

# n i e m a n

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winter 1973

## The New England Daily Newspaper Survey

Loren Ghiglione — Melvin Mencher



The York Gazette and Daily  
Morris A. Ward

The Pleasures and Perils of Ombudsmanship  
Robert C. Maynard

The Right to Silence: Journalists and Scholars  
Mort Stern — Martin Shapiro

Canada and the United States: Campaign Coverage  
Joseph Scanlon

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## ABOUT THIS ISSUE

Who shall inspect the performance of the press in America? The question is recurrent, a product of the First Amendment's spacious ambiguity.

But shall no one have the right (or obligation) to monitor, censure and/or applaud this powerful Fourth Branch of Government? Answers from journalists seem to fall into the overall category of *self-restraint*, encompassing several alternatives—from the national or state Press Council to the local in-house "ombudsman."

Another interesting option is the periodic state-wide, regional, or even national evaluation of the press, under non-governmental, non-partisan auspices. This is what enterprising young Southbridge (Mass.) publisher Loren Ghiglione has done in designing and conducting a voluminous first "New England Daily Newspaper Survey," released on January 28, 1974.

NR is pleased to print his overview of the survey's findings, together with an insider's view by one of the evaluators, Nieman Fellow Melvin Mencher. We warmly commend Ghiglione, his team, and their sponsors.

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Out of a decade of court cases involving mainly journalists but also scholars there have emerged unresolved, and probably unresolvable, issues concerning the confidentiality of sources. Should there be a special privilege for "journalists" and/or "scholars" and perhaps others? Nieman Fellow Mort Stern and Harvard Professor Martin Shapiro offer opposing arguments on an issue that won't soon go away.

\* \* \* \* \*

Ornery newspapers that twit, assault, or otherwise offend the prevailing Establishment and conventional wisdom are as old as the craft and, in America, as old as Publick Occurrences—vol. 1, no. 1 of which was published in 1690, no. 2 of which was confiscated by the Royal Government of Massachusetts, with the paper itself suppressed. Morris Ward reminds a new generation of readers that York, Pennsylvania, has made its own memorable contribution to the ongoing ornery tradition.

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With Nieman Fellow Robert Maynard's taped reflections on the ombudsman approach to press self-restraint, we continue a new practice of publishing portions of the give-and-take of occasional Nieman events. Our Spring issue will feature the transcript of another (erstwhile) ombudsman's views, those of Maynard's predecessor, press critic Ben Bagdikian.

—J. C. T., Jr.

## The New England Daily Newspaper

### Survey: An Overview

A few New England daily newspapers—perhaps a half dozen—are consistently excellent, among the best in the country. Most others are working conscientiously for improvement. But a distressing number appear to be satisfied with doing a job that can only be classified as mediocre to poor.

These judgments are based on an examination of six weeks' issues of the region's 109 dailies, answers to lengthy questionnaires, and personal interviews with the editors and publishers of the 98 papers that cooperated.

Despite the variety among New England dailies, patterns are apparent. These patterns tell a good deal about the region's press and perhaps about the nation's newspapers.

Local news gets top priority in most New England dailies. It is defined primarily in terms of official happenings, events of the past 24 hours (obituaries, court proceedings, selectmen's meetings, auto accidents, and sports scores), and names.

The complete local news report—the who-what-when-where approach—is perhaps most important to the region's small dailies, which is to say, most of New England's dailies. (The median daily has a news staff of only 20 and circulation of approximately 20,000.)

The small papers are more likely to be among the 24 per cent that told the survey they were only "breaking even or better" or "struggling to meet the competition" (as opposed to "moderately profitable" or "very prosperous").

It is difficult to fault the editors of these small papers for sticking to the kind of news product that both stays within their limited staff finances and capabilities and meets what they believe to be their readers' expectations. M. E. (Archie) Mountain, managing editor of the Claremont (N.H.) Daily Eagle (circulation 7,840) says his staff of six full-timers is hard pressed to "cover the bases" and can find little time for features or in-depth local coverage. The five

full-timers at the Naugatuck (Conn.) Daily News (circulation 4,854) all have dual responsibilities as reporters and editors, permitting only one major local story per issue and no enterprise pieces or features.

But at many New England dailies it is not simply the financial limitations or readers' expectations that restrict the paper's local coverage. A don't-rock-the-boat approach also exists. That attitude takes at least three forms.

First, some reporters are hired in part on the basis of their willingness to accept the status quo. Lawrence Smith, managing editor of the Laconia (N.H.) Evening Citizen, says, "We're looking for someone, number one, who can jell in the community."

Second, the news department is encouraged to think of enterprise reporting as coming second (or last), even when the paper has the resources to go beyond routine local coverage.

Third, the paper's owner sees the paper as a custodian, not a crusader. Charles A. Fuller, publisher of the Brockton (Mass.) Enterprise, says, "We don't dig under the carpet to any particular extent. We don't go looking for trouble.... I take my living out of this city and I figure it's my job to do everything I can for it."

There are, however, exceptions in New England to the bulletin-board brand of local journalism.

Most papers are doing an improved job of explaining the local implications of important national and international events.

Locally produced columns provide additional news depth and interpretations on everything from agriculture to youth activities.

And metropolitan papers are being joined by small dailies in undertaking investigative and enterprise reporting. The 16,000-circulation Journal Inquirer of Rockville and Vernon, Conn. uncovered a serious conflict of interest on

the part of a member of the Rockville Planning Commission. The paper also revealed—along with other Connecticut dailies—that Greater Hartford Process, Inc. was quietly buying up hundreds of acres in nearby Coventry for the creation of a new town.

The Brattleboro (Vt.) Reformer, circulation 7,682, gave a reporter two months to research and write a five-part series, reprinted in pamphlet form, on planning a future for Brattleboro that might raise its population from 12,000 to 20,000. A reporter for the Gloucester (Mass.) Daily Times, circulation 11,138, spent three months investigating the "Top of the Harbor" housing project for a series of articles that has led to continued close scrutiny of land use. The Transcript, North Adams, Mass., circulation 13,518, published an eight-page ad-free tabloid section on what new amendments to the federal Water Pollution Control Act would mean to northern Berkshire County.

As many papers stress a balanced entertainment package—comics, crossword puzzle, bridge column, horoscope—as emphasize an adequate national and international news report. It is perhaps significant that almost one-third of the newspapers responding subscribe to Newspaper Enterprise Association—a syndicated service that is weak on hard news of national and international affairs but strong on low-cost comics and other entertainment extras.

Heavy use is made of wire service stories. They fill one-half of the news space in the average daily. (Syndicated material and locally produced articles account for the rest.) Except for major page-one stories, however, wire service material often is used less for hard news of national and international importance and more for soft news—sports, women's page fillers, timeless features for inside pages which have early production deadlines.

National and international news coverage may be weak for other reasons. Approximately 80 per cent of New England dailies are afternoon papers that, in order to get copies to carriers by the time they leave school, have a news deadline as early as 10 a.m., too early for much important news of the day. Lack of reader interest means less emphasis given to national and international news. Reader surveys conducted by New England dailies indicate that leashing local pets may be as important to many readers as the killing in Southeast Asia. The electronic media's ability to "scoop" the newspaper also inhibits coverage. Television and radio can provide the up-to-the-minute world news, however superficially.

Syndicated features—comics, advice columns, crossword puzzles—make up roughly 20 per cent of the non-advertising content in New England dailies. Available at relatively low cost, syndicated material is used heavily by some papers—so heavily that, while reading the inside pages, one has to look up occasionally at the name-line on the page to remind oneself which paper it is.

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## EVALUATORS

Ben H. Bagdikian, national correspondent, Columbia Journalism Review. Edward Baumeister, reporter and media commentator, WGBH-TV, Boston. Richard Blalock, former editor, Portsmouth (N.H.) Herald. James Boylan, contributing editor, Columbia Journalism Review. Herbert Brucker, former editor, Hartford Courant. Edwin Diamond, media critic, the Post-Newsweek Stations, Inc., Washington, D.C. Rebecca Gross, former editor, Lock Haven (Pa.) Express. Brooks Hamilton, professor, Department of Journalism, University of Maine. John Herbert, former executive editor, Boston Herald-Traveler. Joseph V. Mahoney, former managing editor, Lawrence (Mass.) Eagle-Tribune. Melvin Mencher, associate professor, Graduate School of Journalism, Columbia University. Alan Miller, chairman, Department of Journalism, University of Maine. Forrest Seymour, former editor, Worcester (Mass.) Telegram & Gazette.

Sponsors of the survey were the New England Daily Newspaper Association, the New England Society of Newspaper Editors, and the regional chapter of Sigma Delta Chi. Its funding came from a \$76,252 grant from the John and Mary R. Markle Foundation to the University of Massachusetts.

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The quality of beginning reporters—if only in terms of their educational level—appears to be rising. More than 80 per cent of the reporters hired most recently by New England dailies are college graduates.

Developing beginning reporters—and keeping them—are major concerns of New England dailies. Most papers pay for staff participation in seminars and other professional meetings. A few papers run their own in-house training programs. And others deal with the education of reporters day by day.

Few New England dailies actually provide opportunities for their reporters to specialize beyond the usual beats—City Hall, police, and the schools. The major metropolitan dailies, naturally, offer the most openings for specialists. However, even at these papers, there are few specialists in law, finance, labor, architecture, science, medicine, environmental matters, and consumer affairs.

The reporters and editors in New England newsrooms are, with few exceptions, white males. This is changing: among responding papers, the number of blacks and Spanish surnamed has doubled in the last five years.

Sports staffs on New England dailies are relatively large, as is the amount of space given to sports. In contrast, the editorial page—supposedly of special importance to the press and to readers—is understaffed. Roughly 55 per cent of the region's dailies rely on one full-time person or a staff member with other responsibilities for the editorial page.



Approximately one-third of the region's dailies regularly meet their most important editorial responsibility—taking forthright stands on local issues. These papers also exhibit a concern for fair, thoughtful, well-written and accurate expressions of opinion.

Some editors believe the strongly-phrased editorial has limited usefulness today as an instrument for initiating social change. They feel they can accomplish more on local issues by saying nothing (and working behind the scenes) or by making only mild suggestions.

At least one-third of the region's dailies buy editorials or accept free ones from outside editorial services, rather than always write their own. The services produce editorials for hundreds of papers throughout the country. The pieces discuss non-local topics and rarely take a stand on anything more controversial than motherhood (pro) and heart disease (con).

The editorial page—as an institutionalized voice for one political viewpoint—is becoming a kind of journalistic dinosaur.

There are still many strongly partisan dailies. But more and more dailies profess to endorse candidates on an individual, not party, basis. There also is a trend toward papers labeling themselves "Independent," whatever their politics.

Endorsements by those New England newspapers that still perform the rite are, as with newspaper endorsements in other regions, overwhelmingly Republican—of the kind which caused Adlai Stevenson to describe this nation's newspapers as a one-party press. But Democrats do better in New England than elsewhere. At least a dozen of the region's dailies, including *The Boston Globe*, the region's largest, endorsed Sen. George McGovern in 1972.

Though a majority of New England dailies usually endorse Republicans, the nationally syndicated columnists and cartoonists selected to run on the papers' editorial page do not hew as close to conservative, Republican views as might be expected.

The 23 most widely read columnists in New England—those nationally syndicated columnists that appear in at least 10 New England papers or have a minimum circulation in New England of 300,000—include: 13 liberals, nine conservatives, and two columns—those by John Roche, and Rowland Evans and Robert Novak—that are dead center or non-classifiable.

If the editorial page appears to be undergoing change, the women's page is in revolution. True, many New England dailies, especially those in smaller communities, still produce traditional women's pages which emphasize traditional images—woman as mother, wife, and servant of man. Also, some of these pages are treated as second-class citizens within their newspapers: editing standards are lower, and hackneyed photos that would not be allowed elsewhere in the papers are printed regularly.

But other papers are breaking out of the club meeting-flower show format. Women's sections have been given neuter names—Style, Family, People. The content, in many papers, has also changed—from the Woonsocket (R.I.) Call's publication of a man's engagement notice (with photo) to the addition by a number of dailies of probing reports on health, education, nutrition and consumer affairs.

Many papers are doing an effective job of capsuling much sports material while retaining the local columns and features that give life to their sports pages. In a significant number of New England dailies, the sports section is better designed than the rest of the paper. Perhaps that has to do with the willingness of many newspapers to open up their sports pages, giving editors plenty of running room. Or perhaps it is that sports departments are well-staffed in relation to the rest of the paper. Or perhaps the sports department's love of showmanship leads to brassy, bold page design.

Little of this boldness is apparent in the other sections of most New England dailies. If New England dailies have a distinctive failing, it is their appearance. The design of

## The Survey's Criteria

Each newspaper sets its own news and editorial standards. The New England Daily Newspaper Survey attempted to evaluate each paper's performance in terms of both its own standards and the following general criteria:

1. A newspaper should cover government at every level. It should devote special attention to the government agencies in its area—not only by covering meetings but by critically examining the activities of the agencies. Recognizing its role as a check on government, a newspaper should present the views of the critics of government and those affected by its activities, as well as the statements of government spokesmen.

2. A newspaper should go beyond government news and bulletin-board journalism to reveal the quality of peoples' lives and the human fabric of its community.

3. A newspaper should attempt to publish, as best it can, a complete and balanced presentation of local, state, national and international news.

4. In an age when the medium is said to be the message, a newspaper must attempt to present its news as effectively and as attractively as possible.

5. A newspaper should stand for something. Its editorials should take a position on the important local issues—not just Watergate and the world.

6. A newspaper's management—as well as its news staff—should operate the paper with integrity: the news columns should be free of bias; employee policies that avoid conflicts of interest should be enforced; pay and working conditions should encourage the professionalism of the staff.

L.G.

many papers bears a resemblance to the restrained, gray appearance of 17th and 18th-century predecessors. At least one-third of the region's dailies allow advertising on page one, a practice that is almost non-existent elsewhere. Some New England papers regularly go without any pictures on page one. And little use is made of graphics—charts, cartoons and maps—to tell stories that require a visual presentation.

Newspaper owners were asked to indicate their level of profit, according to one of four general categories. Those responding said: very prosperous—6 per cent; moderately profitable—70 per cent; breaking even or better—18 per cent; struggling to meet the competition—6 per cent. Given the habit of owners to play down their profits for public consumption, the indication that 76 per cent of the region's dailies are moderately profitable or very prosperous suggests that much of the region's press has the financial resources to be better than it is.

There also needs to be a continuing practice of public self-criticism among New England dailies. Most papers express enthusiasm for letters to the editor—including letters critical of the paper. Most have a policy of running corrections, though their infrequent publication suggests that Lou Bachman, managing editor of *The Bristol (Conn.) Press*, is not alone when he says, "I'd just as soon bury them." And most papers were willing participants in the New England Daily Newspaper Survey's critical examination of their news products.

But no newspaper in New England has an ombudsman, a staff member to hear public complaints about coverage and to report in the paper about press problems. And no daily can match the reporting on the media that appears in such alternative newspapers as *Boston Phoenix* and *The Real Paper*.

One comes away from the first comprehensive evaluation of New England's dailies with mixed feelings.

The glass is half empty. Newspapers need to be far superior to the run-of-the-mill performance common to most of them. They must be not only catalogs of local happenings but indispensable sources of information and ideas. They must provide the kinds of perspective and depth that only result from enterprise and investigative reporting. By these standards, New England papers have to become substantially better than many of them are today.

Still, the glass is already half full. If a lack of imagination, a short-term outlook, and a mediocre performance characterize too many New England dailies, there is also a surprisingly large group of papers whose owners, editors, and reporters are rising to the challenge journalism faces in the closing years of the century. May their number increase rapidly.

—Loren Ghiglione

## A View From The Inside

Reading through the New England Daily Newspaper Survey, an editorial writer for *The Bridgeport Post* found himself confused. He noted my condemnation of *The Post's* preoccupation with the news of record. But other evaluators, he wrote, had concluded that the absence of such news was a major shortcoming of the papers they read.

When the 13 evaluators and the Survey staff gathered in Cambridge early last year, we were conscious of the difficulty in setting criteria for the papers we were to read. Our discussions moved from the obvious—clear, succinct prose; unambiguous headlines; attractive layout—to hiring and training policies, the involvement of publishers in non-newspaper enterprises, editorial assertiveness, investigative reporting. There was general agreement on most of these points, but it was clear that we held varying perceptions of the role of the press. Some of us were hard-liners, setting what a few of our colleagues described as textbook standards of performance unrelated to the reality of publishing a daily newspaper. There may also have been some uncertainty about our role. Were we to be friendly critics seeking to improve the papers we studied, or dispassionate observers issuing judgments?

These differences emerged in the copy that the baker's dozen of us turned in, and they caused problems for the Survey's administrators and our copy editors. Some of the essays were viewed as too soft and had to be toughened up; the newspapers just were not that good. Some evaluations were seen as unduly harsh and were toned down. But the copy editors could not, had they wished to, eliminate the differences in our approaches that are so obvious in the *Black Book*.

This diversity does provide an insight into the standards a group of reasonably intelligent men and one woman used to reach their conclusions about the performance of the press. Some gave considerable weight to layout and make-up, news judgment and copy editing. Others paid particular attention to the reporting and writing of the local staff. To a few, the editorial page was of little importance; others used it as a window to peer into the conscience of the newspapers they studied.

Can a newspaper be good if it never campaigns or crusades for anything more substantial than a stop light at a busy intersection, if it never frees reporters for investigative tasks, and if it eschews controversy in its editorial columns? Apparently so, according to some of the evaluators. If a newspaper is attractive, is well-edited and well-written, and its local staff covers the community vigorously, it was

worthy of commendation to some, but was deemed inadequate by other evaluators.

The diversity reveals more than merely the differences one can expect in any group of strong-minded people. It indicates, to me at any rate, a lack of a conscious philosophy of the press. Our outlooks vary so sharply because we have established few guidelines for this business-trade-profession. Not that we should set in concrete too many standards.

But there are some non-negotiable, unchanging necessities natural to the function of the press. The adversary role is one of these. By definition, this is a negative activity. It's supposed to be, for it is the press in a democracy that is expected to say no to the uses and abuses of power. Yet the philosophy of many of the publishers seems to be that the best policy is to go along to get along. There is a morality of journalism, and one of its canons is independence. Another is the courage to publish the results of journalistic inquiry, although the findings may contradict everything the newspaper believes in.

To accomplish these tasks, a newspaper must hold a wide lens on its community. At our meeting in Cambridge we were concerned over the usually invisible people in our cities, the poor, the black, the elderly, the young. We recognized the ability of institutions and their spokesmen to gain easy access to the press, a consequence of the press's penchant for authority. We added dimensions to Ghiglione's Massachusetts press study that indicated our awareness of the need of the press to do more than reflect the status quo.

Some of this material appears in the Appendix. A column lists the numbers of blacks and Spanish-surnamed staffers on the newspaper at the time of the Survey and in 1968. The employment of minorities on New England newspapers can only be described as scandalous. Of the 3,019 full-time news-editorial employees on the 89 newspapers for which there is data, there were 40 blacks and six with Spanish surnames. This means that 1.32 per cent of the editors and reporters were black, and less than .2 per cent were of Spanish-speaking heritage. This is probably no worse than the national average, but it is hardly what can be expected of an area of the country that considers itself the least affected by racism.

The larger newspapers do better than the smaller dailies: Under 20,000 circulation: 1 black, 2 Spanish surname. 20,000-60,000 circulation: 5 black, no Spanish surname. 60,000 and over circulation: 34 black, 4 Spanish surname. Of the 1,777 news-editorial employees on the 60,000-plus circulation daily newspaper, 1.9 per cent are black and .2 per cent are of Spanish surname.

The interviews with editors and publishers revealed to some of us as much as our examination of the newspapers. Several evaluators were disturbed by what they learned

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## Survey Design

The survey was designed to be as simple and inexpensive as possible. It was intended to involve much of the region's journalism community through use of part-time evaluators, copy editors, and researchers. The hope was that the survey, if successful, would serve as a model that could be adopted in other parts of the country.

Thirteen journalists agreed, at the invitation of the survey, to serve as part-time evaluators. They were selected with four criteria in mind: first, some knowledge of New England papers; second, independence from potential conflicts of interest that might prevent their rendering tough but fair criticism; third, diversity of background—small-town editor, metro editor, reporter, journalism professor, press critic; fourth, a reputation for responsible journalism and a concern for the press that would encourage the participation of all of the region's editors and publishers, even those hostile to the survey.

Critiques of at least 2,500 words were to be written for every daily paper in New England.

The critiques were to include three perspectives: the evaluators' examination in January and February of six weeks' issues of the papers; the evaluators' interviews with the editors and publishers; and the answers of the editors and other employees to two dozen questions about staffing, editorial page policies, newsroom practices, the use of syndicated material, and other matters.

Every effort was made to apply the same standards to all newspapers, keeping in mind differences in the newspapers' size, financial resources, personnel, and objectives. Each evaluator worked with a check list of criteria. The copy editor reviewed every essay with the same checklist in mind. Every essay was sent in final form to all thirteen evaluators for their review and criticism.

Inevitably, there was some disagreement among the evaluators as to how successfully the survey walked the tightrope. One evaluator thought some of the essays were too timid. He noted about one final draft, "This is too positive for me. It's a lousy paper, and this does not say it is."

Still another evaluator wrote, "It seems to me that if the idea of the survey is to inspire papers to improve, there is little use in risking an insult to the customers. . . . The emphasis on restraint is more likely to persuade the unwashed than snotty denunciation. Just stating the facts without talking down might be a more effective way toward reform."

L.G.

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at these discussions: editors whose vision was a couple of picas wide directing their newspapers along well-trod paths to journalistic anonymity; publishers with strong ties to the local power structure to whom the newspaper was a business operation with public responsibilities like that, say, of a bank. Others found the editors and publishers they interviewed to be informed and conscientious men.

When their newspapers fell short of the mark it was because of financial limitations.

The economics of the publishing business was troublesome to some of us. Indeed, even when we dealt with supposedly objective data involving expenditures for the editorial product there was some ambiguity.

We recognized that some of the newspapers in small and medium-sized cities—65 of the newspapers studied have circulations under 20,000—have limited financial resources. But we also knew that those in the 10-20,000 circulation class are considered excellent investments by the chains, such as Thomson Newspapers, Inc. Are they highly profitable because readers in these communities can be satisfied by an inexpensive product—chatty personals, sports, and routine local news? (Some evaluators saw this kind of newspaper as an asset in the community, for it gave its readers a sense of community that is important to residents of the smaller cities.) Or are unconscionable owners profiting at the expense of their readers? Several of the worst newspapers were among the most profitable. Although it was difficult to ignore the financial problems of some papers, most of the evaluators held the newspapers to similar standards of performance.

On the whole, we were gentle in our assessments. One of the reasons is that the Survey is intended to help newspapermen improve their papers, and this necessitates their willingness to accept the conclusions. Indictments and a clinical listing of ailments could antagonize publishers and editors. Another factor could be the feeling of some of us that perhaps we are wrong to ask so much of this business, that we should be thankful that the newspaper survives in an age of television. I think at least a couple of us wonder if our standards aren't old-fashioned, that we hold a view of the newspaper business that makes us sound like proselytizers for the Shakers in a co-educational college dormitory.

Some of the evaluators were appalled by the attitudes of those running newspapers in New England. Mediocre people producing mediocre newspapers, one wrote me.

Another said he found a "lack of any sense of dedication to the profession, the industry, or institutions of a free society and a free press."

In some newsrooms, there was a pervasive air of boredom, the kind that comes from what Saul Bellow describes as the result of "unused capacities, the doom of serving no great end or design, or contributing to no master force."

In the Providence Journal-Bulletin newsroom, an evaluator noted, there was dissension and unrest because of what a former staffer calls a "conservative" news policy. The Journal-Bulletin is certainly one of the region's best newspapers, but the staffers sense that its saturation local coverage is insufficient. The staffers are bright enough to

know that this kind of meticulous reporting hides as much as it reveals. In a way, it is more deceptive than superficial reporting, for it can lull readers into believing that the shadow play is the reality.

The truths of our lives are not found in city hall zoning meetings but in corporate board rooms, kitchens, and the waiting rooms of our clinics, bus stations, and employment agencies. This kind of reporting is not new to journalism. It is in our grandest tradition. We have turned away from our past when journalists identified with the voiceless and the powerless, and we are the less for it.

No doubt the increasing complexity of government has made our job more difficult. We have two boards, three commissions, and six agencies now for every city office of a couple of decades ago. The way out is not detailed coverage of every meeting but roundups that reveal patterns and direction. Otherwise, we and our readers will be lost in a

## Women Staffers

Of the 3,019 full-time news-editorial staff members on 89 of New England's daily newspapers, 813 are women. This is 27 per cent of the total. This is significantly lower than the national average. The 1970 Census reports that of 58,727 editors and reporters employed by newspapers, 22,125 were women, 37.7 per cent of the total.

The employment of women on New England newspapers is similar to the pattern over the country: They are welcome on the smaller newspapers (probably because they will work for lower salaries and are less likely to move on after gaining experience), but they have a hard time making it to the larger newspapers unless organized pressure is exerted. Thirty per cent of the staffs of newspapers under 100,000 circulation are women; 21.5 per cent of the staffs of newspapers over 100,000 circulation are women. On newspapers under 10,000 circulation, 39 per cent are women.

Unfortunately, the figures do not tell us how many women are in decision-making posts and how much the women are paid in comparison with male employees. The American Society of Newspaper Editors committee on Women's Rights in Journalism checked the 1972 ASNE membership list and found that of the 749 members, seven were women, two of whom had retired from active journalism. Women in Communications, formerly Theta Sigma Phi, checked its members employed on daily newspapers and found 2.6 per cent working in upper echelon executive jobs (editor, associate editor, and the like). For weeklies, 26.8 per cent hold these executive jobs.

The ASNE committee reported that many women on the small newspapers said they were successful because they took more talent and intelligence to the job at the same cost as men of lesser abilities. Few women reported receiving pay equal to men holding similar or equal positions.

—M. M.



maze of detail. This means freeing reporters to interpret, explain, comment. It is risky. The alternative is a multitude of fact but little truth.

Twenty years ago when Senator Joseph McCarthy used the press to tie the nation into knots, Elmer Davis showed us how our slavish adherence to objectivity bound us to a one-dimensional truth, although most of the time the reporter knew the full dimension. Watching the campaign press corps in 1972, Timothy Crouse tells us the same thing in *THE BOYS ON THE BUS*, reporters giving their readers the shadows on the wall.

(In a footnote, Crouse tells of the troubles Hamilton Davis had with the Providence Journal when his political column treated senatorial candidate John H. Chafee to the same examination Davis had given the Democratic candidate. After 11 months of Davis's column, the Journal, Crouse says, suddenly discovered it had a rule against columns written by reporters. Chafee is related to the Journal's secretary-treasurer.)

Some newspapers are chroniclers-stenographers by conviction; they do believe that they serve best by serving their readers heaps of data and fact. The Survey rightly praises these newspapers of record. But some of the acclaim is like lauding a college freshman because he can spell and add. These editors and publishers, along with the rest of us in the business, need an Elmer Davis to enlarge our horizons again. Certainly we have circumstances similar to the early 1950's to cause us to re-examine ourselves. Were it not for a couple of reporters for The Washington Post, Watergate would not even be a footnote in history and Spiro Agnew might be a presidential candidate. It boggles the mind.

My impression is that a number of newspaper owners are involved in other business enterprises in town, and I'm not sure that this is good for their newspapers. I know now why so many newspapers use acres of newsprint on year-end bank statements; their publishers serve on the boards of directors of the local banks. Perhaps these stories are newsworthy. After all, depositors do want to know the state of health of their banks. But I wonder how many newspapers whose publishers are bank directors will want to examine the mortgage loan policies of banks, which in many urban communities can accelerate the decline of a neighborhood by refusing to grant home improvement loans. This practice, called redlining, is well-known to real estate editors, but it's rarely made the subject of hard-digging journalism.

Reading these essays, a sense of lassitude sets in. Here, in a business that can be defined as risk-taking in all its processes, are people seeking a comfortable niche somewhere.

The reporter who looks at an event and then takes it upon himself or herself to tell 5,000 or 50,000 people what has happened is engaged in a hazardous operation. The

copy editor, never having seen the event, has the courage, or audacity, to change the journalist's reporting, and then summarizes it in a five to ten word headline. He performs this risky mission a dozen times daily.

Society wants us to take risks. It is even willing to allow us to print untruths. That way, truth somehow will gain currency. The United States Supreme Court in *The New York Times vs. Sullivan* freed us of the restraints of libel law so that we could go out on a limb without having our necks broken by a million-dollar libel suit.

In his ruling, Justice Brennan noted that the First Amendment "was fashioned to assure unfettered inter-

## Starting Salaries

Starting salaries on New England daily newspapers would embarrass a sweatshop foreman. On the smaller newspapers (6-10,000 circulation), beginners average \$122 a week. For the next group (10-15,000 circulation), it is \$130 a week. But what seems to be a trend is not, for in the 20-30,000 circulation group the average starting salary is \$121 a week, and even in the 30-60,000 group it is low, \$128 a week. The only clear pattern is that Guild newspapers pay better; starting salaries in newsrooms organized by the Guild on papers under 60,000 circulation averaged \$140 a week. For those with over 60,000 circulation, the average salary was \$160 for Guild newspapers, \$145 for non-Guild newspapers.

But the marketplace adage, you get what you pay for, may have limited application to newspapers. Many of the good newspapers we read were small and offered salaries common to their circulation class. These newspapers nevertheless attracted capable young men and women, probably on the theory that an internship under a gifted editor is a worthwhile investment.

—M. M.

change of ideas for the bringing about of political and social changes desired by the people." Put this observation against the part of the paper devoted to the exchange of ideas, the editorial page. The Survey gives us a picture of newspapers that will not endorse candidates, will not take a position on controversial local issues, will not permit staffers to write columns. Our inheritors of the tradition of Elijah Lovejoy, William Allen White, and Joseph Pulitzer willingly preside over their own emasculation. But the loss of virility can be profitable. It does keep the newspaper from offending the partisans among its readers. The non-combative editorial page tells readers the newspaper has no axes to grind at a time of public suspicion of the press. Apparently, if we say something critical about the President in our editorial columns, our readers will conclude that our news stories about Watergate are biased and that it really



## Group Ownership

The acquisition process continues without interruption in each of the region's six states. Newspaper groups already own two-thirds of the region's dailies.

Nine New England dailies changed hands between Jan. 1, 1970, and Oct. 1, 1973. All were bought by groups.

With the rapid diminution in the number of locally owned dailies, the newspaper groups have begun acquiring one another. Four of the nine dailies were sold by regional newspaper groups to national groups.

L.G.

was a third-rate burglary. Publishers buy up syndicated columnists by the score to make a sufficient din to conceal their quavering voices.

But is this journalism? Is the journalist, to use a phrase of Harvey Swados, "a publicly useful man" when he refuses to put himself on the line?

This softness permeates the news columns, too. Are the stories on city council meetings, court trials, curricular changes in the schools really sufficient? When we chronicle the community, are we doing all society asks of us? This seems to be all some of us as evaluators asked our newspapers, thus ignoring the great reformist tradition of the press and the responsibilities that distinguish us from stenographers.

A meaningful philosophy of journalism would give it an essential role in the reconstitution of our institutions so that all people can take part on a just, free, and equal basis in community life. Journalists have always been concerned with the use of power against the powerless, and they have not hesitated to campaign and crusade for what they believe is right, in news and editorial columns.

Pulitzer said:

"The newspaper that is true to its highest mission will concern itself with the things that ought to happen tomorrow or the next month or the next year and will seek to make what ought to be come to pass. The highest mission of the press is to render public service."

Is it the newspapermen's task to lead?

Students of the press answer in the affirmative. Daniel J. Boorstin, the historian, describes the American newspaperman this way:

"...if he does not somehow help shape public demands, we consider him weak and insignificant—certainly not an important newspaperman. He must be both a mirror of public tastes and a beacon for public desires. The careers of American newspapermen are parables of democratic leadership. They show us both how far a democratic leader must follow the public and how far he can lead."

Leadership implies voyages into the unknown, across unsafe straits. But how much leadership can come from a newspaper—the biggest in its state and one of the best in New England—whose board of directors is tied closely to the most conservative and powerful economic interests in its state? Or from another, again the largest in its state, that rarely takes a stand on a local issue and does no investigative reporting? I suppose we must be grateful for small favors these men bestow upon us when they permit their editorial writers to oppose the high cost of living and encourage their editors to send reporters to nursing homes and detoxification centers. Sorry, but I don't see much difference between these stories and the 25-inch piece listing the donors of 159 pints of blood I objected to in a Thomson newspaper I assessed.

Most of us connected with the Survey hope that it will stimulate similar studies. Future evaluations can profit from some of the Survey's shortcomings. The Survey was long on content analysis but short on community investigation. We simply had no time to talk to the supermarket shopper, the city clerk, and the drug store owner. We rolled

## Evaluators' Rating

Four out of 10 New England daily newspapers are doing a good to excellent job, but twice as many are doing a poor job as are rated excellent.

In an attempt to summarize the assessments of the 13 evaluators, I asked them to rate the newspapers they read. The ratings are:

	Excellent	Good	Adequate	Poor
Number	13	28	38	27
Percent	12	27	35	26

Since the New England Survey is the first of its kind, it is impossible to compare these newspapers with those in other sections of the country. I do have one basis of comparison. For several years I have been asking students at the Graduate School of Journalism at Columbia University to rate their home-town newspapers. The latest survey I made gave these results, in percentages:

Excellent	Good	Fair	Poor
14	22	37	27

If we group the top two categories and the bottom two, we find the percentages for the professional evaluators and the students are surprisingly close.

—M. M.

into town, toured the newspaper, conducted our interviews with the publisher, the editor, tried to chat with a few staffers, and then had to beat it home before midnight.

The sins of journalism are mostly those of omission, and we had little idea—unless we knew the towns personally—what the newspaper was neglecting. More time for interviews with staffers would have helped, too. Reporters always know more than they write.

The time lag in producing the Black Book was considerable, and as a consequence some of the evaluations are no longer applicable. Although the book form does give the Survey the prestige a more ephemeral form would lack, its production was time consuming. The copy was read during the spring and summer, and the book was published some six months later. Future studies should be made on a continuing basis.

Who will pick up the idea of comprehensive state or regional studies? The state press associations are understaffed and usually boosters rather than critics. A logical location is, as I have suggested before in these pages ("Journalism Teachers: A Failure of Nerve and Verve"; December 1972/March 1973), the journalism school on the state university campus.

The campus could also provide the forum function that the Survey lacked. There was some thinking that New England editors or publishers should be given space in the Black Book to comment on the evaluations of their newspapers, but the proposal was not popular. Some thought it would lead to hassles and delays. As it turned out, we were probably too cautious; several newspapers published their assessments, including the critical sections. It would be easy to work up a dialogue on the campus: publishers could be guest speakers, editors visiting professors for a day or week.

The New England Survey has cleared the way for further press studies. If this pioneering work is taken up around the country, in whatever form is appropriate—through foundation, state press association or university sponsorship—everyone will benefit. The public may lose its suspicion of the press, and the newspaper business may develop goals worthy of its labor.

—Melvin Mencher

## Reaction

Distance lends enchantment to the New England Daily Newspaper Survey. Journalism teachers, newspapers, and readers around the country have shown an interest in such a study in their areas. But the reaction in New England ranged from anger to acceptance.

Although the number of newspapers that ran excerpts, even entire sections, surprised the Survey administrators, there were irate letters to Ghiglione and hostile comments in area newspapers. Some of the criticism was on target: a year did elapse between the newspaper visits and the publication. Much had changed, but the problems and failures have permanent status in a book. There were inaccuracies here and there, though mostly minor.

One of the most critical newspapers complained, in print, that the published evaluation was not the one turned in by the evaluator. The evaluator, the editor pointed out, had praised the newspaper. The printed version was more critical. The newspaper was correct; the evaluation was indeed rewritten. Several were. And many were changed.

The copy editors and Ghiglione seemed to push copy that leaned too heavily toward timidity or toughness toward the middle of the road. Thus, the Connecticut newspaper that appeared to be doing its job in the first assessment was re-examined. The newspaper, and some others that were lauded, appeared to be without fault. The essays appeared to reflect the publishers' points of view and little else.

On the other side, some evaluations were judged to be too harsh.

A section in one essay that was intended to illustrate the newspaper's disregard of its employees' working conditions was eliminated. The section described the dingy newsroom and pointed out that the press had been moved to a new building. Management provided no soap, and copy paper for toweling in the women's room, which had led women staff members to petition for decent conditions. The attitude carried over to staffing, salary, and the content of the newspaper.

One newspaper complained that the tone of the essays was uneven, that some evaluations were reasonable and moderate, others harsh and sarcastic. He cited the contrast in two essays. They were, in fact, written by the same evaluator, who was less demanding of one newspaper with 17,000 circulation, than he was with the other, with 95,000 circulation.

—M. M.

Is it the Government-media relationship that produced the Watergate convulsion, or is it the publicly indefensible . . . operations of the executive branch?

—James C. Thomson Jr.  
Government and Press

# Canada and the United States:

## Similarities in Campaign Coverage & Problems

While United States voters were deciding who they wanted as president in 1972, Canadians were choosing a prime minister.

And—while the political systems in Canada and the U.S.A. are quite different—the media in both countries ran into similar problems in campaign '72:

- both had some history of hostility between the head of government and the press;
- both had to contend with something of a non-campaign by the leader running for re-election;
- both had to make news decisions about the importance of secondary news figures (who became known in the U.S. as surrogates); and
- both had to cope with polls which suggested the incumbent would be re-elected.

It seems reasonable to suggest that a look at how Canadian media—especially the English-language television newscasts of the public CBC network and the private CTV network—handled these problems might be an instructive comparison to the U.S. experience.

It's easy for someone in the U.S.A. to look north across the border and assume that Canadian politics are similar to U.S. ones—and, to some extent, that's true. Canadian parties *are* somewhat loose federations of provincial parties. Canadian political leaders *are* selected through delegate conventions. Canadian campaigns *are* forced to pay attention to regional differences and Canadian campaigners must make long sweeps across a country larger than the U.S. to make contacts with the voters. And Canadian media, except for television, *are* largely regional: no daily newspaper in Canada has even the national scope of a Washington Post or a Wall Street Journal or a New York Times. (Even television is limited by the fact that one large region, Quebec, is predominantly French speaking).

But there are important differences, too. Canadian governments are not composed of a separated executive and legislature. Instead the prime minister and his cabinet colleagues are voting members of the Commons and remain in office only so long as they command Commons support. Canadian elections are not held every four years in clock-

wise precision but, instead, may be called by the prime minister as the result of a vote in Commons or on his own initiative or, sometimes, only after consultations with the head of state, the Governor-General. And Canadian party leaders are not chosen by convention for one election only: many serve through several campaigns without a renewed mandate. In the Canadian campaign of 1972, three of the four leaders were running again and the fourth had been around politics for nearly 40 years.

That very fact—that four leaders were running for the top spot (and that each had areas of credible support) is another key difference between Canada and its neighbor south of the border. A presidential election is a winner take all affair. A Parliamentary election is, too, in the sense that only one man can be prime minister. But in the Parliamentary system each party leader is more than likely to end up as an elected member of the Commons surrounded by his own elected supporters.

Thus, in the U.S., despite the many candidates, the choice was: re-elect President Richard Nixon or vote for his main challenger, Senator George McGovern. The third and other parties were not too important in 1972.

In Canada the choice was:

- *Pierre Elliott Trudeau*, 53, leader of the Liberal and prime minister, became leader in 1968 after a convention then replaced Lester Pearson as prime minister. He ran as prime minister in the 1968 elections in which his party won a majority;
- *Robert Lorne Stanfield*, 58, leader of the Progressive Conservative Party and leader of Her Majesty's Loyal Opposition was chosen as leader of the Conservative Party at a convention in 1967. He was first elected to the House of Commons several weeks later in November, 1967, and returned as leader of the second largest party in the 1968 election;
- *David Lewis*, 63, has been leader of the New Democratic Party since 1971 but has been active in politics since 1936 when he was the Secretary of the C.C.F. (Socialist) Party. He was first elected to Parliament in 1962. The New Democratic Party was the third largest party in Parliament in 1968 and 1972;
- *Real Caouette*, 55, head of the Social Credit Party was first elected in 1946 but was defeated in 1949 and did not return until 1962. He was the former leader of the Quebec wing of his party. He became the National leader of the Social Credit Party in 1968. There were only Quebec Social Credit members from 1968-1972.

The importance of these various choices is illustrated by what has happened since the election. Mr. Trudeau, with less than a majority in the Commons, has been forced to rely on NDP support to remain in power because the

Conservatives, anxious for power themselves, have refused to support any government measures in an all-out effort to defeat the Liberals and force another election.

Finally, Canadian provincial elections, like the federal ones, are not run on any regular timetable. This means that Canadian provincial premiers (roughly equivalent to state governors) are free to actively support their federal party colleagues or to sit back minding their provincial business. Traditionally most decide to make token appearances in support of federal leaders.

All of these points should be remembered when comparisons between Canada and the U.S. are made later in this article.

It's hard to assess the mood of the country as the 1972 election campaign began. Certainly there was some evidence of hostility between the prime minister, Mr. Trudeau, and the media. Some of this probably stemmed from the widespread criticism that the press, becoming overly enchanted with Trudeaumania in 1968, had overplayed his success at the expense of his opponents. It may also have stemmed from the fact that Mr. Trudeau had become irritated at times with media reporting about his social life—irritated to the point that once in London he had criticized reporters as “crummy” for their activities. It was certainly affected by the feeling that the Trudeau government has not been overly forthcoming with information about government activities. Finally, it may have related to the fact that Mr. Trudeau is not the kind of person who relaxes easily

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**Certainly there was some evidence of hostility between the prime minister, Mr. Trudeau, and the media.**

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with a group of newsmen; but someone who leaves the impression of being somewhat cold and aloof. All in all, however, it was not nearly so serious as U.S. media mistrust of Mr. Nixon.

Whatever their mood when the 1972 election campaign began, most newsmen, like most Canadians, probably expected the prime minister, Mr. Trudeau, to be re-elected. The polls showed him well ahead. He appeared quite strong in his native province, Quebec. While there were some rumblings in the major cities, like Toronto, Mr. Trudeau's Liberal party had won overwhelming victories there only four years earlier, in 1968. More important, perhaps, the main opposition leader, Mr. Stanfield, had not seemed to show prime ministerial potential. Though liked by the press corps, he was seen as a bit of a light weight. As for the other two leaders, Mr. Lewis and Mr. Caouette, they were clear outsiders—no one viewed them as conceivable winners.

There were a few trouble spots on the Canadian political horizon. For one thing, voters in and around Ottawa were concerned about the means being used to promote bilingualism in the federal government. Just as white U.S. federal employees are scared by the arrival of highly qualified blacks, English-speaking Canadians are alarmed to see posts going to able French-Canadians. (There were also many stories going around about appointments of those not so able: one concerned a life guard who sat quietly in his chair while a swimmer screamed for help and finally

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**Just as white U.S. federal employees are scared by the arrival of highly qualified blacks, English-speaking Canadians are alarmed to see posts going to able French-Canadians.**

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drowned. Asked why he had done nothing, he said he couldn't swim. Asked how he got the job, he replied, “I'm bilingual.”) Of course bilingualism wasn't the only issue: there were economic concerns. Unemployment is high in Canada. Inflation is still a problem. Allegations of inefficiencies in the unemployment insurance and welfare operations were skimming about. But there were no issues such as the Viet Nam war which appeared to have touched all Canadians.

Given this situation, the Liberal government of Mr. Trudeau decided to act much as President Richard Nixon did. The campaign theme would be “The Land Is Strong” and Liberals would emphasize how good things were. Mr. Trudeau would move across the country almost like visiting royalty showing himself to the faithful but not raising any emotions by dealing with hard issues. After all he had won on emotion—Trudeaumania—in 1968. Why should he take a chance now? Furthermore, it seemed sensible to have the prime minister ignore most opposition charges: let some of the cabinet deal with these if it became necessary.

This judgment that the Liberal campaign was a low-key, non-issue campaign isn't just my judgment. In an interview on television in February, Mr. Trudeau said that the slogan used “‘The Land is Strong,’ was a slogan which reflected confidence and which could only be played low-key.”

In line with this feeling of confidence, the Trudeau campaign was efficiently run. It was always on schedule—on schedule in fact to the point that newsmen sometimes grumbled the schedule over-rode everything else. Mr. Trudeau was available to newsmen but only in a semi-formal way. He isn't the type who enjoys a beer with the boys and he refuses to pretend that he does. While any newsman who wanted a quick answer to a question could get one—either directly or through an aide (the normal distance between



press and politicians is much less in Canada than in the U.S.)—he formalized his contacts with newsmen in a series of luncheons. Two or three correspondents would be invited into the Liberal campaign jet's front compartment to chat over lunch with the prime minister. As they talked an aide would hustle about with a tape recorder to make sure the conversation was recorded. The newsmen were free to report what happened and attribute it but they were not allowed to use direct quotes (even though the tape was available).

Because of the charter arrangements (all news media pay their prorated share of the costs) food and drink were provided without extra charge—and there was even the occasional champagne. But the atmosphere was a bit tense.

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**Mr. Trudeau would move across the country almost like visiting royalty showing himself to the faithful but not raising any emotions by dealing with hard issues.**

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The Liberals wanted nothing to break the monotone of quiet assurance: criticism was not welcome. Reporters who travelled on the three campaign planes—the Liberal, Conservative and New Democratic ones—said the Liberal one was the least happy of the three.

Despite the tenseness—felt by some but not by others—the potential hostility between the prime minister and the press came near exploding only once. That was when a Canadian Press photographer, Peter Bregg, snapped photographs of the prime minister's son, Justin, when the baby came scuttling through the press compartment on the plane on his toy tiger. CBC and CTV network television men—who had been told the plane was off limits—were incensed when they learned Mr. Bregg's photos had been released. They complained to Vic Chapman, a Trudeau aide, and the matter was settled when after a phone call from Mr. Trudeau's press secretary, Peter Roberts, CP agreed not to use the prints.

It's hard to tell why there was this air of defensiveness on the prime minister's plane. Certainly it was not inspired by any inefficiencies in the Trudeau operation. When CTV and CBC both had problems getting film to Toronto for network use the PM's aides worked as hard as the newsmen in trying to solve the difficulties. (The complaints eventually reached the minister of transport and the president of Air Canada but both networks were plagued by film shipment delays throughout the campaign. One CTV film from the Maritimes disappeared completely and was never recovered. Once three films did not arrive—all in one two-day period.) Certainly, whatever their feelings, newsmen gave Mr. Trudeau good coverage. Only on the Canadian Thanksgiving weekend in early October did Mr. Trudeau

ever really disappear from network news. That weekend, he stayed home and coverage stopped. But what coverage there was, was somewhat stark and not very exciting. (This was partly due to the fact that Mr. Trudeau spent a lot of his campaign time on radio hot line shows: good politics, maybe; good television, no.) It seemed quite apparent at times—at least to a viewer—that the correspondents felt the prime minister deserved coverage but they had to search for news to provide it. CBC, especially, leaned over backward to give Mr. Trudeau his day on camera: one night—after the weekend off—they devoted about one-third of a newscast to the Trudeau campaign. In short, they responded to some extent as U.S. media did to Mr. Nixon's non-campaign.

The Stanfield campaign—though also on a DC-9 jet—was quite different and the campaign atmosphere and media coverage reflected this. The campaign began slowly and reporters along early found the staff green and unaware of news needs. There was much less efficiency than in the Trudeau plane. But reporters found that criticisms were listened to and mistakes readily and steadily corrected. They also found that Mr. Stanfield was available. Often the Conservative leader would wander into the press section of the campaign plane and listen to the songs. (It's a semi-tradition in Canadian politics that Parliamentary reporters write songs about the campaigns); thus in 1972 Stanfield but not Trudeau got sung to. The relaxed feeling overcame any possible resentment over the fact drinks had to be paid for—a departure from Tory tradition.

This feeling that Mr. Stanfield was making slow but steady progress probably helped the campaign plane atmosphere. It certainly was reflected in the coverage. Both CBC and CTV accurately showed Mr. Stanfield constantly accompanied by his premier supporters and his Quebec lieutenant, Mr. Wagner. (It has become tradition in Canadian politics that an English-speaking federal leader has a French speaking senior colleague referred to as his Quebec lieutenant.) They also reported that the dour Stanfield in the closing stages of his campaign was definitely gaining audience attention, applause and, on occasion, perhaps even a touch of charisma. When he did hit out on economic issues (unemployment hit 7.1 per cent during the campaign) they reported his attacks carefully. When the politicking was more folksy their reports reflected this as well. Because so much of his time was spent in being with others, Mr. Stanfield got less direct on-camera time than his rivals; but the overall coverage of his campaign matched Mr. Trudeau and Mr. Lewis.

Mr. Stanfield had only one real clash with the press and that one was with the public network, the CBC. At the start of the campaign, CBC's chief Ottawa man, Ron Collier, had decided to travel with Mr. Trudeau. Mr. Stanfield was to be covered by various CBC regional news teams as



he moved from coast to coast. Mr. Collister planned to move later to the other candidates. Stanfield's aides told CBC that Mr. Collister's presence gave Mr. Trudeau's campaign an aura of greater importance. They said the absence of a crew on the Stanfield plane reduced the human interest coverage and led to the use of colder news clips from speeches. CBC agreed with the complaint; a crew was assigned to Mr. Stanfield and Mr. Collister moved around sooner than he had planned.

But it was Mr. Lewis that came off the best on all counts. His hard-hitting attacks with name-naming day after day, night after night, his ready availability, his sense of news priorities, endeared him to news-hungry reporters. The less formal atmosphere of the prop-driven "Bum Air"—with press and politicians all mixed in together—probably helped. The Lewis campaign was—or so those who covered all three reported—by far the happiest campaign. This was

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**The Liberals wanted nothing to break the monotone of quiet assurance: criticism was not welcome.**

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especially true because Mr. Lewis was accompanied by his wife, Sophie, a seasoned campaigner. She mixed easily with the newsmen, talked to them about problems, virtually mothered them and won everyone's friendship and respect. The NDP has never been able to afford to lavish money on the media but in 1972 they made occasional efforts. Sometimes they bought a case of beer for the plane. Once aides purchased box lunches for reporters. More often, everyone chipped in and shared the cost of the booze.

Mr. Lewis' coverage on television showed him as hard-hitting and human. He got a constant news play that was equal to that given his two more powerful rivals. He also got some very warm footage from cameramen. One shot showed him refusing to fake milking a cow. Another showed him and his wife resting between campaign stops, her head on his shoulder, then, a few minutes later, the couple holding hands as they left the plane.

The fourth campaign, that of the Creditistes' leader, Mr. Caouette, was largely uncovered by English television. Mr. Caouette travelled by his own car, confined himself largely to French-speaking sections of Quebec and got very little media attention in English Canada.

One could make a case from this that the atmosphere on the three campaign planes was reflected in the coverage. It would probably be more accurate to say the atmosphere reflected the realities—and that the coverage did, too.

All in all the media came out quite well (or at least that was what an analysis of three weeks of television news coverage showed). CBC and CTV gave Mr. Lewis the news

play he deserved. The fact that his attacks were not always answered did not diminish news attention. If Mr. Trudeau wanted to duck, that was fine with the media. Mr. Lewis could still keep hitting. They gave Mr. Stanfield the attention that should be focused on a main challenger and they showed clearly his provincial support. They left Mr. Trudeau looking somewhat cold, stark and defensive and that's apparently the way it was. In short, Mr. Trudeau, and his non-campaign, were accurately shown in contrast to the others.

It was in the handling of the secondary news figures, however, that the Canadian media most differed from the U.S. Night after night on national television, CBC and CTV presented packaged coverage of the campaigns of the three leaders. CTV had a slight tendency to always play it in ranking order—Trudeau, Stanfield then Lewis. CBC was perhaps more fair in judging relative news importance on any particular day. But both networks clearly indicated that these three were the men that counted. If one or more was missing on any particular newscast then attention was given only to the remainder. Any political news about other campaign figures was left to a clearly separated part of the newscast so there was no appearance of Mr. Lewis or Mr. Stanfield being attacked as equals by, for example, Liberal cabinet ministers.

All that does not mean that the Liberals—being in office with the right to make announcements—did not get much more play than the challenging parties. Nearly every Liberal cabinet minister was on camera at some point during the campaign usually with an announcement. Several were on hitting hard at one of the other leaders. But the attention given to such attacks was relatively slight and the news play low. The leaders stood out.

And when announcements clearly had a political flavor the networks managed to make this clear. One night, for example, the Minister of External Affairs, Mitchell Sharp, announced in Toronto a \$30 million Toronto waterfront project. Since it was the day of the largest Trudeau campaign rally and since that rally was in Toronto the announcement appeared politically timed. Mr. Sharp, of course, denied this but the CBC clip left no doubt about the probabilities:

"Some people, especially your political opponents are bound to charge this is a last minute election bribe?" (CBC newsmen, Norman DePoe).

"Well, it's hardly that. It was very fortunate that we managed to conclude these negotiations in time." (Mitchell Sharp, Secretary of State for External Affairs).

Surrogates had their place but their place was not at the top of the news.

By now, perhaps, the impression is left that the press

corps were anti-government. They downplayed Mr. Trudeau's campaign. They questioned any announcements by other ministers. They emphasized Mr. Stanfield's support from provincial premiers. They showed Mr. Lewis as much more warm than other candidates. They were adversaries of those in office. All of this is true; but it should *not* be taken to indicate that the media neglected reporting the warts of the Conservative and New Democratic parties.

As the election developed, it seemed from TV that the Conservatives—despite Mr. Wagner—were going nowhere in Quebec. CBC suggested this. CTV made it absolutely clear. "It's already clear the Conservatives have failed to discover the formula for a respectable showing in Quebec." It was also implied that the NDP had no chance in Quebec

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### **It's a semi-tradition in Canadian politics that Parliamentary reporters write songs about the campaigns.**

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or in the Maritimes. A couple of times CBC reporters described NDP local campaigns as simply showing the flag. No regular viewer of CBC or CTV news would have had any doubts that the NDP was far from taking over the government. In both cases, the media were right. Mr. Wagner was one of only two Conservatives elected in Quebec. The NDP elected none from the Ontario border east.

It was the way the Canadian television networks handled polls, however, that revealed the sharpest differences between the Nixon-McGovern election and the Trudeau-Stanfield-Lewis-Caouette campaign.

The U.S. polls were clear and decisive and were presented that way. The Canadian polls appeared to be fairly clear and decisive but were handled with caution and when there were indications of shifts the media shied away from emphasizing them. It seemed as if they didn't trust their own polls.

There are some problems with polling in Canada. The existence of four parties blurs the meaning of polls. Distinct regional splits confuse national voting figures. The existence of two languages hampers polling activity. A less open attitude about politics (Canadians are much less open than U.S. citizens about politics) makes it tougher for pollsters to get answers.

In Quebec, for example, the overwhelming Liberal dominance pushed up national Liberal voting support but it was not productive in terms of seats. In some parts of Ontario and the west, the Liberal, Conservatives and NDP run almost even in many areas making polls almost meaningless—the shift of a few votes can overturn a riding. In some parts of rural Quebec, where the Conservatives and NDP are close to non-existent, the battle is between the Creditistes and the Liberals: this concentration of Creditistes sup-

port means that Creditistes votes are extremely productive in terms of seats.

CBC presented its carefully-done national poll on October 27 just a few days before the election. It was far from conclusive since it showed 31 per cent undecided but it did show a clear Liberal lead—31 per cent Liberal to 19 per cent Conservative and 13 per cent NDP. (CBC figures unlike Gallup figures showed all percentages as percentages of total vote.) Despite this apparently clear indication of a Liberal victory the news reader emphasized and re-emphasized that it was only a poll and that it had been completed 10 days earlier. It would have been impossible to be really impressed by it by the time CBC finished damning it.

CTV prepared a regular weekly report on its polls which like the CBC poll showed the Liberals ahead throughout the campaign. But CTV, too, seemed reluctant to draw too many conclusions from its own findings. It did not emphasize its regional splits when these showed signs of change. It did not even report accurately what was happening as showed by its own figures. Its last four polls, for example, showed the Liberals dropping from 51 to 44 per cent of the committed vote. The Conservatives rose from 28 to 31 per cent during the same period, the NDP from 15 to 18 per cent. Clearly a shift away from the government to the opposition parties was taking place. CTV reported there was a liberal shift to undecided but "The Conservatives and New Democrats have been unable to make any inroads." Even CTV's own staff were left confused by this kind of reporting.

Looking back on all this, it would appear that, on the whole Canadian television news dealt fairly well with the problems that were similar to those encountered in the U.S. They managed to cover Mr. Trudeau's non-campaign by giving him access to TV while treating his campaign as the non-news campaign it was. They showed Mr. Stanfield as *he* was, a man attracting growing support. They gave Mr. Lewis the news attention a man deserved when he has something specific to say. They clearly separated the leaders from the other campaigners, the surrogates. They downplayed the polls which—because they showed so many undecided voters—were somewhat inconclusive anyway.

If all this sounds like a pat on the back for CBC and CTV and an implied dig at the U.S. networks, then that's the way it's meant to be; but, unfortunately, that isn't the whole story.

CBC and CTV had their failures, too.

Looking back, it's clear there were some major failures:

- There was some English backlash particularly in the Ottawa area. Some correspondents found it ugly and avoided it. It surfaced only once or twice on national

news. Yet it undoubtedly affected some key Ottawa-area ridings;

- Real Caouette, the Raillien des Creditistes leader was, in fact, doing fairly well in Quebec. Election night he appeared with seven per cent of the total vote and 15 seats and, by the time recounts were over, he had toppled a popular Liberal cabinet minister as well. The networks blew this one;
- Mr. Lewis's corporate ripoff, while it got good coverage, never inspired depth reporting by anyone in television or print. Somebody—perhaps the two networks, perhaps the larger dailies—should have done careful research on Mr. Lewis's charges and provided an independent assessment of their significance; and
- Neither network really left the clear impression that what actually happened—Mr. Trudeau and Mr. Stanfield ended in a virtual tie—would happen.

In short, overall coverage was far from perfect.

Canadian television newsmen therefore can not sit back and look with disdain on their brethren south of the border even if they can feel, reasonably enough, that they did a little better in handling the problems that plagued newsmen in both countries during campaign 1972.

—Joseph Scanlon

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## The York Gazette and Daily: Its Survival and Its Legend

One wouldn't have had to spend much time in York, Pa., to hear complaints that the daily newspaper "has done it again." Or that publisher Josiah W. Gitt "has gone too far this time."

That was when both Gitt and his remarkable York Gazette and Daily were having a time of small-town newspapering in York, Pennsylvania. Gitt died this past October at Massachusetts General Hospital at age 89, and the newspaper that for 55 years had been Gitt is dead too, having predeceased him by nearly three years.

Gitt's death—he could shoot his age in golf, he boasted—brings to mind questions not yet carefully considered about his York Gazette and Daily. By what formula did Gitt's Gazette and Daily for 55 years practice its own distinctive brand of aggressive, progressive, and uncompromisingly independent journalism in that showplace of Pennsylvania Dutch traditionalism? And manage to do so even while it was competing against another locally owned daily newspaper in one of America's smallest cities with competing daily newspaper ownerships?

When Gitt sold his Gazette and Daily in October 1970 after owning and publishing it for 55 years, the New York Times marked the passing of a "one-of-a-kind" newspaper and the Washington Post quoted I. F. Stone as saying the Gazette and Daily had been "unique in American journalism because this wonderful old Pennsylvania Dutchman, Jess Gitt, showed you could turn out a progressive—even radical—paper in a small town and make a go of it." Earlier, Newsweek too had noted that the Gazette and Daily was an enigma in the newspaper industry, at one point commenting that "Everything about the York (Pa.) Gazette and Daily seems wrong," and at another time observing that "by plenty of journalistic precedent," the Gazette and Daily "should be a flop."

Clearly no flop, the York Gazette and Daily instead was a journalistic anachronism, a throwback to the personal journalism that marked the early years of the century. His "alter ego" Gitt used to call his newspaper, while the Gazette and Daily's long-time editor James Higgins has said the newspaper was "an image in the likeness of J. W. Gitt—his personality, character, temperament, interests, convictions, and intellectual stance."

Reflecting that image since 1915 when Gitt bought the

newspaper in a bankruptcy sale, the Gazette and Daily since 1918 had refused to accept advertising for cigarettes, liquor, or patent medicines. The newspaper personified Gitt's strong beliefs in the two institutions he held most dearly, education and democracy. "I regard newspapers as educational extensions in the democratic experiment—an avenue through which the people will continue their education and gain that

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**"Everything about the York Gazette and Daily seems wrong. . . ."**

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information which they need in order to maintain a self-governing society," Gitt said during an interview in his York home in July 1969.

J. W. Gitt used to say that he did not care for his newspaper to be "fair" or "objective," so long as it was "educative." The Gazette and Daily accordingly carried on its opposite-editorial page an unusual selection of highly sophisticated commentaries (frequently reprints from such publications as the London New Statesmen, the Manchester Guardian, the Massachusetts General Bulletin, Ramparts, or the Bulletin of Atomic Scientists) on a range of esoteric subjects seldom discussed in most newspapers. Dogmatically liberal, Gitt said in 1969 that he considered Walter Lippmann to be the Gazette and Daily's conservative commentator.

Despite Gitt's insistence that the Gazette and Daily educate its readers, the newspaper perhaps was disregarding the reading potentials of the very audience it was trying to reach and to influence. While Newsweek has praised the Gazette and Daily for refusing to "write down" to its readers, the Gazette and Daily in many instances was not writing *to* and *for* its readers. Given numerous readership studies suggesting general reader preference for "light" and feature materials—such as was emphasized, by the way, in the competing York Dispatch—rather than for the more esoteric and weighty fare that the Gazette and Daily prided itself in publishing, one wonders if the York public who bought the Gazette and Daily did so because of its "educative" approach or in spite of it. And given correlations between years of formal education and receptiveness to such weighty reading matter, the question is even more fundamental in light of York County's having, throughout the 1960's, a median school years of education 1.2 years below the Pennsylvania average and 1.6 years below the national average. Comparable figures applied to the York Standard Metropolitan Statistical Area.

In other ways too, J. W. Gitt's Gazette and Daily demonstrated that it was significantly different from many other medium-sized newspapers, that it did not follow the "something for everybody" approach that the Hutchins Commission on Freedom of the Press had said must result from the "economic logic" of free enterprise. Politically, the news-

paper endorsed Progressive Robert M. LaFollette for the Presidency in 1924 and Franklin D. Roosevelt in each of his four campaigns. In 1928 Gitt, a confirmed teetotaler, endorsed Herbert C. Hoover over wet Alfred E. Smith. "I thought Hoover was a humanitarian," Newsweek quoted Gitt as saying in 1965. "I was wrong."

In 1948, the Gazette and Daily served as the headquarters for the Progressive Party in Pennsylvania, and the newspaper joined the Daily Worker as the only American dailies endorsing the candidacy of Progressive Henry A. Wallace. From 1952 through 1964, the Gazette and Daily endorsed Democrats Stevenson, Kennedy, and Johnson, and in 1968 it endorsed no candidate editorially but did carry full-page advertisements, placed by publisher Gitt's wife, for the election of Peace and Freedom Party candidate Dick Gregory.

In the Presidential campaign of 1964, Gitt made a journalistic decision which, besides precipitating a circulation decline of 3,000 copies daily according to the newspaper's then-circulation manager, prompted strong criticism even from the Gazette and Daily's traditional supporters. The decision also illustrates Gitt's stubborn independence and raises questions about the depths of his love of democracy.

Gitt in 1964 refused to accept paid advertising for the candidacy of Republican Presidential nominee Barry M. Goldwater. "I didn't put in Mr. Goldwater's advertising because I think he is a menace to the country," Gitt said in 1969 reaffirming his decision. "I think he is a warmonger, and I will not take money to help elect a warmonger. I've been criticized very severely for that. But that's the answer—I will not do it."

Further differentiating J. W. Gitt's York Gazette and Daily from most other medium-sized dailies was the publisher's insistence that his newspaper "is not a profit-making

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**The newspaper personified Gitt's strong beliefs in the two institutions he held most dearly, education and democracy.**

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institution. It never has been since I've had it, and I don't intend it shall be." Gitt maintained that for the Gazette and Daily to earn a profit, it would have had to compromise on dearly held principles, a step he says he was unwilling to take. One such principle, for instance, was that the majority of a newspaper should be news, and he therefore felt that the percentage of advertising in his newspaper should not exceed one-half.

Critics of Gitt, on the other hand, have argued that the Gazette and Daily maintained its usual 60/40 news/advertising ratio not because Gitt was unwilling to sell more advertising space, but rather because the newspaper's abrasive editorial policies had so offended many would-be advertisers that it could not sell as much advertising as Gitt



would have liked. As with other black-white contrasts, the truth perhaps lies in the gray: Gitt may have welcomed more advertising, but he was sufficiently committed to his principle that a newspaper be a *news* paper that he would not have sold more than half the Gazette and Daily's space to advertisers.

That such a paper could long survive in provincial York County is particularly surprising given the competition from the York Dispatch. With a population that never has gone much over 50,000, York City defies the "economic spectrum" of newspaper competition outlined by journalism professor Raymond B. Nixon. That spectrum, according to Nixon, establishes a clear pattern of only one daily newspaper in cities with up to approximately 150,000 population; a morning and an afternoon newspaper under single ownership or joint operating arrangements in cities with up to 650,000 population; and competing daily newspaper ownerships only in cities with more than 650,000 population.

That the York Gazette and Daily managed to survive in this rather hostile environment can be traced to Ben Bagdikian's observation that a newspaper's survival rests heavily on the will and wealth of its owner. In the case of the York Gazette and Daily, it was J. W. Gitt's will that the newspaper comply strictly with his personal standards of journalism without regard for financial reward or loss, and it was Gitt's wealth that made that will practicable.

The "economic logic" of the free enterprise system which the Hutchins Commission said leads the mass media to produce an "omnibus product" simply did not apply fully to the Gazette and Daily, which was dependent for its survival not alone on the workings of the market place but also on substantial yearly subsidies from Gitt's personal fortune. To criticisms that the Gazette and Daily therefore "could afford to be liberal," Gitt said in 1969: "That's right, that's right, I admit it. If it were making money, it wouldn't be successful from my point of view. Now that's putting myself on a pretty high pedestal. It just happens that I don't need it. If I needed it, I might have compromised."

But while the Gitt subsidies help explain the Gazette and Daily's ability to survive in York, still unanswered is just how that newspaper for so long managed to *compete* in York. While the circulation of the Gazette and Daily in the latter years of its existence had fallen substantially behind that of the York Dispatch, a sample of the newspaper's circulations nonetheless illustrates that a reasonably competitive relationship long had existed. In 1940, the newspapers were virtually tied with daily circulations of about 22,000 each; but by 1943, the Gazette and Daily had gained a circulation advantage which it maintained through 1960, when it led the Dispatch by 35,336 to 35,931 daily subscriptions. From that point on, however, the Dispatch moved ahead of the Gazette and Daily, and in 1969, the Gazette and

Daily's last year under J. W. Gitt, the Dispatch held a 44,363 to 35,186 circulation advantage.

One major selling point of the Gazette and Daily throughout those years, according to interviewees in York, was its sports section, thought by many readers to be a key reason subscribers bought the newspaper. In sports-conscious York City and York County, where the professional "home teams" are those in nearby Philadelphia, Baltimore, Pittsburgh, and Washington, the desire to get last night's final scores made the morning Gazette and Daily a clear favorite over the afternoon Dispatch. That was particularly the case in rural

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### . . . A newspaper's survival rests heavily on the will and wealth of its owner.

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York County, where the choice was between reading today's Gazette and Daily delivered by carrier or yesterday's Dispatch delivered by mail. (And where, not insignificantly, the Gazette and Daily, despite its lower circulation in the latter half of the 1960's consistently maintained a significant circulation lead over the Dispatch, selling 40 percent of all its copies while the Dispatch was selling only 25 percent of its copies in the rural areas.)

Perhaps also boosting the Gazette and Daily's rural circulation was the newspaper's considerable coverage of various county goings-on. One Yorker in 1969 emphasized the Gazette and Daily's county and "socials" coverage with the observation that it "covers every little wake, wedding, bar mitzvah, what-have-you from here to Hanover," the only other large town in York County.

Readers were unlikely to buy the Gazette and Daily, however, to keep up with their favorite comic strips, for the newspaper did not carry an extensive comics section. Rather, the newspaper scattered its four or five daily comic strips seemingly at random throughout the newspaper—not in one convenient location to which a reader could easily thumb.

A sociological statistical profile of York City and York County offers no suggestion that Yorkers—any more than other general newspaper audiences whom we are told thrive on easy reading—would not be receptive to a daily comics section or to other "entertaining" reading matter that the Gazette and Daily deliberately avoided giving them. A study of the Indianapolis Star for the American Newspaper Publishers Association by Carl J. Nelson Research of Chicago, for example, found that while only 15 percent of 1,000 persons polled had read any editorials on a given day, 50 percent had read at least one of the day's comic strips. Similarly, while 11.1 percent of the sample had read the lead editorial on that 1969 spring day not thought untypical, 16.4 percent had read the least-read comic strip, the relatively esoteric "Pogo," and 38 percent had read the most-read



comic strip, "Dennis the Menace." Such figures bode ill for a newspaper such as the Gazette and Daily, which insisted on the "educative" approach.

There has tended to develop around the Gazette and Daily something of a legend that this was one newspaper that, the hell with everything else, got away with doing things that small newspapers in America *just are not supposed to get away with doing*. The Gazette and Daily made no attempt to reflect or reinforce prevailing community attitudes. It was an early, persistent, and eloquent spokesman

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**An ignorant and indifferent citizenry is not the stuff out of which to make good journalism, a workable democracy, or a far-visioned foreign policy.**

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for minority and impoverished groups in an area where civil rights hardly has been a popular issue. The newspaper alienated citizens and officials of York and showed little regard for the interests of its advertisers. Its liberal editorial stands on domestic and foreign issues were anathema even to some of its steady readers, and its editorial policies were daily reflected in its news columns.

Yet it was precisely because of Gitt's financial subsidies that the York Gazette and Daily was able to do a number of things that a newspaper more beholden to the "logic" of free enterprise might find suicidal. That the York Gazette and Daily long was dependent on those subsidies for its survival is fundamental to understanding the Gitt newspaper, and critical to understanding its ability to survive in York.

Another part of the popular Gazette and Daily legend is that the newspaper was a dime among nickels, the virtual epitome of what a newspaper should be if it is to serve religiously the public interest. The truth is that the York Gazette and Daily was a paradox. It displayed some of the best qualities of independent, aggressive, and courageous journalism while at the same time grossly violating reasonable standards of editorial nonpartisanship and fair play.

In its pursuit of news, the York Gazette and Daily long was tireless and frequently ingenious. In its willingness to disregard financial considerations to serve what it considered to be in the public interest, the Gazette and Daily was courageous, stubborn, and frequently brazen. The newspaper was an early, constant, and articulate mouthpiece for underprivileged groups in York, segments of the population which in many communities are largely ignored by the local media. On its editorial pages, the Gazette and Daily carried provocative and evocative columnists on a wide range of national and international issues, and theirs were opinions that were generally unavailable in much of the popular press. The York Gazette and Daily under Josiah W. Gitt

was unbending in its resistance to outside pressures, prescient and vocal in its advocacy of local and national social reforms, and firmly convinced that the positions it so strongly espoused would bring the greatest good to the greatest number of people.

And yet the York Gazette and Daily violated many of the same principles it criticized other newspapers for ignoring. The Gazette and Daily was just as guilty of a liberal bias in its news columns as other newspapers, in the view of the Gazette and Daily, were guilty of a conservative bias. While the newspaper pursued news tirelessly, it pursued just that news which complemented its own editorial policies.

And while the Gazette and Daily considered itself a champion of the poor and underprivileged, even those groups did not fully trust or appreciate the newspaper's efforts, and Gazette and Daily staffers themselves acknowledged that antagonism toward the newspaper from York blacks was considerable. One interviewee attributed this antagonism toward the newspaper largely to the "grossness" of the Gazette and Daily's approach, the utter predictability of its editorial positions. That predictability to many blacks diminished the effectiveness of Gazette and Daily editorials and made them counter-productive, because many York Countians, who in 1969 were 97.7 caucasian, seemed to relish taking positions opposite the Gazette and Daily on particular issues.

Yorker Roy O. Boram, director of the York Crispus Attucks Center, summed up the situation by saying the "climate of the community" in York simply was not prepared to accept many of the opinions and ideas daily espoused by the York Gazette and Daily. While there surely is much that is admirable in leading rather than following public opinion, Boram noted, "One of the keys to a good editorial policy is to know the climate of the community, to make your point without killing it. And sometimes they [the Gazette and Daily] lose the impact of their thrust by virtue of not sensing the tone of the community."

Whatever readership and influence the Gazette and Daily may have had in York (and owner/publisher Gitt maintained that the newspaper's influence was minimal) could well have been increased had the newspaper been willing to compromise even slightly, such as by providing room for opposing opinions on its editorial pages. The newspaper's refusal to compromise at all—such as in refusing advertising space for the candidacy of Barry Goldwater—provided its many local critics a handy and legitimate tool with which they condemned it frequently. J. W. Gitt's stubborn refusal to bend on what he thought was in the public interest and on what he thought a newspaper should be in fact compromised the effectiveness of the Gazette and Daily in the community and jeopardized its chances to compete more evenly with the York Dispatch.

The York Gazette and Daily indeed did serve what it judged to be in the public interest, but it gave the public no voice in determining what was in its own best interests. Yorkers frequently saw the Gazette and Daily serving its own interests, its own "causes," rather than the interests of the public.

While it was aggressive, progressive, and strongly independent, the York Gazette and Daily—as even some of its editorial staffers have acknowledged—also was blatantly biased in its selection and treatment of news. The newspaper's minuses simply overshadowed its considerable pluses, and they weigh heavily against any finding that the Gazette and Daily overall was a quality community newspaper.

Given the pattern of declining intra-city newspaper competition in the United States, it is not surprising that York, Pennsylvania, did not readily and on its own support a newspaper whose owner, in the opinions of many Yorkers, took an elitist approach to newspaper publishing. Evidence over the years on competitive newspaper towns suggests strongly that York too may one day be a one-newspaper town. It is somewhat surprising in itself that York continues to have two daily newspaper ownerships; it would be even more surprising if the community itself, without Gitt's financial subsidies to his newspaper, could have supported two newspapers when one of them consistently deviated from traditional newspaper standards, as did the Gazette and Daily.

Because the logic of the free enterprise system did not apply fully to J. W. Gitt's York Gazette and Daily, the experiences of that newspaper do not suggest that other newspapers can long ignore the will of their publics and continue as viable publications. The experiences of the Gazette and Daily do not refute popular views that to be successful, a newspaper must to some extent reflect or reinforce prevalent public attitudes. And those experiences do not indicate that newspapers can be consistently controversial within their own communities without suffering the

consequences of their reputations and of adverse public attitudes.

On April 10, 1969, sitting in the close and shabby editorial offices of the York Gazette and Daily, editor James Higgins wondered aloud whether "an American community in the twentieth century of the type of the York County community is prepared to go on supporting a paper of this kind." Eighteen months later the sale of the Gazette and Daily showed it was not, but all along it had not been the community alone that had supported the Gazette and Daily, but rather the community and the personal wealth of J. W. Gitt.

Given the many virtues of J. W. Gitt's York Gazette and Daily, questions of its survival may not lie with the newspaper alone. Historian Thomas A. Bailey has written in *The Man in the Street*:

"In the last analysis, the defects of the newspapers are in large measure attributable to the reader, for the editors, like other businessmen, aim to please the customer. The alleged faults of the press are not so much faults of the press as of democracy itself. . . . An ignorant and indifferent citizenry is not the stuff out of which to make good journalism, a workable democracy, or a far-visioned foreign policy."

More cynically, Oscar Wilde has argued that modern journalism "justifies its own existence by the great Darwinian principle of the survival of the vulgarest."

What is gone with the death of the York Gazette and Daily is an interesting, lively, and controversial example of personal journalism. What remains are the economic pressures which still influence most newspapers to adopt a something-for-everyone approach to community journalism.

—Morris A. Ward

(Inquiries concerning source material for the above article may be directed to the editors.)

I think that in the world we live in today, it's rare that an individual's efforts survive as individual effort.

—Robert C. Maynard  
The Pleasures and Perils of  
Ombudsmanship

## The Right to Silence: Journalists and Scholars

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*(This exchange of opposing views took place during a workshop of the Southern Political Science Association in Atlanta last fall. Mort Stern, Dean of the School of Public Communication at the University of Alabama, was a Nieman Fellow in the class of 1955. Martin Shapiro is Professor of Government at Harvard University. Ned Cline, political and legislative reporter for the Greensboro (N.C.) Daily News and a Nieman Fellow in the current class, edited the following remarks for Nieman Reports.)*

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### —Mort Stern

Since I am a "new boy" in the community of scholars (though very much an "old boy" in the community of journalists), I hope I will be forgiven if I draw any inappropriate parallels between the activities of both. Forgiven by either community, as the case may be.

They have much in common, it seems to me, in spite of the fact they act at times as if they had nothing in common.

Among scholars I have heard the word "journalistic" used as a way of deriding the manner in which someone gathered or reported his facts; among journalists I have heard the word "academic" used as a synonym for muddled thinking and incomprehensible writing.

And to the extent that there's any basis for the respective criticisms, each might improve by adopting the best of the other's techniques; the journalists taking more pains with the gathering and weighing of evidence and the scholars making more effort, even when addressing one another, to make clear what they are talking about. But I stray.

The most obvious common ground for scholar and journalist can be found in their role of informing the public.

Insofar as the journalist or the scholar addresses himself to reporting to the public on matters of proper public concern—and this is, or ought to be, a very broad spectrum in a free society like ours—then he, whether he be scholar or journalist, is exercising whatever right is guaranteed by the First Amendment and ought to be extended the full protection of the law in that exercise.

I find it hard to believe that when the drafters of the Bill of Rights prohibited Congress from abridging freedom of the press—in the same amendment in which they guaranteed the people's rights to speak freely, worship freely and freely assemble—that their intent was to create a narrow special class above restraint.

### —Martin Shapiro

Let me begin with the First Amendment issues related to newsman's privilege. I take it those issues are not foreclosed by the *Branzburg* decision; either because the Court might be persuaded to change its mind or because a defense of its position is appropriate in view of the vehement response to that decision.

First, the newsman's claim lies far from the core of the First Amendment. The privilege is not asserted because government threatens to prevent, censor, or punish the speech of the newsman. Nor is it preventing, censoring, or punishing the speech of his informants.

Instead it proposes to take actions that may inhibit informants from providing some information to newsmen, and that—in turn—may make it more difficult for them to gather news and that—in turn—may lead to a reduction in the quantum or quality of newsmen's speech. This is a good many speculative turns away from an abridgment of the newsman's speech.

Indeed the whole situation raises curious problems of constitutional standing. The informant would have to assert the most attenuated form of the "chilling effect" doctrine to constitutionally challenge government inquiries directed to newsmen. And the newsman is actually pleading the rights of his informants to speak to him rather than his own speech rights and so invoking the little used *Thornhill* doctrine.

In order to avoid these standing problems, it becomes necessary to assert a First Amendment right to newsgathering.

Indeed the court recognizes such a right in *Branzburg*, and in the long run that may be the most significant aspect of the decision. But it is obviously a peripheral and derivative right. We are not dealing here with a direct assault

## — Mort Stern (continued)

It seems to me, rather, that they were protecting a role, an activity, which any citizen from time to time might participate in: to publish one's views, to put one's free speech into written form and disseminate it. And the clear purpose was to keep open the channels of information and opinion which are essential to the ultimate sovereign of this society, namely, the public at large.

The public can be informed about the public's business as much by a book, or a research report, or a monograph or a pamphlet as by a daily newspaper—and often is. But the public debate on free press issues seldom—or, at least, too infrequently—includes references to the importance of the part-time practitioner.

If a scholar is exercising the right to publish and disseminate information, then the following words, taken from the main dissent to the opinion of the Supreme Court in the *Caldwell* and other source-protection cases, ought to apply to him.

"...we have held that the right to publish is central to the First Amendment and basic to the existence of constitutional democracy....

"A corollary of the right to publish must be the right to gather news....

"The right to gather news implies, in turn, a right to a confidential relationship between the reporter and his source.... The existence of an unbridled subpoena power—the absence of a constitutional right protecting, in *any* way, a confidential relationship from compulsory process—

**Journalists are not the only ones who have been sent to jail lately for asserting such a right.**

will either deter sources from divulging information or deter reporters from gathering and publishing information." (Dissent of Justices Stewart, Brennan and Marshall, pp. 2672-2673, Supreme Court Reporter, July 15, 1972.)

Now I suppose that a legally protected confidential relationship might seldom be necessary, or critical anyway, to the obtaining of information for a scholarly inquiry. Seldom necessary, that is, compared to the frequency of such circumstances in regard to journalistic inquiry. Yet if it can be asserted in one person's proper use of the right of free press, then can it not be asserted in another's?

And, as everyone here is well aware, this is not just a matter of academic playing around with abstract concepts. Journalists are not the only ones who have been sent to jail lately for asserting such a right.

Samuel L. Popkin, a lecturer in government at Harvard, was imprisoned for seven days for civil contempt for refusing to answer questions of a federal grand jury in Bos-

## — Martin Shapiro (continued)

on freedom of speech that ought to raise our immediate ire, except of course, as the court noted, where the government inquiries are actually being used deliberately to intimidate or harass newsmen.

Far more important, to me at least, than the peripheral nature of newsmen's privilege is its exclusivist quality. Freedom of speech rights have traditionally been universalistic. A right asserted for one speaker was applicable to all speakers. This is not to deny the obvious, that groups

**It is incorrect to view the media as the champion of all speakers when in fact they may be competitors and even inhibitors of other speakers.**

like the Jehovah's Witnesses, the Communist Party, the NAACP and the ACLU have played a major role in asserting First Amendment rights and in many instances have done so largely or exclusively to further their own organizational interests.

Nevertheless the rights they asserted, if accepted by the court, became the rights of all speakers and all groups. This universalism is extremely important in a highly politicized area like freedom of speech. For it allows an activist court and its defenders to assert that it is defending basic values common to, and of practical importance to, all Americans rather than simply engaging in the partisan distribution of government largesse typical of interest group politics.

You can dress this in "There but for the grace of God go I" or Ted Lowi language. But any way you dress it, the assertion of freedom of speech rights by the Court has typically met with such general *negative* responses, that the assertion that the court is using the First Amendment to favor some people, like pornographers or newsmen, over the rest of us is likely to prove fatal to speech claims.

And probably rightly so. Not only is it important to the democratic legitimacy of the Court and the First Amendment that special interest claims be linked to universal values, but special interest speech claims also raise two other important problems.

The first is the nature of the group seeking protection. Today, thanks to the "heroism" of the Washington Post and New York Times, the mass media are in high repute. Instead of engaging in Agnewesque commentary, I hope I need only utter the three words of William Randolph Hearst to remind my audience that the media is not always like the colleges—"America's best friend."

If Hearst's name won't do it, perhaps the name of a distinguished New Hampshire publisher would. One of the  
(continued on page 25)



## — Mort Stern

(continued from page 23)

ton concerning his sources of information about a Pentagon Papers study.

The Popkin case was no isolated incident. He was caught up in the government's overzealous reaction to Daniel Ellsberg—an overreaction that helped bring the nation to Watergate.

I find that case, and related matters of the government's use of its investigative powers, and of the grand jury, interestingly dealt with in Sanford Ungar's book, *The Papers & The Papers* (1972, E. P. Dutton & Co.). I recommend the book to anyone interested in the Pentagon Papers case and its ramifications.

For now, I want to simply state my belief that there will be times when it will be just as important for scholars to protect the confidentiality of sources from governmental inquiry as for journalists—and that these occasions can be just as vital to society.

What can we do about it, then? As of now, the Supreme Court recognizes no First Amendment right to protect the identity of a source of information as being part of the right to publish. However, Justice White, writing for the five member majority, in the Caldwell, Branzburg and Pappas cases, did stress (a) that there was no prohibition against the granting of statutory privilege and (b) that the courts would, or ought to, block the use of grand juries for the purpose of "official harassment."

Justice White's statement was interesting. He said:

"Finally, as we have earlier indicated, news gathering is not without its First Amendment protections, and grand

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. . . There will be times when it will be just as important for scholars to protect the confidentiality of sources from governmental inquiry as for journalists. . . .

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jury investigations if instituted or conducted other than in good faith, would pose wholly different issues for resolution under the First Amendment."

So the question is not settled, in the view of the Supreme Court majority, so far as abuse of the grand jury process. And if it is not settled in regard to NEWS gathering, is it also not settled in regard to gathering information for scholarly publication?

Perhaps my old friend and former neighbor Justice White, even though his opinion showed considerable faith in the proper behavior of grand juries and prosecutors, may have had some reservations.

Certainly other judicial bodies have. The Supreme Court of Pennsylvania, in 1963, remarked:

"We would be unrealistic if we did not take judicial notice of another matter of wide public knowledge and great

importance, namely that important information, tips and leads will dry up and the public will often be deprived of the knowledge of dereliction of public duty, bribery, corruption, conspiracy and other crimes committed by public officials or by powerful individuals or organizations unless

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Sometimes, certainly, there is reason to fear the behavior of people on the inside of government. . . .

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newsmen are able to fully and completely protect the sources of their information."

Sometimes, certainly, there is reason to fear the behavior of people on the inside of government—even prosecutors, even people within the Justice Department.

I wouldn't blame a source for not wanting his identity disclosed to *some* government investigators.

There *has* been a Watergate. The nation *has* seen that sometimes the bad guys get in on the inside, that people bearing the highest levels of responsibility can sometimes be corrupted by power and abuse that power.

Justice White wrote: "We doubt if the informer who prefers anonymity, but is sincerely interested in furnishing evidence of crime, will always or very often be deterred by the prospect of dealing with those public authorities characteristically charged with the duty to protect the public interest as well as his."

And yet, look at Watergate. Without judging the case against any individual, some observations still can be drawn—from the Senate hearings, the hearings, mind you, that came about in response to the public clamor stirred by investigators from the press.

One of the witnesses before the Senate committee, a witness who admitted his guilt in the affair, said he tried several times to interest members of the Justice Department in the fact that another witness was lying—but to no avail.

Until the pressure of public disclosure was on the government, the attitude of the government toward prosecution of the most obvious members of the Watergate gang was unorthodox, to say the least. Later disclosures have given us reason to see why. "Public authorities characteristically charged with the duty to protect the public interest," to borrow Justice White's term, seem to have been protecting interests other than the public's.

Nor is this without precedent at the federal, or any other level of government. Any reporter who has ever conducted an investigation into allegations of wrongdoing against people in power knows that his sources are in jeopardy of reprisal of one sort or another; that people who hold power will at times abuse it in interesting ways.

I don't know how often scholars' sources need protection, or think they do. But newsmen's sources often do—and especially when newsmen are doing the very kind of



investigation, using the First Amendment right to gather and publish facts in the very way that is most important to society—when they are gathering information about misbehavior of public authorities. And when those sources need it—whether the person who is gathering information for public dissemination is a journalist or a scholar—then in the public interest the sources should get it.

I can't warm up, however, to the idea of a blanket immunity from testifying to be granted either to scholars or to journalists. That kind of blanket privilege can be too easily abused, too. And if you designated these people as specially privileged, where would you draw the line? Who is a scholar? Who is a journalist? I don't think immunity

### ... What is law but reason brought down to cases?

should go with the person, but with the activity—the role he is performing, the function he is carrying out in a particular set of circumstances.

Therefore, the only way I can see to resolve this properly is for the courts, or the Congress, to spell out circumstances under which witnesses or potential witnesses will not be pressed to disclose their sources.

Such court rules or guidelines legislation might open a Pandora's box, in some cases. Some kinds of prosecution might be delayed or hampered by spurious claims of the need for immunity. But not as much, I suspect, as some people might fear.

After all, in case after case of pressure on newsmen to disclose information, the information sought was peripheral at best to a matter under investigation, and sometimes pretty far fetched.

In a Memphis case, where two reporters had disclosed abuses at a children's home, a legislative committee focused first on the two reporters and their sources instead of concentrating on the officials who operated the home. In Chattanooga, a court subpoenaed a newsman to get the name of a grand juror who said that the jury's investigation of a judge was a "whitewash," instead of doing the easy and obvious thing of polling the jury. And the reporter was sent to jail for not disclosing his source.

Time after time, it is obvious, what public authorities want to find out from newsmen who have investigated some governmental activity is not how can the actual wrongdoers be proceeded against, but who ratted on the embarrassed public official.

So it may be difficult to work out a reasonable solution, but not, I think, impossible. The law can be made right. And if it can be done, then it should be done, for after all, what is law but reason brought down to cases?

### — Martin Shapiro

(continued from page 23)

less noticed consequences of the much celebrated, by Professor Kalven at least, *New York Times v. Sullivan* and its progeny is that, in the market place of ideas, the oligopolist is favored at the expense of the small independent.

The cost of entry into the market for a private individual is now the loss of his previous protection against libelous attack. It is incorrect to view the media as the champions of all speakers when in fact they may be competitors and even inhibitors of other speakers.

If First Amendment politics is interest group politics, I am not at all sure I am unreservedly on the side of this particular interest.

Incidentally, newsman's privilege would strip us of our last protection from even the most vicious media libel. Editors could always meet a charge of "reckless disregard" or "knowing falsehood" with the defense that they customarily relied on informant information and the assertion of privilege to block inquiries about whether the informants actually existed or what they had said.

The second problem is that of drawing boundaries. This problem plagues judges in most areas of law. But at least in the First Amendment area the Supreme Court has not generally had to draw lines between citizens who had a speech right and those who did not.

Where the Court has had to draw lines, for instance as between speech and commercial solicitation, or between speech and "speech plus" in picketing, it has not exactly covered itself with glory. If we have a constitutional newsman's privilege, then the Court must decide who is and who is not a bona fide newsman. This decision is undesirable in that it constitutes an official, governmental licensing of the press, at least after the fact.

Perhaps more important, it is highly impractical. With the spread of the xerox, the mimeograph and the underground press, it is not only the denizens of Front Page who are newsmen. Who isn't?

The whole history of revolutionary movements shows us that the revolutionary cell frequently takes the form of a radical "newsletter" or pamphlet publisher and that the bombings are planned next to the printing press. At the other extreme the professional gambler has always been found in the guise of the "Racing Information Service." Moreover once newsman's privilege were established, it would not take a very bright Mafia lawyer to advise his clients to turn themselves into the Market Advisory Information Service.

The spectacle of judges declaring just what was and what was not a legitimate newspaper is not an inviting one. Indeed it emphasizes that a special interest First



Amendment claim may ultimately do damage to general freedom of speech.

Scholars privilege, which has been piggy-backing on the newsmen, encounters this boundary problem to an even more extreme degree. Who would dare to say that only Ph.D.s with university appointments are "scholars"? What man with two books on his shelf, a dog-eared binder and a zest for great thoughts or small facts is not a scholar?

And who of us in the wee hours of cynicism, or a convention, has not heard a still, small voice suggesting that not quite all of his professorial colleagues were truly scholars. Indeed even some of those who attend professional meetings are wont to say that they are teachers, not researchers. No one who has sat through a department personnel session would welcome committing decisions as to who was and who was not a scholar to the judiciary.

In summary then, as a purely First Amendment matter, newsman's privilege raises peripheral claims at the cost of eroding the essential, universalist character of freedom of speech rights and involving a government agency, the courts, in the licensing of bona fide versus false "speakers" in behalf of an interest group that already enjoys a dominant position in the market place of ideas.

I am aware that the counter argument is that the newsman is invoking not so much his particular right to speak as our universal right to know. There is a good bit of "What's good for General Motors" in this argument. What group does not claim that government programs designed to make its job easier are truly in the public interest?

Newsmen often try to cover this by speaking of "freedom of the press" as if the Founding Fathers had written some special preference for the newspaper business into the

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### **The spectacle of judges declaring just what was and what was not a legitimate newspaper is not an inviting one.**

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Constitution. Yet neither the literal or historical context suggest that the framers meant by "freedom of speech and of the press" anything more than freedom of the spoken and written word. It was the presses of "printing presses" not "stop the presses" that I think they had in mind.

The press as a group is therefore not in the constitutional position of the religions as a group. It does not have a special clause of the Bill of Rights designed specifically to insure its freedom as opposed to the freedom of those engaged in other speech activities.

Nevertheless, while the Supreme Court seems content to announce a right to receive without a right to send in the obscenity cases, that seems to me bad logic both in law and communications theory.

I am quite willing to acknowledge some persuasiveness in the claim that newsgathering is functionally related to

the free flow of ideas which is the general value protected by the First Amendment. But, without engaging in ad hoc balancing, I continue to believe that the linkage established by newsman's privilege broadly conceived is too remote to overcome the particularism inherent in the speech right claimed.

To put the matter differently, most speech claims involve two universals, everyone's right to speak and everyone's right to listen. Newsman's privilege involves only one of those two universals, and even its linkage to the second is indirect and speculative.

From freedom of speech as such it is necessary to turn to the fair trial guarantees of the due process clauses and more generally to the functions of trials. One function of true adversary proceedings, in the rare instances in which they actually occur—but it is these instances to which newsman's privilege is relevant—is to establish the true facts.

Trials may not be a very good mode of fact finding. But the whole thrust of 20th century developments in criminal procedure has been to make them better by allowing more of the facts to flow more freely and naturally to the finder of fact, that is the judge and/or jury.

Thus we have largely abolished the vagaries of special pleading, hearsay rules have been progressively liberalized, counsel have been allowed broader and broader leeway in questioning witnesses, and expert and scientific evidence has become easier to introduce.

Indeed the Supreme Court has recently recognized a Constitutional right of the accused to get the relevant facts to the fact finder no matter what the letter of procedure would require. [*California v. Green*, 399 U.S. 149 (1970); *Chambers v. Mississippi*, 93 S.Ct. 1038 (1973)]

This tendency has also been reflected in the constitutional sphere in the erosion of the privilege against self-incrimination through the widespread employment of immunity statutes to get at crucial factual testimony and the narrowing of the immunity that must be granted in exchange for compelled testimony. [See *Kastigar v. United States*, 406 U.S. 441 (1972)]

The various testimonial privileges run counter to this development of fair trial as fact trial. While with the growth of psychiatry the analysts' privilege has grown, the ancient husband and wife privilege has been somewhat eroded in many jurisdictions, particularly where the real parties at interest are such arms-length participants as insurance companies.

The introduction of a newsman's privilege would run squarely counter to the healthy development of contemporary American jurisprudence toward trial as factual inquiry.

Indeed a number of newsmen, including Mr. Branzburg, have been shocked at the way "ignorant" state courts have narrowly interpreted existing shield laws against them.

They would have been less shocked if they had been aware of the extent to which the more enlightened state courts have been desperately interpreting away all rules that seem designed to keep facts away from the judge and jury.

As a constitutional rule, newsman's privilege would inspire a direct and dire conflict with due process and more generally with the urge of Americans to get the facts into court. First of all the privilege—unlike that against self-incrimination—would be absolute. There could be nothing comparable to immunity statutes.

When one remembers the considerable and persuasive campaign to amend the Fifth Amendment mounted by Judge Friendly and others—even where the safety valve of immunity statutes existed, and the fury inspired by Mr. Nixon's claims of absolute executive privilege—it is clear that a Supreme Court ready to assert a newsman's privilege would have to be prepared to take on very powerful national sentiment. And those sentiments would be grounded in a sense of justice that has much to commend it.

Picture the situation in which a newsman arises to say he may or may not have the evidence necessary to prove conclusively the defendant's innocence, but he chooses to exercise his constitutional privilege to silence even though the defendant is about to go to jail for twenty years.

It is a great error to picture the brave reporter thwarting the evil prosecutor. A constitutional privilege would run against defendants as well as prosecutors.

It is all very well to talk in general terms about freedom of the press. But it would be shocking to the fundamental standards of ordered liberty of most of those concerned with fair trials to know that a newsman was in possession of decisive evidence, but could do whatever he pleased about testifying.

Under such circumstances it is not hard to predict the growth of an elaborate waiver doctrine followed by flat refusal of all newsmen to answer any questions in any trial.

Thus finally we would engender a direct conflict between the right to a fair trial and the most particular—and obviously self-serving—invocation of First Amendment rights ever attempted. And the concrete cases in which this conflict arose would involve a purely speculative and abstract injury to newsmen as a group versus a very real, immediate and severe deprivation of the rights of an individual defendant. This is not the sort of situation that a friend of the First Amendment would wish to invite.

All of these arguments against the constitutional status of newsman's privilege do not necessarily run against the wisdom of creating a statutory privilege. But many of them do, and I will make the obvious points briefly.

An absolute shield law would in many concrete instances offend our sense of justice as much as a constitutional privilege. Such a law would almost totally immunize

the media from libel actions.

It would require state "licensing" of bona fide journalists. It would, like a constitutional finding, fail to distinguish between grand jury proceedings where abuses are most likely to occur and trial proceedings where requests for testimony are more likely to be bona fide and the testimony more vital. It would fail to distinguish between evidence for the defense and the prosecution. It would lead to a waiver doctrine and subsequent over-claiming of the privilege. And in general it would interfere with the fact finding function of trials in order to defend an interest group which already possesses considerable political and economic power.

The great benefit of statutory approaches, however, is that they need not be absolute, and can make fine distinctions that are difficult in constitutional law. A statute could provide guidelines for determining who was—and was not—a newsman or scholar; could provide a greater shield before grand juries than before trial courts and against prosecution than defense demands for disclosure; could exempt libel prosecution from the shield; could provide for lowering of the shield where certain crimes were involved; could distinguish between what a reporter was—or was not—told in confidence; could provide procedures under which disclosure could be made confidentially to the judge who would then pass on the information to the jury without the identity of the informant; and/or could establish clear rules as to waiver which would encourage newsmen to at least respond to some questions.

I must admit I have not tinkered much with such a statute, although I think I would favor one that erected a strong shield against federal grand jury enquiry. The difficulty with all of them has been expressed to me by a number of newsmen.

First, a complex statute full of exceptions would not inspire the trust of either newsmen or informants and so would not create the secure expectation of confidentiality which is the oil of newsman-informant relations.

Second, such a statute would encourage the same sort of narrow interpretation by state courts that newsmen have encountered in the past. After their experience with fairly strong laws in Tennessee and New Jersey, many newsmen think that no privilege short of an absolute one would do them much good.

Thirdly, any statute would require government "licensing" of the press and constitute a dangerous precedent.

My own conclusion is that a general reform of federal grand juries, particularly in giving them independent counsel and staff, would be a more promising approach to the specific problems that have arisen in recent years than would the assertion of either a constitutional or statutory newsman's or scholar's privilege. ~

# The Pleasures and Perils of Ombudsmanship

*Earlier this year Robert Maynard, ombudsman for The Washington Post and Nieman Fellow '66, led a seminar for the current class of Fellows. What follows is a transcript of the proceedings, edited by Hollie West, Nieman Fellow '74 and reporter for The Washington Post.*

Maynard: Your curator has asked me to talk a bit about the concept of ombudsmanship. This may seem like a strange concept—it's Scandinavian in its origin—for someone who's black to be talking about, but such is the way of today's world. It's hard to talk about this nearly new concept right now because so much of the relationship between journalism and the rest of the world is changing dramatically.

It's also important because the impetus for ombudsmanship derives from the notion that there is awesome power in the contemporary American press and that we must look carefully at its impact on the rest of us. This, of course, is the result of the monopolization of the press by a relatively few owners who are in a position to make decisions that affect the quality of the information we receive—whether we hear about certain people or ideas, whether we learn all about what's going on and get it straight, or whether it comes with some spin on it. All those questions are important—not just important for us as journalists to think about, but important for us as citizens too. We are in a somewhat difficult position to think about them now because all of us in this room are, I suspect, rather grateful of late for the awesome power of the American press. I mean the power of the press to affect our perceptions of the great issues. Were it not for that power, it would be very difficult to imagine where we would be at this very moment.

Jim Higgins, professor of journalism at Boston University, was reminding me of a man who was once the District Attorney of the county in which Jim and I worked together for so many years on the York (Pa.) Gazette and Daily. This man was first the D.A., and went on to become a judge on the Common Pleas Court. There was a big political dogfight going on in which our newspaper took one side and the local politicians—all except the D.A.—took quite another. The D.A., George V. Atkins was his name, said he wasn't going to get into a fight with the local morn-

ing newspaper for the simple reason that we came out every day and we would continue to be there long after he departed.

That's an interesting small lesson about what's going on now, and it isn't a lesson in which we, as journalists, deserve to take much pride—namely, "Don't mess with the power of the press." I think the Nixonites forgot that. Were it not for the power of the press in the Watergate case, it is hard to imagine where this nation would be right now. It certainly was a miscalculation on the part of the Nixon men, one of many, that they could build up such a drumbeat of enthusiasm for their cause and thus hope to smother the voice of any critic.

Despite the present atmosphere, I try to perform the role of keeping at least one newspaper reasonably honest about the way it performs in an arena in which it is so powerful. My task entails three separate but inter-related parts: The first is to receive all manner of complaints about the performance of the institution. Some of them are very frivolous and are passed on in a perfunctory way to somebody who didn't deal with them the last time they came around. The Washington Post employs 2,500 people, and the Ombudsman's office has the right of inquiry into what each of them does, so you can get into some pretty silly things.

Some fellow called up one day and said, "Your newspaper won't take my ad," and I asked, "Well, what is your ad?" He said, "Well, see, I make the most fantastic omelet in the world, and I want to put an ad in your paper describing my omelet and offering to serve it to anybody, anywhere for \$10,000." The advertising department wanted to know how many eggs were in the omelet. His reply was

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**. . . . The impetus for ombudsmanship derives from the notion that there is awesome power in the contemporary American press.**

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that he didn't know—six, eight—to which advertising replied, "Well, we just figured it out, and that comes to something like \$1,200 or \$1,300 per egg and that's much too expensive. You can't charge that much." The fellow said he didn't understand. It was not the eggs he was selling, it was the idea. And the advertising people said, "Well, we don't understand that too well, so we won't take it." Then he came to me and asked, "Will you please get my omelet advertised?" I asked, "Well, what does your omelet taste like?" He got his ad.

So, phase one is dealing with the legitimate complaints of people who either are denied access or denied some other service that the newspaper ordinarily performs.

The second phase is in the painful area of internal criticism, reading the paper every day and communicating my observations to one editor or another about the degree to



which the newspaper has fulfilled its mission, and how I think it failed and how I think it succeeded.

And then the third is one with which some of you might be familiar, and that is a column known as "The News Business." It appears every Thursday morning, just south of Herblock, and it's for the discussion of journalistic questions. Sometimes it is critical of The Washington Post and other times it is critical of somebody else. Frequently, it's a discussion of the problems of informing an increasingly sophisticated audience in an increasingly complex world.

So we get into the problems of doing journalism and the problems of understanding journalism. Frequently for me it's just fun to take up the subject of explaining our business to people. My favorite incident is an occasion on which John Ehrlichman quite gratuitously chose to misinform the Senate Watergate Committee. It wasn't a big whopper, which is what I like about it. It so reflected on the character of the man. He went out of his way to tell a small lie, but it was a lie that could be documented so well for what it was. Perhaps he didn't take that into consideration. It took a few trans-Atlantic telephone calls and the like, but eventually we were able to lay out something in The News Business column that really should have been in a news story, and that's often the point of what I try to do in this column.

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**. . . If you are a journalist, you're not obliged to assume that people are telling the truth.**

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For me, it is no fun to preach, and the reason for that is that I was raised in the household of a preacher. So what I think of instead are ways to illustrate various points. The point I suppose I was hoping to illustrate in Ehrlichman's case was that news people can't take anything for granted. If someone is testifying under oath, we have a tendency to say, "Oh you know, the guy said it under oath!" Well, that ordinarily means to most of us that he must have been telling the truth, but what we have to deal with in the contemporary "era of post-Watergate morality"—to use Mr. Agnew's arcane phrase—is that not everybody does tell the truth under oath. Or any place else, for that matter. And if you are a journalist, you're obliged not to assume that people are telling the truth. It's a disservice to our readers. That's a point I try, in various ways, to make frequently, not by lecturing about the virtues of checking up on the statements of public officials, but simply by taking up an example and exploring it and laying it out on that page in the hope that people, when they see it, are struck by it.

Those, then, are the three elements of the Ombudsman concept as I see it. It is a relatively novel approach in this

country, and I am still not one who is wholly convinced it works. I think it will take a time of testing to know if it's a valid concept. But is *it* worth trying.

One of the questions that I am asked most frequently is "How can you criticize the people for whom you work? Why not be independent?"

My answer is that I don't know what the perfect solution is to the problem of press accountability. All I know is that the problem exists. We have virtually no internal quality

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**Of all the problems of the press, the problem of access is perhaps the most serious.**

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control; we scrutinize others with vigor, as well we should. Yet we do little exposing of our own weaknesses and failures. We play favorites by focusing on some causes and entities, but not on others.

Of all the problems of the press, the problem of access is perhaps the most serious. It exists especially for people who are poor and don't have press agents, but who have something they need to say to their fellow man or woman. Ombudsmanship is difficult, it's time-consuming, but it's new and challenging and, for me, that alone is worth the trip. It's not interesting to me to do what I did last year or yesterday. I'm always, like most journalists, curious to try something else, and I am really struck by the contrast between what has been happening in the last couple of months and what happened a year ago when it was announced that I was going to try this experiment.

Easily eight-five per cent of the people I spoke to then, or received letters from, said, "I don't know whether to congratulate you or offer condolences—ha, ha, ha." As if I would voluntarily do something for which I would need condolences right away. Eighty-five per cent of the folks seemed terribly concerned for my safety, as if I were trying to jog across Fifth Avenue at rush hour! Only fifteen per cent said, "Gee, that really is interesting; that's a nice challenge. I wonder how it'll work out." Here we are a year later, and now I get letters from journalists all over the country who say that I have the most interesting job in journalism today. They go on to say they understand I have a firm commitment of eighteen months, and then they want to know how they can apply for the job when my term expires.

I think that tells you something about what's wrong with the concept. Success or failure depends all too much on the fortunes of the individuals. I think balance is the key to the whole thing—whether you can get started in a certain way and keep it under control.

*Question:* I think what Bob is talking about is not dealing with publishers and institutional establishments. It's a question—  
(continued on page 31)

## Mr. Ehrlichman Grants an Interview

*Sen. Montoya: Now, on July 21, you were quoted in an article in The New York Times as being in favor of releasing the tapes which are in controversy. Did you make that kind of statement?*

*Mr. Ehrlichman: Well, I have had a lot of trouble with quotations in The New York Times, Senator, and that is one of them.*

As Watergate stories go, it was hardly earth-shaking. Simply put, John Ehrlichman, whose defense posture and strategy are intimately linked to President Nixon's, told a reporter something that journalists on two continents took to mean that he favored the release of the White House secret tape recordings. And he was quoted as saying it only a day before the Nixon administration made it clear that the tapes would not be released.

Precisely what Ehrlichman said, and the circumstances under which he spoke, have become a matter of dispute. As with much else that has passed between the Nixon administration and the press, especially regarding Watergate, the media consumer must decide in each dispute in whom to have faith.

Sometimes, because of the clouded character of the material, the choice is difficult. Deciding whether Colson-told-Dean-what-Ehrlichman-says-Haldeman-told-Clawson -Dean told-him-about-what-Colson-said leaves many a citizen limp with confusion.

For that reason, the exchange outside his house in Virginia between Ehrlichman and Gerald Seymour of Independent Television News of London about the presidential tapes is significant and interesting. What they said to each other about the tapes is on film.

It would have been easy for readers of The Washington Post and The New York Times to have missed the story altogether. It appeared in the 13th paragraph of the lead story of The Washington Post on July 21, a Saturday. The three-paragraph insert said:

"One major figure in the Watergate case, former Nixon aide John D. Ehrlichman, said yesterday he was 'delighted' to know the tapes had been made and he expected 'they will be sort of the ultimate evidence in this thing.'

"Ehrlichman, interviewed by the British Independent Television News, said the tapes 'certainly' should be produced for the committee." The brief Times story said essentially the same.

Seymour and officials of ITN insist that "not a scissors went in" to the portion of the interview ITN broadcast on the tapes controversy. The tape discussion was aired intact. Here is that portion of the interview, as it was broadcast and as it appears in the ITN transcript:

Seymour: The matter of the secret tapes in the Oval Office, did you know about those, Mr. Ehrlichman?

Ehrlichman: No, I didn't.

Seymour: They could perhaps vindicate you, couldn't they?

Ehrlichman: I would think they will be sort of the ultimate, er, the ultimate evidence in this thing.

Seymour: You'd want those produced, would you?

Ehrlichman: Oh, certainly, certainly. I don't have, er, thinking back I may have said some things about some people to the President that were very frank and candid, and unvarnished, but as far as events or circumstances or my position in this whole controversy, I don't have a thing to worry about as far as those tapes are concerned. I'm delighted they're there.

We will return to the question of how Seymour obtained this remarkable interview with Ehrlichman and what Ehrlichman said of those circumstances... First, Ehrlichman's answer to Sen. Montoya as to what he told the reporter, as it appears in the official transcript of the proceedings of the Ervin committee:

Ehrlichman:...this fellow said something to the effect, "Do you have anything to worry about if these tapes get out?"

And I said, "No, I don't think I have anything to worry about. I didn't know I was being taped, but I don't think I said anything there that would, that I would be ashamed of."

And he said, "Well, then you think the President ought to release these?"

And I said, "Well, you know you have got to look at this from two standpoints. Certainly from my standpoint I have no problem, but he has a much larger picture to look at."

Well, the word "certainly" is what carried on the wire, and the rest of the sentence didn't get carried, and so I saw the wire story and it said, "Ehrlichman today in response to a question, 'Should the President release these tapes?' said, 'certainly.'"

Well what I said was in effect, "Certainly I don't have anything to worry about but the President has got a lot more worries than I have about the country and the separation of powers and his relationship with the Congress and so on.

Now, having just said that sentence, I will bet you The

New York Times tomorrow says, "Ehrlichman says the President has a lot more to worry about than he does."

A journalist in his 30s, Seymour does general assignment reporting for ITN. The week before he came to Washington, he'd been in the Bahamas for the independence story.

Stopping in Washington, he suggested to his colleague and friend Mike Brunson, the ITN correspondent here, that he might take a run at an interview with Ehrlichman.

"It was my idea that Ehrlichman might be willing to talk about life in his household since the whole disgrace of Watergate and the loss of power and so forth," Seymour said. "I arrived at the house at about 6 that evening and found a Newsweek photographer there."

When Ehrlichman arrived home at about 7 p.m., Seymour spoke with him and told him of his desire for a "soft" interview, one that would explore family life and circumstances, not the hard details of Watergate. Ehrlichman, to Seymour's delight and surprise, was readily agreeable. They made an appointment for 9 a.m. the next day.

At 8:30 the following morning, Seymour and a film crew set up a camera on a tripod outside the Ehrlichman home. At 10 minutes before 9, Seymour, anxious to get under way, rang the doorbell, only to be told by Mrs. Ehrlichman that her husband was still eating breakfast and would be out at 9.

"Right on the dot of 9," Seymour reported later, Ehrlichman emerged from his home. "He was in a most affable and friendly mood," Seymour recalled.

The microphone Seymour chose to use would later prove to be significant. Ehrlichman was wearing a bow tie that morning and Seymour clipped a small microphone on the front of his shirt. It is plainly visible in the film. . . .

They talked for 15 minutes, consuming more than 400 feet of color film, stopping once to change the film maga-

zine, and then continuing on for a few more minutes. Ehrlichman talked about the effect of Watergate on his life, of having more time with his family, of their plans to leave Washington: "It's the most expensive city in the country, I guess."

One week after that interview, on Thursday, July 26, in the morning session of the Watergate hearings, Sen. Montoya asked about the quotation in The New York Times and received Ehrlichman's response that "I have had a lot of trouble with quotations in The New York Times . . . and that is one of them."

Ehrlichman then went on to testify to Sen. Montoya and the rest of the Ervin committee as to the circumstances under which he gave the interview, before contradicting its substance as to the tapes.

"What happened," Ehrlichman said of the interview with Seymour, "was that I gave a television interview to a fellow; you know they come out and sit on my lawn and as I came out in the morning, it's pretty well unavoidable . . ."

He then went on to his version of the conversation, placing "certainly" in a context the film does not support. Nor does the film support the contention that Ehrlichman was taken by surprise and said just a few words on the run, words that were later misinterpreted by the press.

People stumbling over reporters on their front law in the morning don't stop and allow the pesty reporter to clip his own microphone into their shirts.

More than that, when it was all over, Seymour asked Ehrlichman if he would get in his car and drive it slowly out of the driveway so that British viewers could see a major Watergate figure driving off to work.

R.C.M.

(Excerpts from *The Washington Post*, August 4, 1973)

## The Pleasures and Perils of Ombudsmanship

(continued from page 29)

tion of our contemporaries—a reporter who's gone out to cover a story in a professional manner, and then people call and start complaining about it. How do you deal with that?

*Maynard*: Often it's really difficult because I sit down at the typewriter and write what I think is a fair judgment of the performance of the institution, not of any individual. I think that in the world of journalism we live in today, it's rare that an individual's efforts survive as individual effort. All of us here are familiar with the process, particularly on a very hot story: the managing editor is probably living at the

reporter's elbow throughout; then the copy desk must have its say; perhaps the news desk has made a few suggestions—and all along the reporter's original idea has been modified or amplified. I just assume that about most major stories I read. So when I make judgment about the quality of an effort, I don't think of it as the effort of any individual, but rather the collective effort of the institution. When I sit down at the typewriter to explain to our readers why a particular story was screwed up, I am conscious of the fact that my criticism must be a judgment of the efforts of a whole sequence of individuals who make up a newspaper.

The problem, however, is not what I know by virtue of some special knowledge and from some special vantage point, but what the public needed to know. And if one con-

cludes that they needed to know something more or different from what they got, one must say so. Sometimes surprising things happen. I've had any number of reporters and editors come to me and say they felt a critique was justified or that as a result of columns about news problems, they had gained some insight into our business. What I want to avoid is jamming my own dogma down other people's throats. Instead I just talk about the problems all of us share, and I assume that people can deal with the fact that each of us has a unique approach to these problems.

*Question:* I'm just wondering in terms of your relationship with the supervisors, executives, and owners of your newspaper, whether or not you work under conditions of independence and if so, is this in your contract?

*Maynard:* Yes.

*Question:* In other words, aren't you Archie Cox's successor? I'm talking about the Bagdikian case, when he was ombudsman of The Washington Post.

*Maynard:* There are a couple of things that are important to know about the Bagdikian experience. One of the most serious problems that Ben [Bagdikian] was well aware of—and that I came into that position being aware of—was that he didn't have a contract. Obviously, contracts can be broken and are therefore suspect. But it does make a difference to have something in writing that outlines your mission. The most important thing in the contract is that it sets a tenure for the person who occupies the office. It says the job shall exist for eighteen months.

*Question:* The job exists? The person—?

*Maynard:* Well, all right, for this particular person, the job exists for eighteen months. It's crucial to being able to fill the role to know that if you say something that offends somebody, they have to find a way around that contractual language if they want to get rid of you.

The other important thing is that it sets a mission—as being that of having the right to criticize the performance of the newspaper in three crucial areas: fairness, completeness and accuracy. Those two clauses—a job tenure and mission description—are crucial.

I don't believe Ben would have had such problems if he'd had the experience of knowing the importance of having that kind of language in writing. He took somebody's word for his charter and assumed that they would tolerate what he said, and therein lay the difficulties.

*Question:* Are you guaranteed a job after your eighteen months?

*Maynard:* No, absolutely not, nor would I want to be guaranteed a job. ~

## Government and Press

*The following article is adapted from a speech given by James C. Thomson Jr., Curator of the Nieman Foundation, at the Pacem in Terris III October convocation in Washington. It was first printed in The New York Times Magazine, November 25, 1973.*

I first got a vivid sense of the Government-media relationship, in Washington at least, when, as an ambitious youth of 27, I sought, in the late nineteen-fifties, the advice of ex-Secretary of State Dean Acheson as to what to be when I grew up. Older men are invariably charmed by such questions from the young since it gives them a chance to talk about themselves: so he graciously gave his answer over Beefeater martinis and crab Maryland at the Metropolitan Club. As I was sitting there, exhilarated by the presence of a score of Notables among our fellow lunchers, a murmur of excitement filled the room, and two men made their way slowly, in single file, toward a table at the end. From all over came respectful calls of greeting—"Hello there, Scotty!" "Hi, Scotty!" "Good to see you, Scotty!"—to each of which the rather chunky man in front responded, archbishoplike, with a nod, gentle smile, and slight benediction of the hand. As conversation resumed, my host turned to his friend Paul Nitze at the next table and asked, "Paul, who is that with Scotty Reston?" "I don't know," said Nitze, former Director of Policy Planning at the State Department. "But I'll certainly find out, and I'll give you a call after lunch."

I should have known then and there where power really lay—and gone off at once to knock at the door of The Times. Instead, I chose to explore for seven years the alleged "corridors of power" at State and the White House—variously observing journalists, obstructing journalists, misleading them, fraternizing with them, conspiring with them and often cheering them on. And after seven more years out of Government, watching the media from the university, I find myself today a keeper of journalists at Harvard.

It is on the basis of that twofold experience—first as a Government official, and then as an academic, who has throughout consorted with the press—that I venture to treat an important and perennial topic: the Government-media relationship in the making of American foreign policy.

A word of caution at the outset: The topic is not only important and perennial, it is also unresolvable. There is no "final solution," thank God, to the Government-media problem in a democracy, for the continuing tension between these two powerful institutions is a fundamental life sign—like blood pressure, for instance—within the body politic. One should therefore be warned against all pro-



posed "solutions" that put an end to the tension itself. As with blood pressure, the tension can get perilously high, also comatosely low. But in the science of government, unlike medicine, it is a very tough question to judge precisely when danger points are reached; and one should beware of most judges, especially those whose predilections are unstated.

Earlier this autumn, for instance, a report called "The News Media and the Government" was issued by a distinguished Freedom House panel. It begins: "Relations between the news media and the executive branch of the Federal Government are deplorable," and there is immediately a footnoted dissent by panel member Wallace Westfeldt of NBC-TV News. Says Mr. Westfeldt: "I think this characterization is much overdrawn. The condition that exists between the press and the Government may be uncomfortable at times for those people who inhabit those institutions. But the result of this condition has been more information to the people about how their Government operates and certainly this is not deplorable."

Mr. Westfeldt is probably right. Is it the Government-media relationship that produced the Indochina convulsion both abroad and at home, or is it the increasingly indefensible—and therefore largely concealed—policies of the executive branch? Is it the Government-media relationship that produced the Watergate convulsion, or is it the publicly indefensible—and therefore heavily concealed—operations of the executive branch? Should we be "deploring" a poisoned relationship, or instead poisonous policies and operations?

Now in an ideal society, of course, things would not have come to such a pass—to a point where a handful of journalists in Vietnam in the early sixties, and two reporters

**There is no "final solution," thank God, to the Government-media problem in a democracy**

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on The Washington Post last year (in both cases with much assistance from others) had to take on their Government in order to help the country reverse course. This, I gather, is what the majority of the Freedom House panel meant by "deplorable." In an ideal society we should never have had to reach such a stage of mutual discomfort and recrimination, a stage exemplified at its hypertense worst (to date) by President Nixon's performance at his Oct. 26 press conference.

But the fact is that we did, thanks largely to the Government; that some of the press stepped in to do its job; and that, as Westfeldt says, today more people have more information about how their Government operates. And that is certainly *not* deplorable.

Let me now step back for a moment from such cosmic overview judgments and offer a few simple truths about

the Government-press relationship on the basis of my own personal observation.

*First and foremost:* Officials court the press, and the press courts officials, but the courtship is usually doomed—at best a long-term affair, sometimes a one-night stand, but very seldom matrimony.

The difficulty is one of means vs. ends. To each, the other is a convenient means; but their ends are usually quite

**... After a lunch with Dr. Kissinger it usually takes three days for one's critical faculties to return from paralysis.**

different. The official wants at best to sell an important Administration policy, more often to push the case of his faction within the bureaucratic arena, at worst simply to sell himself (to become known, liked and sought after, as someone "in the know," perhaps with higher political ambitions which the press might eventually assist). The reporter wants at best to ferret out THE TRUTH, more often to get a few more clues on which to hang a somewhat half-baked story under the gun of a deadline, at worst to feel the warm glow of Proximity to Power (to become known, liked and sought after, as someone worth confiding in, perhaps with higher ambitions, etc.).

The crucial social cement is mutual use; also, depending on the nature of the relationship, mutual flattery. Officials use reporters to pass on or plant certain messages and thereby win battles. Reporters use officials to dig out information and thereby get ahead. Officials are flattered by the attentions of some (certainly not all) journalists—mainly those of columnists, editors and publishers. And journalists are flattered by the attentions of some (certainly not all) officials—mainly Presidents, Cabinet members, some Assistant Secretaries, a very few Ambassadors and also the bright young men who service The Great. There is, of course, the danger of seduction; and the press is the party more vulnerable. As one Washington journalist has put it, after a lunch with Dr. Kissinger it usually takes three days for one's critical faculties to return from paralysis. Or, members of the media, in courting Government officials and thus cultivating sources, may develop friendships which on occasion make the less resolute less prone to their right and proper skepticism, less inclined to criticize. But the dilemma is by nature inevitable and unsolvable; one simply cannot become informed barricaded in one's own closet.

As for true matrimony, it occurs only when officials very occasionally leave Government to join the press (William Safire comes to mind) much more often when members of the press take on Government jobs (that list is quite lengthy, though the divorce rate is also high).

What I have just described is enacted daily, as most Washingtonians know, in *some* Federal offices, behind closed

doors; on the scores of telephone lines, at least prior to Watergate; in assorted Washington clubs every lunchtime (usually "one on one," but sometimes, like nuns, two by two); in the more fashionable downtown French restaurants at the same time, and in various unfashionable restaurants further afield if the transaction is particularly serious and the Government-press climate particularly tense. It is also enacted at night, as everyone knows, on the Greater Washington cocktail and dinner-party circuit where one's credentials as an inside-dopester are constantly put to the test (and where Maxine Cheshire is often the judge).

*Second:* This relationship, this mutual courtship, is not in itself a bad thing for the nation, though it *can* have bad effects on individual practitioners within both the Government and the media. Like most things, its practice depends on the values of the people involved and also on the consequences. It's all a bit like what has come to be known in divinity schools as "situation ethics."

The Founding Fathers bequeathed us the dual ideal of a somewhat nonaccountable free press and a somewhat more accountable Government—both serving, they hoped, the best interests of the electorate. Of course, they foresaw neither the awesome power of our Presidential state—what some

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**McNamara called McGeorge Bundy in a fury; Bundy called some of the rest of us in a fury; and there was much hell to pay.**

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have called our "Imperial Presidency"—despite checks and balances, nor the awesome power of instant communication through the electronic media—a power available, it should be added, to both the Government and the press. What remains so far, despite such changes, is a fairly pluralistic executive branch, a fairly pluralistic press and their interaction with some other institutions that should not be entirely overlooked (the Congress, the judiciary, foreign governments, transnational institutions and the like). And as long as some pluralism still exists in both primary bodies, its existence is sustained and enriched by the process of mutual courtship.

The crucial point to me is the role of the press as a special kind of check or balance: not only as the Fourth Estate or fourth branch of government, but also as opener of closed or clogged communications both within the Government and between the Government and the public.

This dual function has been inadequately understood. The executive branch, in both its domestic and foreign realms, is a congeries of individuals, groupings and agencies; so-called "policy making" is an ongoing process of argument, negotiation and even guerrilla warfare within and among competing and changing components—the process of "bureaucratic politics." Within this process, the press performs an invaluable and probably irreplaceable function:

the sending of messages back and forth among individuals, factions and agencies; and the alerting of the public to important battles, unresolved issues, not to mention downright skulduggery.

Let me illustrate with only one story. In late 1965, lower-level China-watchers within the State Department became alarmed over certain Pentagon targeting plans for the bombing of North Vietnam; the plans called for strikes against sites so close to the China border that the Chinese might feel compelled reluctantly either to intervene or at least to shoot down some of our off-course aircraft and thereby perhaps trigger a much wider war. These specialists had tried to make their case to the higher-ups, but in vain; the message had not got through to Messrs. Dean Rusk and Robert McNamara, nor to the White House. The worried officials therefore chose to alert a New York Times correspondent, on his daily rounds at State, that things were looking poorly; they did so carefully and obliquely, but they called his attention to some Peking radio broadcasts about the danger of bombing too close to the China border. The reporter read the stuff, made other calls, and put three and three together. The result was a front-page Times story the next day saying that China specialists in the Government were being locked out of Vietnam planning and were alarmed by impending escalation. McNamara called McGeorge Bundy in a fury; Bundy called some of the rest of us in a fury, and there was much hell to pay. But the upshot was that Rusk, McNamara and Bundy called in the China-watching community for a special Saturday morning session—and that the targeting plans were at once modified as a result of what the China types said. The press, in short, had performed a vital function.

Such things happen constantly—or at least did so in the years I knew best, under Kennedy and Johnson (and even if they don't happen now, in our most secretive and besieged Presidency, they will undoubtedly resurface under Nixon's successor). The press was an invaluable circuit reconstructor within the Government, once circuits were temporarily broken. In a similar vein, an official or an agency might learn that he or it was in danger and did not actually "win" the last policy battle, as he had thought—all thanks to the press serving as an intermediary for the "losing" side's continued persistence in the ongoing process of bureaucratic politics.

As for the press as an instrument in alerting the public to important battles, unresolved issues and skulduggery, Indochina and Watergate provide abundant evidence. Little or none of such evidence would have been available to the public except for the tradition and habit of mutual courtship between individual practitioners in two powerful but still pluralistic institutions.

(continued on page 36)

## 1974-75 Nieman Selection Committee

Three journalists, three officers of Harvard University, and a former president of Radcliffe College will serve on the committee to select Nieman Fellows in Journalism for the academic year 1974-75.

The Fellowships provide a year of background study at Harvard for persons experienced in the news media. The Fellowship awards will be announced in June.

Members of the committee to select Nieman Fellows for 1974-75 are:

**Mary I. Bunting**, Assistant to the President for Special Projects, Princeton University, and former President of Radcliffe College. Mrs. Bunting received her A.B. degree from Vassar College in 1931 and her Ph.D. from the University of Wisconsin in 1934. She is a Trustee of the College Retirement Equities Fund and the Woods Hole Oceanographic Institute; and a member of the Secretary's Advisory Committee on the Rights and Responsibilities of Women, HEW.

**Charles U. Daly**, Vice President for Government and Community Affairs, Harvard University. Mr. Daly was graduated from Yale University in 1949 and received his M.S. in Journalism from Columbia University in 1959. From 1962-64 he served in the White House as a Staff Assistant to Presidents John F. Kennedy and Lyndon B. Johnson; and from 1964 to 1969 he was Vice President for Development and Public Affairs at the University of Chicago. In 1972 he was chairman of the Nieman Policy Committee.

**Frank A. Daniels, Jr.**, President and Publisher of the Raleigh (North Carolina) News & Observer. Mr. Daniels received his A.B. degree from the University of North Carolina at Chapel Hill in 1953. He is past president of the Southern Newspapers Publishers Association, vice chairman of the Raleigh-Durham Airport Authority, and a member of the Nieman Advisory Committee.

**Edwin O. Guthman**, National Editor of the Los Angeles Times. Mr. Guthman received his A.B. degree from

University of Washington in 1941, and was a Nieman Fellow in 1951. He served as Press Assistant to the Attorney General of the United States in 1965, and was awarded the Pulitzer Prize for national reporting in 1949. He also is a member of the Nieman Advisory Committee.

**Thomas F. Pettigrew**, Professor of Social Psychology, Harvard University. Mr. Pettigrew was graduated from the University of Virginia in 1952 and received his Ph.D. from Harvard University in 1956. He was a Guggenheim Fellow in 1968. Author of several books on race relations, he is the editor of "Racial Discrimination in the United States," scheduled for publication in the spring.

**Eileen Shanahan**, reporter in the Washington Bureau of The New York Times. Ms. Shanahan received her A.B. degree from George Washington University in 1944. She is a member of the standing committee of the Reporters Committee on Freedom of the Press and a founding member of Journalists for Press Equality.

**James C. Thomson Jr.**, Curator of the Nieman Fellowships and Lecturer on History, Harvard University. Mr. Thomson was graduated from Yale University in 1953, received A.B. and A.M. degrees from Cambridge University in 1955 and 1959, and a Ph.D. from Harvard in 1961. He served as an East Asia specialist at the State Department and White House in 1961-66.

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About 12 Fellowships will be awarded for 1974-75. Each grant provides for nine months of residence and study at Harvard for journalists on leave from their jobs.

The current class includes 12 Fellows from the United States and three Associate Fellows from foreign countries.

The 1974-75 class will be the 37th annual group of Nieman Fellows at Harvard University. 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.

## Government and Press

(continued from page 34)

Let me caution, however, that it took long for Indochina to be exposed; and Watergate was much too close a call—all because so much of the press was *not* doing its job, was simply responding to the Government's moves and hand-outs, showing the herd instinct and was seldom staying long enough with any one central story or issue.

*A third and related point:* Beyond message sending, circuit reconnecting and alerting, the Government-media relationship in foreign affairs can be, and often is, a mutually and importantly educational process.

Abroad, in foreign postings for both officials and journalists, mutual learning is the name of the game. The best of the Foreign Service officers and the best of the overseas press corps are fundamentally in the same business. Everyone from ambassador and bureau chief on down is in the business of information gathering, analysis and transmission, the one group for a special client called the United States Government, the other for the wider public via some wire service or newspaper or TV network. Inevitably, they seek out and use each other. A classic example of such harmonious coexistence has been the Government-press relationship among Americans in such special outposts as Hong Kong and Moscow. But it also happens all the time elsewhere—like London, Warsaw, Buenos Aires, Nairobi, Tokyo and New Delhi.

As for places closer to home, the same holds true, though to a lesser degree. Washington officials can and do learn from reporters, as well as vice versa: not merely what your

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**The best of the Foreign Service officers and the best of the overseas press corps are fundamentally in the same business.**

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adversaries in some other bureau or department are saying, but also what your higher-ups or juniors may be saying, what the word is from the reporter's own paper's contacts abroad or from foreign embassies.

I usually assured myself, in my Washington days, that I learned slightly more from the journalist who took me out to lunch than I gave to them—though sometimes it was a close question; and sometimes I really blew it, though not often enough to get fired. I once tried, for instance, as a junior flunky at State in 1961 or 1962, to “humanize” Mr. Rusk's image, which was then quite chilly, by confiding to a news-magazine friend that on the morning after General Edwin Walker had told a Congressional committee that the State Department was full of Commies, beginning at the top, Rusk had walked into his staff meeting, shuffled his papers, peered over his glasses and said, with an impish smirk, “Good morning—eh—Comrades!” Well, there was hell to pay for that one, too; and also many new pledges to protect the sanctity of the Secretary's staff meeting. Anyway,

my friend got himself a Newsweek Periscope item; but even so, I learned from *him* at the same lunch things about Vietnam or the Dominican Republic—I forget which—that my cables hadn't told me. So it was still a reasonably good trade-off.

The fact of the matter is not quite what Khrushchev said to Allen Dulles—that we employ the same spies, so why don't we get together and pay them one joint fee. It is

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**... The system of security classification within the executive branch is a prime cause of our present afflictions.**

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rather that reporters and editors working for the press, and reporters and officials working for the various divisions of the Government, are all—at their best—poring over the same material. So why not expect, tolerate and even encourage a certain amount of collusion, as well as healthy competition?

But of course what gets fed into the Government by its reporter-officials does not necessarily see the light of day, much less the eyes of those who count; and indeed it is usually “classified” unlike what is sent to newspapers and TV stations (which also may not see the light of day, but usually for less immediately iniquitous reasons—like lack of space and time, or worse, bad judgment).

*Fourth and most obvious:* As bad as the media may be—and they vary from fair to horrendous—their instinct for concealing significant information in foreign affairs is nothing quite like that of the Government. To put the matter simply: the system of security classification within the executive branch is a prime cause of our present afflictions. Here I deal with what is now well understood, thanks largely to the Ellsberg case and sundry expert testimony brought to bear upon it: namely, that our security classification system is very largely an absurdity.

I first perceived the point when I found myself in the vestibule of the office of the Under Secretary of State in early 1961, sorting rather desperately each day through a foot and a half of the most highly classified cables, incoming and outgoing, that had filtered up to that stratosphere. I soon had to write a memo or two myself, and realizing that everything else in the room bore a classification, sought guidance from my colleague at the next desk. Should what I wrote be classified too, and if so, on what basis? His answer was the time-honored one within the bureaucracy: “Anything you don't want to see on the front page of The New York Times tomorrow you should classify.” I understood the message; and the archives will show, in 25 years or so, when they are finally opened to researchers, that all sorts of trivia that emerged from my typewriter bear such stamps as CONFIDENTIAL, SECRET, TOP SECRET, EYES ONLY, LIMDIS, EXDIS, and even NODIS. (I also



learned to use the outgoing designation NIACT, which meant that the recipient Ambassador should be roused out of bed to reply even if the cable arrived during the night. In later years some of us thought up the further designation DAYACT, which meant that the Ambassador should be roused out of bed to reply even if the cable arrived during the day.)

The serious point about classification is, of course, that every Administration since World War II has increasingly abused a system whose original rationale was the concealment of national defense information from The Enemy abroad. Concealment from that enemy has receded as a rationale, except for hard-core stuff like troop movements, nuclear-weapons information, intelligence relating to codes and the intricacies of any particularly delicate international negotiation. Instead, most of what is concealed through classification is anything whose revelation might be politically embarrassing to the Administration in power, or to individual officials, in terms of The Enemy at home: the opposition party, the Congress, the press and thereby the wider voting public. When my friend at the next desk at State talked about not having things appear on the front page of The Times, he wasn't talking about the Russians or the Chinese or Hanoi; he was talking about protecting my boss and the president (and me) from wider *American* scrutiny.

Now, privacy is one thing; and it has its place in the media as well as in the Government. But the use of security classifications for personal and political concealment in the politics of foreign policy making is an abuse that must somehow be halted. How to do so is a tough question; but one initial step may be, as some have suggested, to hold an official responsible for the classification he gives to a document and to administer penalties for overclassification.

So much for some simple truths. At their heart is an undeniable fact: that the existence of a free, probing and skeptical press is a major obstacle to efficient governance by the executive, to the making of tidy policy, whether foreign or domestic. But then so is the existence of a Congress, an opposition party and regularly scheduled elections. These are all considerable prices to pay; and most societies in the world have found ways to avoid paying them—China, Russia, Greece and now the Philippines, to name only a very few. But as long as we still believe in the fallibility of all men and institutions, and as long as we still value the disorder of relative liberty over the efficiency of tyranny, we should probably continue to pay such prices.

One hears a great deal these days about the startling loss of credibility of both the Government and the media. This, says the Freedom House report, is deeply alarming; and here, among its panelists, one finds no dissenter.

But I wonder if things are as bad as they seem; or rather, I wonder if this mutual loss of credibility—confirmed by all sorts of surveys—is really a sign of sickness rather than a

necessary stage on the road back to national health.

We have commemorated this year the 25th anniversary of a beginning of the cold war with the 1948 Czechoslovak coup. We have also celebrated, in the past year or two, the beginning of the end of the cold war, with the Nixon overtures to China and the Soviet Union, and our ending of the Indochina war, or at least our awkward dumping of it.

Governments, however, do not turn around without paying a price for their *volte-face*; and neither do the institutions that consort with governments—most notably the press. They leave behind a confused, anxious and often angry public—a public that tends to blame both the Government *and* the news bearers for the unsettling new developments.

The problem with which we have all been groping is, I think, the problem of the National Security Ethic: the old conviction that Presidents Know Best in matters of foreign policy, and that Anything Goes in the preservation of “national security.” We were almost all of us believers (those of us old enough to remember) in the days of Josef Stalin. The Presidency, the military, the bureaucracy, the Congress, the academy and the professions (including the press) were most of them faithful servants of a national security apparatus created to hold at bay the Enemy Without.

But then times changed, and so did perceptions. And like any state cult, the National Security Ethic developed doubters and even heretics. I. F. Stone was an early one, a

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. . . The existence of a free, probing and skeptical press is a major obstacle to efficient governance by the executive. . .

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pariah in those haunted nineteen-fifties; but eventually came younger journalists who broke with the creed, who saw for instance the Vietnam war as something other than Thermopylae. And the consensus itself began to crack; for the Enemy Without was no longer Stalin nor even necessarily Communism, but rather oppression, hunger, poverty, racism and a lot of other things.

Meanwhile, however, the National Security State had focused, from its earliest days, on the Enemy Within as well as the Enemy Without—under Democrats as well as Republicans. Could we trust our neighbors, we were taught to wonder—or our bosses or employees? And although the external enemy went the way of the cold war, the internal enemy remained, as did the increasingly sophisticated techniques to subdue him. The almost inevitable result was the near total breakdown of trust, both *within* the executive branch, and *between* the executive branch and many other elements of our society.

It is only poetic justice that the Indochina war, which toppled one Presidency, is now followed by Watergate,

which has crippled, and perhaps will topple, another. For as Indochina was the logical consequence of an obsessive and uninformed focus on the Enemy Without, so Watergate is the logical consequence of an obsessive and uninformed focus on the Enemy Within. In both operations—the making of Indochina and Watergate—the press has been somewhat complicitous. Because press people, like the rest of us, love their country, like to believe the best of it, and became for a while willing adherents to the National Security Ethic. But in both operations the press has also played a central role in calling a halt. Because press people, at their ornery best, are still eventually skeptical of all ideologies, including that of the National Security State.

We *are* in a time of travail for both Government and the media—no question. Each institution is certainly under fire—part of our national withdrawal symptoms as we pull out of the cold war era. But that in itself should cause no great alarm. If one or the other institution were to prevail or to expire, *that* would be cause for alarm. But no such thing is happening.

Presidential assistants, Cabinet members and even Vice Presidents may eventually go to jail; so, for very different kinds of reasons, may reporters, editors and even publishers. But Government and the media are still both very much alive and also kicking. And so, as a result, is the nation.

## Nixon Fears Press Self-Censorship Would Help Government Hide Facts

Former Vice-President Nixon, stepping up his attacks on the Democratic administration, said today President Kennedy's call for self-censorship by the press will encourage government officials to conceal facts the public has a right to know.

Mr. Nixon who kept silent during the first 100 days Mr. Kennedy was in office, is on a week-long tour in which he has become increasingly critical of the man who barely defeated him in November.

He chose the Detroit Press Club—"an appropriate forum," as he called it—to discuss a recent speech Mr. Kennedy made to the nation's publishers in which he urged self-restraint when national security is affected.

"The plea of security," Mr. Nixon said, "could well become a cloak for errors, misjudgments and other failings of government. . . . The whole concept of a return to secrecy in peacetime demonstrates a profound misunderstanding of the role of a free press as opposed to that of a controlled press."

### "Drastic Proposals"

Mr. Nixon had a word, "drastic," to describe Mr. Kennedy's proposals. And

he contended the President talked in such generalities it was impossible to determine if there was any urgent increase in the need for secrecy—or if any governmental action had been harmed by open reporting.

"He appeared to blame the press for recent Cuban events," the former Vice-President said of Mr. Kennedy. "But would the results have been much different had the press failed to perform its traditional role?"

"If a bad reporting job was done, was it entirely the fault of the press? Can it not be said there was a deliberate attempt to mislead? And how can the press be expected to get at the truth when anonymous Administration spokesmen keep contradicting each other?"

And although those around him have complained they think newsmen were unfair to the Republican candidate during the 1960 Presidential campaign, Mr. Nixon said of his fourteen years in Washington:

"It has been my own experience in government that newspaper men will co-operate fully when they are dealt with honestly.

"No reporter worth his salt would deliberately publish information hurtful to national security. The record of patriotic self-restraint is a good one."

And he reached this conclusion:

"President Kennedy's remarks will inevitably encourage government officials to further withhold information to which the public is entitled."

Tonight at a combination entertainment and Republican fund-raising rally, to which 12,500 tickets were sold, Mr. Nixon again reviewed the Administration's beginning, and, in his estimation, found it wanting.

As he did in Chicago last week, Mr. Nixon suggested a summit meeting between Russia's Nikita S. Khrushchev and Mr. Kennedy, mostly because he thinks Mr. Khrushchev should see for himself that Mr. Kennedy can't be pushed around.

"It is imperative," Mr. Nixon said in his prepared text, "that any illusions Mr. Khrushchev may have gained as to America's determination and ability to defend the areas of freedom against Communist aggression be dispelled."

—*New York Herald Tribune*,  
May 10, 1961

## VIEWPOINT

### A Modest Proposal

"As the number of cities in the United States with only a single newspaper ownership increases, news becomes increasingly nonessential to the newspaper. In the mind of the average publisher, it is a costly and uneconomic frill, like the free lunch that saloons used to furnish to induce customers to buy beer. If the quality of the free lunch fell off, the customers would go next door."

—A.J. Liebling, "The Press."

The American newspaper is again under attack for doing its job, delivering reality to its readers. Critics of some, not all, big city dailies, argue the right of these papers to criticize government and society.

Only a handful of papers are under attack, either as targets of political speeches, or from subpoenas from lazy or vindictive prosecutors. For all their editorial forthrightness these target papers and the other 1,761 daily papers in the U.S. suffer from hardening of their 19th Century arteries.

I suggest that general newspaper format in this country is obsolete. I speak of form, rather than an individual paper's political stance. The Washington Post, despite its possibly praiseworthy newsroom attitudes, is locked into a form as tight as that affecting the stodgiest, most reactionary daily in Mississippi or Ohio.

American newspapers do try to change. Periodically, when type fonts begin to wear thin, papers undergo graphic restyling. Usually this means the paper's management brings in a type salesman, or a recognized makeup "expert" to "redesign" the paper. The result, advertised to the farthest circulation reaches, is more modern type, "downstyle" headlines and, if the reader is lucky, more white space in the

cluttered pages. The form of the paper remains the same.

Traditional eight-column format newspapers were designed in the 19th Century; tab-size is an early 20th Century innovation. Early 19th Century editors presumed readers bought newspapers to read the news, all the news the editor could find, beg or steal. Other than the news, the reader had the advertisements to read. Column rules, tiny type and cramped "tombstone" makeup didn't really get in the way of a reader who wanted to find out what had happened.

In the 1890s the American newspaper began to change, primarily because Mr. Pulitzer and Mr. Hearst were waging a circulation duel in New York. Pulitzer borrowed from the style set by James Gordon Bennett and his New York Herald of the 1840s. Bennett developed the human interest story and the sensational exploitation of human frailty—he commercialized "sin." Pulitzer made the human interest story into an art form, a lure so readers could be made aware how hard Pulitzer's World was working in their behalf. Hearst's contribution to the newspaper revolution was two-fold. He tore up old-style makeup, and laid out pages that used big, black headlines to grab pedestrians, and he was one of the first editors to realize that newspapers can take an active role in chasing news—that they can "make" news.

With these two print titans battling in New York for ever-mounting circulation the innovations came swiftly.

These innovations had little to do with the basic news report. Consciously, or unconsciously, the competing publishers adopted frills designed to appeal to a barely literate audience which had only popular theater for entertainment. The changes were: the editorial cartoon, simple feature stories that appealed to the emotions, an easily identifiable set of public villains, Sunday and daily cartoon pages, Sunday magazines, and a glut of columns that of-

fered household hints, medical advice, theater criticism and advice to the lovelorn. These innovations did not really improve the news report, or editorial page commentary.

Mr. Pulitzer and Mr. Hearst were very successful, for their time; but The New York World and the New York Journal are dead. Readers today are more sophisticated; no newspaper can compete on a specialty level with the dozens of magazines available on news stands. I suggest that newspapers should return to their primary purpose: to convey and comment on the news.

Space in U.S. newspapers is usually allocated on a 60-per cent advertising, 40-per cent news basis. Yet, editors know they don't have 40 per cent of the "hole," or anything approaching it, once departments and features and other clutter are subtracted. (It amazes me that papers carry daily television and radio logs when "TV Guide" is the largest selling magazine in the nation, and most papers offer a weekly TV log of their own.)

I suggest the reader could do with a bigger jolt of foreign, national, and most especially, local news. To make space, papers could dispose of the following:

a. Comic pages. Does anyone think they're funny, or interesting? Newspaper comics were doomed when Disney made the mice sing and dance—40 years ago! Comic pages are dead weight, and in most cases produce no income.

b. Canned features, gossip columns, TV logs, hobby and pet columns, crossword puzzles and other games. Any reader interested in these subjects can find a selection of magazines on the news stand that provides greater depth than a newspaper can. Some might argue that features are necessary, i.e. entertainment columns on the movie ad pages. I suggest this argument is as fraudulent as food columns on a food ad page. American newspapers review

movies, the theater, television and books, and usually very seriously, but it took Rachel Carson to review the environment and Ralph Nader to show the impact of the automobile on our society. Newspapers have been derelict in providing criticism of areas of our society which are important, and normally do not get airing except in books.

What could an editor do with the extra space he has, once these "features" are dropped? One answer might be a regular department called "vital statistics," a well-edited display of births,

deaths, engagements, weddings and even divorces, wills, deeds and mortgages, as these are the times when most readers get their names in the paper, and there is no other outlet. Walter Cronkite is not going to announce Susan Smith's birth. This material is pure information—not entertainment—with high reader interest.

c. The use of headlines needs rethinking. As one who has struggled with the limitations of two and three columns for heavyweight 36- and 48-point type, I submit that the age has passed when headlines had to telegraph

the news to a pedestrian 20 feet away from a news stand. Headlines are needed that talk "to" the reader, not "at" him.

Finally, I suggest that once the old form of newspaper is broken, editors can move into the area of streamlining the news package, making it less bulky to read and to handle. If they dump archaic features, they will have little trouble filling the space; news staffs want to do relevant news, and they want to report about the quality of life today.

—Edward C. Norton

## Notes on Contributors

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"EVALUATING THE PRESS, The New England Daily Newspaper Survey" is available for \$7.50 by writing to the Survey, 25 Elm Street, Southbridge, Mass., 01550.