with journalism experience.

## 1969-70 Nieman Selection Committee

Three newspapermen and three University officers will select the Nieman Fellows in journalism to study at Harvard during the 1969-70 academic year.

The University has appointed the following committee to select the next class of Fellows in the spring:

Roy M. Fisher, editor of the Chicago Daily News, a graduate of Kansas State University, and a Nieman Fellow in 1950-51;

Paul Ringler, associate editor of the Milwaukee Journal and an alumnus of the University of Wisconsin;

Davis Taylor, publisher of the Boston Globe and a member of Harvard's Board of Overseers;

William Liller, Wilson Professor of Applied Astronomy and Master of Adams House at Harvard;

William M. Pinkerton, news officer for Harvard, formerly on the Washington staff of the Associated Press;

Dwight E. Sargent, curator of the Nieman Fellowships, former editorial page editor of the New York Herald Tribune.

Applications from newsmen for the Fellowships will be received until April 1st, 1969. The committee will award about twelve Fellowships for the academic year opening in September.

Nieman Fellowships provide for one year of residence and background study for newsmen on leave from their jobs. Applicants must have at least three years of news experience, be less than forty years old, and agree to return to their employers at the end of the year.

This will be the thirty-second annual group of Nieman Fellows at Harvard. The Fellowships were established in 1938 under a bequest from Agnes Wahl Nieman in memory of her husband, Lucius W. Nieman, founder of the Milwaukee Journal. The program was strengthened this year by a major grant from the Ford Foundation, matched by generous gifts from newspapers, magazines, and other companies and individuals.