

# Niemann Reports

VOL. 3. NO. 2

Published by the Society of Nieman Fellows

APRIL, 1949

## Freedom From Contempt Alan Barth

### News at the Legislature

Richard L. Neuberger

### The Anatomy of the Crusading Reporter

Mike Gorman

### The Arab Press

"Pepper" Martin

### The New German Press

Werner Friedman

### Brandeis as Editorial Writer

A. Gayle Waldrop

### The Press and Social Action Today

John H. Crider

"On-the-Spot Illustrating" by Ralph Reichhold — "Strong Points for Freedom" by James B. Conant.

REVIEWS: "The Basis of American Influence" by Christopher Rand — "Hints From the Press Box" by Victor O. Jones — "A Century of San Francisco's Newspapers" by Robert de Roos — "So What" by Peter Lisagor — "Editor's Manifesto" by David B. Dreiman — "Burrs of Thought" by Louis M. Lyons

Published quarterly from 44 Holyoke House, Cambridge 38, Mass. Subscription \$2 a year. Entered as second-class matter December 31, 1947 at the post office at Boston, Massachusetts, under the Act of March 3, 1879.

# STRONG POINTS FOR FREEDOM

***The President of Harvard Defines the Historic Independence of Universities and Shows How Their Freedom in Teaching Buttresses All Our Liberties. From His Annual Report.***

by James B. Conant

Stephen d'Irsay in his *Histoire des Universités* remarks that a school of advanced studies is not necessarily a university; the criteria are not to be found by examining the nature of the studies nor by noting the numbers or the diversity of the students. For in origin the university is a juridical and social concept of the Middle Ages; it is a special type of corporation, an association of professional men for a definite purpose. Universities, this author concludes, could develop only in an atmosphere which permitted "that liberty of association and that juridical autonomy which are not only the condition *sine qua non* for the formation of the universities but their very essence."

\* \* \* \* \*

We tend to confuse universities with other types of educational institutions; and in so doing we miss their broader significance. For I believe it is no accident that one can trace in this century on parallel curves the rise and fall of the universities in many countries and the degree of political and personal freedom in these same lands. Germany and Czechoslovakia may be cited as two examples. The civil liberties of citizens and the independence of communities of scholars have marched forward and retreated side by side.

\* \* \* \* \*

May not our universities prove to be essential to the preservation of the ideals of a free society? A group of devoted and loyal men united for a special purpose, governed by its own traditions and perpetuated by its own rules, yet given a recognized status by a higher authority, must be an unconscious agent for the spread of ideas hostile to all forms of tyranny. No authoritarian state, past, present or future could tolerate for long such foci of anti-totalitarian infection.

\* \* \* \* \*

#### Preserving Academic Independence

Today the demands from all sides on a university for service bring with them the threat of new restraints. How can an institution be responsive to current needs

and yet not be blown about by the shifting winds of opinion? The answer I believe lies in preserving the original concept of a faculty as a responsible corporate body. To the extent that we depart from this traditional idea we endanger the independence of our universities and thus tend to destroy their usefulness in these days so critical for freedom.

At the risk of pressing an obvious point too far, let me contrast a university with other types of educational institutions. One can imagine a board of competent directors managing a proprietary school of law or engineering, for example, much as a school board runs a high school, or a business concern a laboratory for research. Hiring and dropping teachers as well as determination of educational policy would be the responsibility of the board, exercised through appropriate officials. Or the government of an individual state, or of the United States, might organize instruction in some locality as it would organize any other branch of its affairs, teachers having the same status as other employees. Such private or public professional schools might or might not provide effective training; but one thing is certain, they would be in no sense a university—not even if there were ten of them located in a single spot and enrolling students by the thousands. For in the two hypothetical institutions I have mentioned, the teachers would be charged with no responsibility beyond the immediate courses which they offer; they would have no corporate authority or rights. Any solidarity they might achieve would be as a group of employees standing vis-a-vis the management. The contrast with a university I am sure is clear. For in an institution which is a university, in fact as well as in name, the teachers are members of a body with vast powers and commensurate responsibilities. In the long run the independence of a university is not determined by whether the governing boards are appointed by the governor of a state or elected by the voters or by the alumni. Nor does it depend on the source of income, whether it be tuition fees, return on endowment, or state funds. The autonomy of the institution rests fundamentally on the autonomy of each faculty which embodies in its spirit and action the university tradition.

#### The Status of Professors

All this is self-evident to the members of this Board. Yet many well informed and thoughtful citizens of this country are often far from clear as to the true nature of a university. For example, the question may be raised—who is responsible for what professors teach or write as scholars, or say as private citizens? The answer is: an individual teacher in a university is either a junior apprentice or a full-fledged member of a self-regulating organization—a faculty; his rights and duties stem from relations which are defined by centuries of history. Again the query comes—why do senior members of the staff have permanency of tenure? (I have heard many irrelevant arguments advanced both pro and con on this matter of life appointment.) The status of a professor derives from the age-old concept of a faculty as an independent entity; the older members of the group are to each other as partners in a modern law firm—they share both responsibility and power. Clear recognition of these principles by all concerned with universities and their organization is essential, for on no other basis can the integrity and autonomy of our universities be preserved in periods of uncertainty and rapid change.

Admittedly we are living in a world in which an ideological rivalry that goes as deep as the religious hatred of four centuries ago breeds similar poisonous incidents and inflames suspicions. But I am convinced that our American doctrines in which tolerance plays so large a role will prove to have unsuspected stamina and resilience. The disruptive forces, however, will be powerful at times, and near panic may be threatened; strong points will be required by the friends of freedom. That is why our universities are of so great importance.

# NEWS AT THE LEGISLATURE

by Richard L. Neuberger

State legislatures are the law-making bodies closest to the American people. How good is the news coverage of the average legislature in the United States? Do the folks at home really know what goes on under the marble dome of the state capitol?

After having participated desultorily in the coverage of legislative sessions in at least half-a-dozen Western states, I look at the problem today from the other side of the mahogany rail. I am a member of the Oregon State Senate. My constituency is the 13th district, which comprises the city of Portland. I was elected last November to a four-year term.

The politician views political coverage from a totally different perspective from the journalist. The journalist is detached, aloof, often Olympian. The politician is intense, personal and frequently obsessed with the issue immediately at hand. I now can understand why politicians, whom I was covering, complained occasionally about dispatches which I thought gave them more than an even break.

It is easy to be impersonal when writing about another fellow. It is practically impossible to view the journalist's product as "a thing apart," to quote Shakespeare, when it involves your own prestige and standing in the community. Although a state senator is far down the political echelon, my service in the legislature will make me more understanding the next time a politician insists I wasn't quite fair to his pet project, or perhaps that I didn't quote him correctly.

The two dominant papers in the state are the *Oregonian* and the *Journal*. Both are published in Portland, the only large city. Each has three men covering the session. These include the capital correspondent of each paper, the political editor and one other member of the general news staff. They file to the two papers a grand total of approximately 7,000 words every legislative day.

Although both the *Oregonian* and the *Journal* have profound editorial biases,

the coverage by their correspondents is factual and untinged by opinion. The two papers are conservative in policy—both urged the election of Dewey—but this policy rarely creeps into the news stories about the legislature. Controversial issues such as Fair Employment Practices, workmen's compensation and Columbia Valley Authority are handled as they occur, with no slant given.

If anything, the New Deal Democrats receive the greatest share of the news space, because they sponsor the most challenging bills. Of the six men assigned to the legislature by the *Journal* and the *Oregonian*, I would say that three are personally conservative, while the others are liberal in varying degrees. Yet this is seldom evident from their news stories.

Indeed, I suggested that a particular dispatch had been written by one of the liberals on the *Journal* staff, because of its extended treatment of several questions championed by liberals—but I learned, to my surprise, that the story had come from the typewriter of one of the more conservative correspondents. This, I think, is as it should be.

In addition to the coverage of the legislature in considerable detail by the two Portland dailies, the Associated Press and United Press each has two staff men in the Senate and House chambers. The session also is followed closely by the pair of dailies published in Salem, the state capital. These are the *Statesman* and the *Capital-Journal*.

Here, again, the coverage is factual, truthful and unbiased, although the editorials of the *Capital-Journal* are too far from reality to communicate with it by smoke signals. To be candid, the only "policy" material I have noticed emanating from the legislature is that which some senators and representatives send back to their home-town papers. This plays up the local law-maker as quite a hero. And, because the members from the smaller communities and rural areas are almost invariably conservative, the columns mailed by them to the country press tend to portray the liberals from Portland as a pretty shabby lot.

Of course, this is not serious, for it reaches only a small proportion of the voters. The *Oregonian* and the *Journal* blanket Oregon. One or the other of these big dailies reaches into every remote upland and mountain valley. I have been a

guest at ranch houses so isolated that the nearest schoolhouse was too far away for the children of the family to come home except for Christmas. But when the mail arrived, these people got the *Oregonian* or the *Journal*.

Yet despite this blanketing of the state by the big dailies—and in spite of the basically truthful coverage of the legislature by those papers—I find many people uninformed on what is taking place in the carpeted chambers of their capitol building.

As chairman of the Senate Committee on Municipal Affairs, I talked a few days ago with the mayor of a city of 25,000 people. He knew nothing at all about bills in our committee which vitally affected his community. Perhaps I was even more chagrined that he did not know the identity of the committee chairman!

Yet, in general conversation, I found this man fully acquainted with the progress of the Congressional debate on repeal of the Taft-Hartley Law. He knew who was sponsoring the Columbia Valley Authority Bill in Washington, D. C., but not who was sponsoring a memorial backing the bill in Salem, Oregon.

I have wondered a good deal about this, and I have asked quite a few questions. As a result, I have come to the conclusion that, because of one particular reason, many Americans know a lot more about what takes place in the capital of the nation than in the comparatively nearby capital of their state.

That reason is the columnists.

The big Portland dailies are well buttressed with columnists from Washington, D. C., and the East. The *Journal* prints Pearson, Stokes, Sokolsky, Lawrence and Pegler. The *Oregonian's* repertoire includes Childs, Lippman, Fleeson, Thompson, Alexander and Lyons. Thus both papers encompass a fairly wide circle of opinion from national sources.

Yet neither paper publishes a column from Salem, the capital of Oregon. This, in my opinion, is why people in our state often know more about what goes on in the legislative halls 3,000 miles away than in halls a mere 50 miles distant.

The real story is often the inside story. Pearson specializes in revealing the story behind the headlines. Men like Childs, Stokes and Lawrence specialize in analyzing it from varying viewpoints.

There is no counterpart of this in the

---

Richard L. Neuberger, the Northwest's most noted journalist, was elected in November by a record vote to the Oregon State Senate, where he now sees legislative news from the other side. He served in the legislature once before, in 1940, until he resigned to go into the Army. But he says, "I intend to go on being a writer, which I enjoy more than politics."

---

coverage of our state government in Oregon. Each of the two big dailies has a whole stable of Washington columnists, but none at the legislature.

Frequently, the very rectitude of the men covering the capital keeps them from going behind the scenes. Some years ago the *Oregonian* and the *Journal* heavily tilted their news columns. Political items inevitably were weighted. But as older staff men were retired, as people became more conscious of journalistic ethics, a new generation of writers was told to "play it straight." The facts were allowed to speak for themselves.

The men covering our legislative session will tell you what takes place, but they have strict orders against opinionated news stories. They need a "news peg" before they can allege that a former governor is lobbying for gamblers or that state school timber has been sold for a fraction of its value. The columnist is held back by no such rules. He can flail out at corruption and chicanery, news peg or no news peg. In some instances, this may be bad *per se*, but it does afford easy access to the "inside story."

For example, one of the continuing scandals at the Oregon Legislature has been the puny pay of \$5 a day given the members. But this did not get into the realm of news until I wrote an article for the January 30 issue of *This Week* entitled "I Am a \$5-a-day Senator." *This Week* is carried by the *Journal* in Oregon; so the article produced indignant outbursts from lobbyists and from some legislators who believe the state's law-making chambers should be a rich man's preserve.

Then, and only then, could the news correspondents covering our legislature go into the columns of their papers with material on what coolie pay for law-makers means to the state. They had to wait for the news peg. Had they been writing political columns—as do Pearson and Stokes and Childs nationally—they would have had the story of "\$5-a-day Senators" in their papers long before I could have prepared it for *This Week*.

Newspapers occasionally shy away from the story close at hand. They are notoriously braver about the skullduggery of the Russians than that of the local real estate board. This may pertain somewhat to the analogy of Washington, D. C., and the state capital. It may be easier to run the comments of a hard-hitting politi-

### Power of the Press

*This is an excerpt from a letter received by State Senator Neuberger during the Portland newspaper strike, from a school teacher in the rural section of his constituency:*

"... Although I have been a critic of the lack of liberality on the part of the *Oregonian* and the *Journal*, I beg you to do what you can to adjourn the state legislature while our only large newspapers are shut down.... I am sure this legislature will consider the people's interest only while the people are looking down its throat. Radio is utterly inadequate to enable us to do this. Already, since the newspapers have stopped publishing, I detect a more cavalier attitude toward enlightened proposals in the letters I have received from some legislators.... Without the press to watch for them, I fear they will go hog-wild in following their natural reactionary tendencies."

---

cal columnist who operates 3,000 miles away than one whose writings concern people within walking distance of the editor's office.

Yet, if we are to give vitality to state government, I am convinced we must cover our state capitals as thoroughly, as intimately, and as revealingly as Washington, D. C., is covered. It does not make sense for each of our big Portland papers to print four or five editorial-page columns from the capital of the nation but no counterpart of these from the capital of Oregon. Nor are potential authors lacking. I am sure the chief political writers of the *Oregonian* and the *Journal* could produce legislative columns with as much vitality as the so-called "inside story" which those papers buy from afar.

The hold of columnists is one of the phenomena of our time. From the gossip in the senatorial lounge over coffee and sandwiches each noon, it is obvious that even many of the politicians acquire much of their knowledge of politics through reading the columnists. The appeal of a straight news dispatch cannot compete with a column which supposedly divulges the "intimate" story. Unquestionably this is not too salutary a circumstance, but it exists and must be recognized.

This is why editors, if they expect readers really to care about state government, must adapt to legislative coverage all the techniques developed for mirroring the

wider scene of Washington, D. C.

Nor does this apply exclusively to the press. All the radio networks release in Oregon versions of the "Town Meeting" program. These programs are based on national issues. Yet no station has ventured to air from the legislature a "Town Meeting" forum on such questions as school support, racial discrimination and forest conservation. The networks bring to Oregon wire recordings from Congressional committee rooms, but the Oregon stations have not had the imagination to make wire recordings of legislative hearings right within the state.

Is this because most of the brains and ingenuity in the public information field have drifted to the national amphitheatre, or can it be traced to greater timidity where local issues are at stake?

Most of our newspapers plead for state sovereignty *vis-a-vis* the octopus of the Federal government. But State's rights also must be accompanied by State's responsibilities. One way to begin would be to cover the 48 legislatures with as bright a spotlight as that the press focuses on Capitol Hill.

Newspapers rail against Federal dominance, but it is obvious that they themselves have not been immune to it.

Yet whatever shortcomings newspapers may have, they are far superior to radio as a means of political coverage. This was demonstrated to us early in the legislative session, when a pressman's strike closed both Portland dailies. People suddenly were reliant exclusively on radio for reports of the legislature. We found our constituents completely uninformed. The torrent of mail on pending issues dwindled to a trickle. Interest in the legislature all but vanished. A resolution was even introduced in the Senate suggesting that the legislature adjourn until the presses of the *Oregonian* and *Journal* should roll again.

Topics considered under the dome of a state capitol, whether they involve school bonds or the comparative merits of using a river for salmon or water power, often are too complicated for the staccato of radio. Furthermore, labor leaders and League of Women Voters officials said that a roll-call read over the air made scant impression on listeners. Only in type on the printed pages, where it could be studied and analyzed, did the tally of yeas and nays acquire any real significance.

# THE ANATOMY OF THE CRUSADING REPORTER

by Mike Gorman

There was a time in American journalism when the so-called crusading reporter—the newspaper writer who continually looked under rocks and yelled to the high heavens about what he found there—enjoyed a rather exalted status among both his colleagues and the general public.

As one of the members of what a friend of mine has chosen to call a dying breed, which he claims will soon be as extinct as the bison and the five-cent cigar, I have tasted both the bitterness of the gall and the sweetness of the adversity.

I am alarmed at the number of crusaders who are deserting the profession each year. Recently, I talked with a prominent magazine writer who had been quite a newspaper crusader in his day. I was annoyed when he placed the average lifetime of a crusader in modern journalism at five years. I asked him how he arrived at his precise mortality figure.

"Very simply," he replied. "Any crusading reporter worth a damn will burn himself out in five years. If he is bucking the status quo, his guts get worn out being punctured on the firing line. If he doesn't get worn out this way, he packs it in because he gets sick and tired of the righteous snipers—the respectable delegations calling on the publisher and telling him the reporter's writings are inspired by the devil himself."

He had something there. There really were few obvious satisfactions. The little money one got certainly wasn't one of them. If you looked for a substitute for Mammon in the form of personal prestige in the profession, you were looking up a blind alley. The hot rocks on the paper—the policy men—were the reporters who handled the big runs like the state capitol, city hall, the courthouse, etc. The crusader, who had an amorphous run which he usually built up himself, sat off in a corner and ranked in importance with the garden editor or the guy who wrote the fishing column. His colleagues, "realists" who hung a cigaret from their lips and met each deadline with unfailing monotony and an equally unfailing lack of imagination, took a dim view of a reporter who got emotionally excited about human welfare and the stinking state of the present world.

Above all, there was the constant pres-

sure of that mechanized giant—the modern newspaper. Everything was as appallingly efficient as the factory in Charlie Chaplin's "Modern Times"; the wire services clacking away, the copy kids racing to the chute with the latest two-paragraph bulletin, the constant key-pounding of the constant reporters. You got the impression there just wasn't time for the probing, the digging research the crusading reporter must do. Many a time I have sat in my corner of the city room feeling very sinful and useless because I was studying some report instead of whacking the black, mechanical beast in front of me.

But despite the number who are deserting crusading for a normal life, there are, thank Jehovah, a goodly number who stick to it because of its tremendous fascination and its soul-satisfying rewards. Those who have made a moderate success of it deserve a little analysis as to what makes them tick.

I think the first requisite of a successful crusading reporter is a strong sense of personal indignation. It is this, more than anything else, which refuses to let him cover the surface side of a story and walk away from it then and there. It gnaws at him, pushing him further and further into it until he comes out with some solid answers.

Closely allied to it is the role of crusading reporter as citizen. I have never known where the reporter stopped and the citizen started, or vice-versa. All of it is rolled up in a 24-hour a day job into which one plunges with both feet, the full quota of glandular juices and a lot of what for want of a better word I call "heart."

In a recent issue of *Nieman Reports*, Walter H. Waggoner hit on it when he talked about the arbitrary dichotomy between the ethics of a newspaper and the ethics of society. In the same sense, a thinking, ethical citizen cannot transform himself, from deadline to deadline, into an unthinking, amoral reporter. Too many reporters today, however, are attempting this damaging schizophrenia. They put on a pair of blinders, grind out their copy with a spiritual satisfaction equivalent to that of a garment worker cutting a suit, and then head for home to listen to "Stop the Music."

Above all, the crusading reporter must keep pounding away until he has aroused the public. Too many newspapers start

off with a Hollywood-trumpeted exposé—complete with promotional ads and pictures of their star reporter—then fold as soon as the original series appears. In the field of exposing conditions in mental hospitals, a number of papers in the last two or three years have done the first brave splash, then quit cold and later wondered why the public didn't rise up on its hind-legs and do something about it.

The opening blast, I have learned from bitter experience, is merely five percent of the battle. It's the follow-through—the constant pounding away over a period of months, even years—that gets the job done. In the same way the advertising huckster makes you like that soap, love that soap, finally buy that soap, the reporter has to make the reader like the idea, get indignant about the idea, and then get off his posterior and do something about the idea.

And this involves a lot more than just straight reporting. First of all, it means battling for your stories with the desk, fighting to get them in and played properly. It means writing editorials, moving in on the sacred preserves of the umbilicus-contemplators because you have something to say and you insist it get into print.

It means checking your stories constantly for public reaction. In the crusading business, the reaction is the Alpha and the Omega. It isn't the idea *per se* which fascinates so much; it's the idea when it hits a person, then gets hold of him and makes him move into action.

It means getting out and exerting personal pressure on people. I have a vivid recollection of the hectic period after my original series of articles on Oklahoma's mental hospitals appeared in 1946. The phone rang off the wall, letters poured in, streams of people called at the newspaper office. All of them were indignant about the conditions, and all of them asked me: "What Can We Do?"

I had no ready answer then. For a month or so, I stalled them off with the old bromide about writing their legislators. Trying to convince myself, I argued with my wife, a veteran newspaperwoman, that I had done my part of the job.

"You have aroused these people," she told me. "If there is no organization in the state to channel that arousal, you go out and build one."

I have learned, in the three years since

then, how to answer that "What Can We Do." You've got to be ready to give them a series of specifics. Write up and distribute outlines of the bills you are proposing, tell the people what organizations to get active in, tell them the specific legislators who will control the destiny of the bills. That initial arousal is the most precious thing in the world; when it wears off, you're licked.

It means moving out and speaking to every organization and civic club that will listen to you. If you're a poor speaker, as I was, no matter. You've got a tough package to sell and you've got to get out and sell it. And it means more than just haranguing the good Rotarians or Shriners—it means giving them a set of specifics, telling them exactly what you think their organizations can do, and then putting them on the spot as to whether or not they'll do it.

It means, finally, judging the battle in terms of the pay-off. A crusade which merely arouses the emotions of people but does not induce, or seduce, them into action is a misnomer, a travesty.

And now back to my magazine friend who quit newspapering because there

weren't enough satisfactions in the crusading business, because he got sick of the sleepless nights, the constant snippings, the ever-present nervous tensions.

I say to him there is no greater satisfaction on earth than seeing a great mass of people, fired up by an idea, tearing up the pea-patch to get that idea across. A million dollars and a thousand loving cups couldn't put a down payment on that kind of satisfaction.

I quote to him a passage from Charles W. Ferguson's brilliant book, *A Little Democracy is a Dangerous Thing*, which spells out both the dilemma of our present day and the corollary faith of the crusading reporter who wants to turn the tide.

"The depressing consequence to be seen on every hand is that the business of the world is being carried on in the candle power of the executive minds rather than with the immense power that might well be generated by the dynamos of democratic action."

That faith in the people, that abiding, unswerving belief in their goodness of intent and action when they fully grasp an idea—this is the faith that moves mountains, and crusading reporters, too. When

that faith is lost, then it is time to get out—but not before.

Finally, there goes along with that faith a great pride in his profession as a newspaperman and in the function of a newspaper in the community. He feels himself a responsible cog in a responsible enterprise. In closing, I can do no better than quote the definition of a newspaperman which the late John H. Sorrels gave to E. W. (Ted) Scripps when the latter was a Stanford student wondering whether he ought to go into journalism.

"Journalism is a profession for gentlemen. I suppose there are different definitions for a gentleman. But breaking the word apart, it would seem that a gentleman is a man of compassion and tolerance; a man of honor, bound by something inside himself, to a cause of selflessness. He is a man who considers it his obligation to protect and defend the weak; to give utterance for those who are inarticulate. He would consider that whatever strength and power he has are endowments, not to be used primarily for his own gain, but for which he is merely custodian, and must use for the general welfare."

***"We can't publish anything favorable to your country."***

## THE ARAB PRESS

by Robert Martin

One of the tragic aspects of the Arab-Jewish conflict in Palestine was the ease with which the warring Arab governments converted the vernacular press into a vehicle of unreasoning nationalism.

Only a historian will be able to determine whether heredity or environment played the more decisive role in this process of change. But no one will deny that the change took place, and that it had disastrous consequences.

The Arab press, in general, had no historical heritage of freedom, desire for objectivity, nor more than a casual acquaintanceship with the western ideal of factual reporting. The Syrian and Lebanese newspapers, in particular, were a product of the French pre-war rule in the Levant, and closely resembled the French press at its worst. Most of the newspapers were venal; either they were organs of parties and special interests, or their editors lived off blackmail. Their circulation was small,

and their advertising limited; without financial support they could not exist.

In Egypt, Syria and Iraq, the press reflected the burgeoning nationalism of the Arab countries, which had just emerged from their semi-colonial status. Before they had time to establish balance and perspective, they were subjected to the terrible pressures of the basic and widely-felt antagonism to Zionism and the Jewish state which unquestionably existed in the Arab world.

It was only after the Arab states decided to intervene in Palestine to prevent establishment of Israeli that the weakness and normal poverty of the Arab press became noticeable. The government established rigid control over the press and radio, exercising it ruthlessly and without skill. They used this control not only to whip up war passion, but to cover up their dismal failures in Palestine and their corruption and ineptitude at home.

One Syrian newspaper published a speech by a Nationalist (opposition) leader in Aleppo, bitterly attacking the government for its corruption and inefficiency in

prosecuting the war. The government closed the newspaper and arrested the editor, although the article had been cleared by the censors. The same Nationalist, whom the government was afraid to arrest, made a similar speech a week later, and five newspapers which published his remarks were temporarily suspended by the government.

A few newspapers rebelled against control. In Beirut, the influential *Al Nahar* criticized the government for granting a subsidy to the press. The editorial said the government, instead, should give the press "freedom to tell the truth."

For weeks after the British evacuated Palestine, and the Arab armies, as distinguished from the volunteer "Liberation Army," invaded the Holy Land, the newspapers published glowing accounts of victories. An occasional blank spot showed where censors had done their work well.

Few civilians in the Arab states knew that their armies had first been stalemated, and then decisively defeated by the Israeli troops. The Arabs were convinced that the war in Palestine had been noth-

---

"Pepper" Martin, roving correspondent, the N. Y. Post, was on his way back to his pre-war beat in China when he encountered the Arab press.

---

ing but a procession of glorious victories. When the UN negotiated a second truce, Britain and the United States were made to shoulder the full blame for preventing the Arabs from conquering the Holy Land.

A few days later, several of the Arab newspapers seized the opportunity created by the truce to attack the system of government control. They did it indirectly. One Beirut newspaper said that "we should recognize that the Jews are here to stay," while another said, "partition seems to have been executed." But throughout these editorials was a new refrain: the newspapers had wanted to tell the truth, but the government had restrained them from doing so. Now the governments should take the people into their confidence and tell the truth, even when the news is unfavorable.

The most striking example of how government policy affected the vernacular press was their gratitude toward the United States. Most of the editors were on excellent terms with the American embassies and other Americans in the various capitals. But at times the U. S. was such a favorite whipping-boy it seemed the Arabs were fighting the Americans instead of the Jews.

The censors refused to approve a cartoon of an Arab proudly displaying the severed head of a Haganah soldier. But editorials saying that "the White House is administered by the Jewish agency and terrorist gangs," and cartoons showing President Truman with the facial convulsions of an aged rabbi, and accepting bags of gold from a Jew, were gleefully approved.

American officials in Damascus tried to persuade the newspapers to publish reports that Congress had approved a bill to permit a limited number of European DP's into the U. S. The story would have weakened the Arab claim that the U. S. was trying to avoid absorbing any DP's by sending them all to Palestine. No newspaper in Lebanon, Syria or Iraq published the story. But one editor in Damascus told the Americans that "we can't publish anything favorable to your country."

During the second truce, Fawzi el Kauwki, leader of the "Liberation Army," made several charges that an American warship had shelled Arab positions north of Haifa. The State Department and the embassy in Damascus emphatically denied the charge. But only two Arab newspapers published the denial.

When the late Count Bernadotte published his first proposals for an Arab-Jewish compromise, the Damascus press deleted his recommendations that Jerusalem be placed inside the Arab state, and his

subsequent recommendation that Lydda airport and Haifa be demilitarized.

Many Americans dismiss criticism of the Arab press by pointing to their low circulation and the high illiteracy rates, which in some countries touches 75 to 80 percent. But it is this illiteracy that makes Arab newspapers so dangerous, and gives them an influence far greater than their circulation warrants. An illiterate people have little power of judgment, and almost no ability to sift fact from propaganda.

Almost every village of any size receives one or two copies of newspapers from the larger cities. These, together with a few battery radio sets which can tune in only on Arab stations, provide the sole information available to these villagers. Several times I sat in the coffee-houses at night and watched the men listen to their more literate friends read the news. The villagers formed most of their opinions from this twisted and perverted source.

It is easy to criticize the Arab press for having little moral courage to fight for the right to tell the truth. But control from above, in time of war, is difficult to resist. This was especially true in the Arab states where the conflict in Palestine sharply accentuated the drift toward highly nationalistic, totalitarian governments.

In Egypt and Syria, the trend could be easily discerned. The governments sought to control all expressions of public opinion, whether through the press, radio or speeches. The increasing bitterness toward Israel most helped Arabs who identified nationalism with Islam. And the western world, especially Britain and the United States, was blamed for the creation of Israel; and many Arabs turned away in protest from western culture and ethics.

Guided by the fanatics in the Young Men's Moslem Association and the Mos-

lem Brotherhood, which was recently banned in Egypt, these Arabs tended to retreat into the past and break away from everything that is either western or progressive.

The process was made easier by the spectacular failures of their democracy in Egypt and Syria. Politicians in power spend most of their time increasing their personal fortunes. The illiterate peasant or worker either sells his vote or votes the way his landlord or employer tells him to. Cabinets are easily upset by mob action. The mob responds, not to any instinctive desire for change or for better government, but to trained rabble-rousers.

Arabs in Damascus state openly that various politicians pay the tuition and board of various university students, and then call on these students to stir up a mob whenever the politician wants to embarrass the government.

Only a hardy editor could survive in this atmosphere of intrigue, violence and corruption. He would have to be somewhat more than mortal to shrug off the terrible weight of government control.

One Arab newspaperman phrased his dilemma as follows:

"We can't have good government until we have a free press; and we can't get a free press until we have good government."

In America, the answer has always been to fight for the free press first. But the Arab carries a massive burden: traditional acceptance of authority and a religious philosophical cast of mind that rejects man's ability to determine his own fate. "It is God's will" can be applied equally to a burning house or the government's failure to alleviate the distress of impoverished peasants. In the Arab mind, it is a good reason why a free press can come only as a "gift" at some indefinite, future time.

## On-the-Spot Illustrating

by Ralph Reichhold

Somewhere in the past 25 years the newspaper business lost one of the readers' best friends.

Up until the time that syndicates overwhelmed editors with "features" the reporter with the sketching pen was an integral part of every major league editorial setup. He covered all big news stories—both local and national—with a sketch pad in hand and a pictorial news sense in his head. He took the reader to the scene of action, made dramatic drawings of every angle of the story and pre-

sented a factual picture to the reader.

In those days of flash powder he was a "must" on court room coverage. When photographers were banned he could and did sit unmolested in the murder trial audience and supply his editor with exclusive sketches made on the spot. If the vigilance of tipstaves prevented him from actual sketching he could easily carry the picture in his mind until he got back to his drawing board. Before telephoto he also pictured national disasters, sketching from the meager descrip-

tion that came over the press association wire.

But cheaply priced syndicated drawings and the perfection of photographic reproduction doomed him. He went the way of the star reporter. However, he wasn't shunted to the proverbial ash heap of newspapermen, the city or state payroll, for magazine editors saw the worth of his talents and wide store of knowledge. He soon found himself in the big money as a story illustrator. If memory serves me right, Wallace Morgan, Henry Raleigh and Dean Cornwell were a few who followed this path.

Here at the Pittsburgh Press we are making a come-back with this kind of graphic reporting. We artists know we can do things impossible to the photographic lens.

We can eliminate walls, lift the roof from a building and follow the action of a murder, place important figures in storytelling position, show detail in fine line clearness, and artistically present an atmospheric drawing to the reader. We can easily re-enact a story without benefit of phony posing, explanatory cut lines, X marks the spotting, and the various other

appendages that must accompany a photograph taken hours after the action.

Both the public and management have reacted very favorably to this flashback innovation. If this generation of editor is fortunate enough to have a staff man capable of on-the-spot illustrating and is not using him for that purpose, he is missing a good bet in pictorial reporting.

---

Ralph Reichhold, a veteran newspaper artist, has been illustrating stories for the Pittsburgh Press for 35 years.

---

## The New German Press---Has It Any Future?

by Werner Friedman, Publisher, Munich *Abendzeitung*

I have been asked to give a German editor's view of the American information policy as it has been developed in Germany under the American occupation. All media of information in Germany ceased to function in May, 1945, so that Military Government was forced to establish an entirely new information service intended to serve as the basis of the future democratic, free and independent press and radio system.

This aim was pursued in two directions. On the one hand, Military Government and the American people represented by Military Government needed a mouthpiece. Thus a number of publications were established such as the *Neue Zeitung*, the magazines *Heute*, the *Aussee*, the *Amerikanische Rundschau*. Radio stations were operated by American personnel or under American supervision. The Voice of America began its operations over the existing networks. Simultaneously, Military Government began to search for German journalists, who during the 12 years of Nazism had kept away from any form of Hitlerism and who were suited to build a new German press and to publish newspapers which would meet the requirements of a democracy.

Let us first cast a glance at the official media of information of the United States inside Germany. In the field of press the *Neue Zeitung* was the first to appear. This paper is produced in the former premises of the *Voelkische Beobachter* in Munich. Beginning October, 1945, it appeared twice

a week, from September, 1948 three times a week. The great interest of the German public in the American point of view, particularly great after the total collapse of Germany, made it possible for the *Neue Zeitung*, which is distributed throughout the entire American Zone of Occupation including the American sector of Berlin, to reach a circulation of over two million copies. The *Neue Zeitung* like all other newspapers in Germany had to cope with the newsprint shortage, but there was no doubt that the paper was treated preferentially by Military Government and that it was supplied with excellent news services and sources of information which gave it a great advantage over the other German newspapers. In its editorial policy, the *Neue Zeitung* faced two alternative courses. The one could have been to build a bridge between Germans and Americans and to explain to the German reader the American point of view. The other course was to be a typically American paper, both in make-up and in content, which in turn would have demonstrated to the German reader the advantages of a lively and aggressive paper easily understood by the broad public and catering to its taste.

The *Neue Zeitung* chose neither of these alternatives. After a good start, it developed gradually into a well-written magazine, on a high level, but speaking with the raised finger of the teacher and lacking the contact with the minds of its readers. As the years went by, it became more and more rather a medium of propaganda instead of the forceful voice it might have been, not to mention its much too lengthy articles which were hardly comprehensible to the man on the street. It was therefore no surprise that the circulation of the paper sank to 600,000 after the currency re-

form. That means that the *Neue Zeitung* has lost two-thirds of its readers, a fact which cannot be attributed entirely to the effect of the currency reform. Efforts are now under way to reorganize the *Neue Zeitung* from the bottom up and to change its character entirely. The paper had unquestionably lost a good deal of its excellence when the first two editors of the paper, Hans Habe and Hans Wallenberg left.

The illustrated magazine *Heute* has excellent make-up and outstanding picture service which have given it a lead among the German magazines. The *Amerikanische Rundschau* is somewhat too learned to appeal to a large circle of readers. It is assured of its small circle of friends. A good magazine is the *Aussee* which has recently found a competitor in the German-language edition of the *Reader's Digest*. But both in the *Rundschau* and the *Aussee*, the selection of the articles is too much guided by the American point of view and should definitely be modified by a better understanding of specifically German conditions. But all publications of the U. S. Military Government have gained respect because of their clean and straightforward manner of writing and reporting—quite in contrast to the official organs of the French Military Government (*Nouvelles de France*), and the Soviet Military Government (*Tagliche Rundschau*), which is a poor echo of the propaganda drums of Moscow and which is not taken seriously by anyone.

To restore a free German press in the hands of German editors was a singularly difficult task. But in view of the developments of world politics and of the obstacles which again and again obstruct the course of development toward a normal newspaper, the experiment could not

---

Werner Friedman was one of 15 German editors who spent several weeks in the U. S. last Fall. This paper is from a talk to the National Conference of Editorial Writers in Louisville just before his return.

possibly have been more successful than it actually turned out. We started our paper in October, 1945, during what I might call the "stone age." There was not enough newsprint, the printing plants were bombed out, the most essential machines and equipment were lacking, but above all there was a particular shortage of able and efficient journalists who had not compromised with Hitler but remained Hitler's enemies until the end.

To find publishers for the 60 newspapers which exist today in the American Zone of Occupation was an almost hopeless enterprise of Military Government. Nor was it any easier to find the necessary printing facilities. Thus the printing plants of former Nazi newspapers were selected whenever they were half way operative. These plants were placed under property control and the new licensees of the newspapers were simply given the key to the properties. In selecting these new licensees, the standards of efficiency and ability could not always be maintained at the highest level. However, all of these licensees are honorable and decent men as to their political past. Since the new papers with their editions twice a week and their ten pages per week and with their circulation limited to one copy per five persons in their circulation area had to be monopolies—there was not sufficient newsprint to permit the establishment of more than one newspaper per city—Military Government decided to make all papers non-partisan, and to achieve this end, chose a simple, almost funny and primitive method. A kind of cocktail was mixed, containing one Social Democrat and one member of the Christian Social Party each, that is one member of each of the largest parties, and yoked them together to produce a paper. It may be true that America is a country of successful mixtures and combinations, but in this case the German newspapers oscillated in their editorial opinions between right and left, depending upon the opinion which was expressed on any particular occasion. This phenomenon was particularly unfortunate in cases where Communist licensees were selected. They were, by the way, removed as a consequence of the particular turn of the American foreign policy at a later stage; their removal was quite often accomplished in a rather unimpressive manner.

Although the non-partisan papers, because of divergent political positions of their licensees, could not help offering a somewhat blurred and inconstant line, nevertheless they are uncompromising in their basic democratic attitude, in their relentless fight against fascism, militar-

ism, and antisemitism, in their criticism of denazification and of bureaucratization of public life. They have unquestionably become the champions of democracy in Germans today—perhaps not quite as popular as they might have been because they did not shrink back from telling their readers the truth and because they reminded them again and again not to forget the Nazi atrocities. However, today they are respected at least, because the reader feels that in these papers speak men of good will and without special interests who do their best to reconstruct another, a better Germany. It is certain today that the records of these papers are better than were those of the pure party papers such as were established in the British and French Zones of occupation, and of which one had to read at least three or four in order to find the objective truth about the events of the world. These party papers, which could at best be valuable complements of the independent non-partisan press, but were much too biased as sources of information, are not very popular today. An extensive reader-poll in the American Zone showed in fact that eighty per cent of all readers prefer a paper which does not owe allegiance to any one party.

The newspapers of the American Zone appeared without censorship from the first day of their publication. There were a few basic directives which had to be observed by the licensees. For example, one cannot publish anything which reflects nazist, militarist or antisemitic tendencies, or which would disturb the good understanding between the Allied Powers—since the understanding with Russia is not so good at the moment, the latter provision has been tacitly scrapped. The Military Government cannot be criticized by the German press, but this provision has also later been revised in such a way as to permit criticism as long as it is not malicious. But since the definition of "malicious" is rather difficult and its interpretation rather varied, the German papers are cautious with any criticism of Military Government. But on the whole, the press of today is about as free and as independent as it can be under the regime of a tolerant and liberal occupation power. One should remember that in the French and Russian Zones there is still censorship today.

One of the most difficult problems which the papers faced with their very limited space, was the task to re-educate their readers and to inform them properly of the events of the past which had been so completely distorted in Hitler's press. This problem is very difficult with our

limited space because German newspapers must also present, within the space of ten pages per week, detailed information about politics, business, sports and cultural events, and must devote at least one page to the most essential classified ads. In this respect, an important opportunity was missed in spite of the continuous complaints of the publishers. Newsprint was not sufficient for the most important and essential information items. Since introduction of the currency reform, matters have improved somewhat, and the newspapers appear now on the average three or four times a week with a weekly total of twenty pages.

Although there is a considerable demand for advertisement, total advertisement space is limited to two or two and a half pages per week. The economic basis of the German newspapers is the subscription. Nevertheless, the financial position of the papers is satisfactory, except for the incredibly high taxes, amounting to 90 per cent of net profit. It was now also possible to establish second papers in the larger cities, but the differences between the two competing papers are as a rule insignificant.

Unfortunately, not even the large papers have been able to employ foreign correspondents, a serious obstacle to the independent work of the editorial staff. Not even the Dena, the German news agency which has been established with the assistance of Military Government, is able to employ foreign correspondents or contributors. Dena is a cooperative, like AP, and is financed by the member newspapers—a very expensive affair since there are only 60 papers and since every zone of occupation has its own news agency. Foreign news is received via AP, UP, and INS, which have their own German files, without any controls by Military Government of course, and sell them against German currency. If you consider how much understanding of American problems is lacking in Germany today, and how useful were for instance my own observations in this country, it is to be regretted that today there are no German newspapermen in the United States, in the country with which Germany is most closely associated, for better or worse, and whether Germany likes it or not.

The German press has done its best, in spite of all obstacles and adversities, to fight for democracy; it has tried to be objective, and to keep away from any official propaganda, and, following the American example, to separate news from opinion as strictly as possible. It is obvious that the reorientation of American

foreign policy was not exactly of benefit to our task of re-education of the German reader. The anti-Communist line was water on the mills of many of the old Nazis who felt that they had been justified by the events, and who today, not entirely without American assistance, try to get back their old jobs in the bureaucracy from which anti-Nazis had to be removed simply because they were Communists. With rearmament and militarization, proceeding all over the world today with a remilitarization of Eastern and perhaps even of Western Germany being given serious thought, conditions are not exactly beneficial for the fight against militarism in Germany. Disappointment about the division of the country between East and West; the fate of the expellees and the failure to return the German prisoners of war in the East; together with the simple facts of hunger, misery, and the poverty which the currency reform has brought to Germany; and the rising prices which do not seem to stop—all of these facts make it very difficult to interest the man on the street in democracy especially when this democracy has been decreed from above and when it does not function at all well, as it does for instance in a healthy and rich United States.

If, in spite of all these trying circumstances it can nevertheless be said that an upward trend is noticeable, and that the press has acquired a position in the country and is able to give its readers at least a small ray of hope, we may well speak of a success we hardly expected.

The new democratic press in Germany is a good and solid house, of which Military Government, according to its own admission, is rightly proud. These papers

need not fear the sting of competition when the licensing system ends a few months from now. They will be able to meet all of the newly formed papers, be they nationalistic or even nazist. But it is a misfortune that the publishers will very shortly lose their opportunity to continue the publication of their papers. They were promised that they could remain in their confiscated properties for at least fifteen years, and that they would then be given the opportunity to acquire title to these properties. This has been entirely scrapped by Military Government policy.

It will not be long, at the latest in 1952, before the publishers will have to relinquish the properties they now occupy. In the long struggle between Property Control and Information Service of Military Government, Property Control has won out. It has reduced the originally promised terms of 15 years to 5 years. The former owners of the printing plants have in the meantime been denazified and will receive their properties back, by the latest in 1952. That means, first, that the same people who throughout the Nazi years, either voluntarily or against their will, but certainly without a fight, had given their printing facilities over to Hitler's propaganda machine, will again be in a position to publish newspapers.

The bureaucratic approach led to a classification of newspaper properties on the same basis as that of a shoe factory, though there is a difference between the manufacture of shoes and the production of editorials. A Nazi who after his successful denazification produces shoes is much less dangerous than the Nazi who produces newspapers. It is, however, completely absurd that he is in addition entitled to throw the reliable fighter for a

democratic way of life off his premises. It is not difficult to imagine just how democratic these papers will be when you consider the past history of these gentlemen. But it also means that these people will be in a position to throw the licensed publishers of existing papers out of the premises which they now occupy, and to make their further work impossible.

Basing their claim on the holy law of property, they will be able to get rid of very unpleasant competition in the cold war, or, and what would be worse, they will be able to permit continuation of the newspapers under the condition that the former owners sacrifice their independence and follow the line which they will determine. That would be a very miserable end of an institution which has proved vital in the democratization and re-education of the German people. For the present-day licensed publishers are neither able to get together sufficient funds to buy new plants by 1952 (the former owners would never consider sale after this unexpectedly favorable turn of fortune), nor to construct new printing plants by that time and to obtain the necessary machines which are at present not being made in Germany. In other words, due to the fact that Military Government failed to provide for a legal way out in time, such as was done in France where a forced sale was authorized—the German papers today must face the possibility of extinction.

There is only one possible way to save the situation—of that I have been assured both in the Pentagon and in the State Department—namely for the American press to take up the case and appeal to the conscience of the American public, and thus initiate an action to save the U. S. licensed press in Germany.

## PRAYER FOR 4TH ESTATE

Addressed to St. Francis de Sales, Journalists' Patron

Addressed to St. Francis de Sales, patron saint of newspapermen, the following prayer "unearthed by the vicar of a parish not far from the Shropshire borders" who is credited with having a sympathetic understanding of the newspaper scribe, is printed in the Journal of the British Institute of Journalists:

"St. Francis, dear patron of a harrowed tribe, grant us thy protection. Bestow on us, thy servants, a little more of thy critical spirit, and a little less on our readers; confer on our subscribers the grace of light in acknowledging our merits; and the grace of prompti-

tude in paying our bills.

"Make them less partial to compliments, more callous to rebuke, less critical of misprints. Give us beautiful thoughts, brave thoughts, so that we, thy children, may have the courage to write as we think and our readers the docility to think as we write.

"Then shall we, thy faithful servants, resting on thy protection fight thy battles with joyful hearts, drive the wolf from the door, the devil from the fold, and meet thee in everlasting peace. Amen."

(Sent by Harry R. Roberts, Toledo Blade)

# FREEDOM FROM CONTEMPT

## The Newspaper is Released from Inhibitions a Century Old By Current Supreme Court Doctrine

by Alan Barth

Freedom of the press has been redefined by the Supreme Court of the 1940s in accordance with that tribunal's contemporary reaffirmation of libertarian principles respecting the rights of conscience, association and expression. The redefinition has been shaped through three decisions—*Bridges v. California*, *Pennekamp v. Florida* and *Craig v. Harney*—governing the relationship between the press and the judiciary. Uniformly, the decisions in this trio of cases grant to newspapers a virtual immunity from discipline by judges through summary contempt proceedings, at least so far as out-of-court editorial comment is concerned. The effect is to restore the independence envisaged for the press by the authors of the Bill of Rights—or at any rate to force upon State as well as Federal courts the interpretation of the First Amendment decreed by Congress in the Act of 1831 “declaratory of the law concerning contempts of court.”

It is the purpose of this paper briefly to examine: (1) the original concept of press freedom contained in the First Amendment; (2) the distortion of that concept by judicial assumption of an “inherent” power to punish summarily for “constructive” contempt; (3) the position of the press in the light of *Craig v. Harney* and its companion cases; and (4) the problems inherent in so broad a grant of freedom to an institution operated for private profit.

I

### FREEDOM OF THE PRESS

The authors of the Constitution took a utilitarian view of freedom. As Mr. Justice Brandeis once observed, “they valued liberty both as an end and as a means... They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth... that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies... Recognizing the occasional tyrannies of governing majorities, they

amended the Constitution so that free speech and assembly should be guaranteed.”

Having experienced despotism, they contrived a government of carefully limited powers; and having observed the aggrandizement of government through the suppression of criticism and dissent, they conceived of a wholly independent press as an essential element in a system of checks and balances designed to keep their government within appropriate bounds.

The men who insisted upon the addition of a specific Bill of Rights to the original Constitution sought censorship of government by the press rather than censorship of press by the government. This view was plainly expressed by Thomas Jefferson: “No government ought to be without censors,” he wrote to President Washington in 1792, “and where the press is free, no one ever will.” And despite all that he suffered from the abusive and irresponsible Federalist newspapers of his day, he was able as late as 1823 to write of the press to a French correspondent: “This formidable censor of the public functionaries, by arraigning them at the tribunal of public opinion, produces reform peaceably, which must otherwise be done by revolution.”

The First Continental Congress in An Address to the Inhabitants of the Province of Quebec in 1774 referred to liberty of the press as a means “whereby oppressive officers are shamed or intimidated into more honorable or just modes of conducting affairs.”

Certainly the founders of the American Republic desired a relationship between press and government, just as they desired a relationship between church and government, different from that existing in the England from which they declared their independence. No other conclusion can comport with the bracketing of the two in the same unequivocal language of the First Amendment. In England, the press was free from restraint in the form of direct censorship. But it was subject to the formidable restraint of punishment for publication.

Professor Chafee has effectively exposed

the absurdity of interpreting the First Amendment as a mere enactment of Blackstone’s dictum that “the liberty of the press . . . consists in laying no previous restraints upon publications and not in freedom from censure for criminal matter when published.” As he observes drily, “A death penalty for writing about socialism would be as effective suppression as a censorship.” And he cites the assertion made in 1799 by Madison who drafted the First Amendment that it embodied “the essential difference between the British Government and the American Constitutions.” Madison said also that “the state of the press . . . under the common law, cannot . . . be the standard of its freedom in the United States.”

II  
**“INHERENT” POWER TO PUNISH  
FOR CONTEMPT**

The view, derived from Blackstone, that courts have an “inherent” power to punish summarily for contempts by publication out of court is manifestly inconsistent with this constitutional concept of press freedom. Blackstone’s assumption that this power was deeply rooted in English common law has been shown to be very ill-founded. Exercise of the power amounts, in any event, to precisely the kind of restraint which the First Amendment was designed expressly to forbid in the United States. What the Legislative Branch of the Government may not do by statute, the Judicial Branch can scarcely undertake by sanctions without making a travesty of the Amendment’s guarantee.

Yet the Constitution had scarcely been ratified before Federalist judges began to assume authority to punish summarily for publications they deemed offensive to their courts or to themselves. Walter Nelles and Carol King have carefully traced the early history of this issue in two 1928 *Columbia Law Review* articles. The earliest American punishment for newspaper contempt was meted out in 1788 by Thomas McKean, Chief Justice of Pennsylvania, against the editor of the *Independent Gazetteer*, one Eleazer Oswald, for an attempt “to stigmatize the judges” of the State’s supreme court. McKean reasoned

Alan Barth, editorial writer on the Washington Post, is a Nieman Fellow, did this paper in his Harvard course on Constitutional Development, got an “A” on it.

## N I E M A N R E P O R T S

that "without this power (of summary attachment) no court could possibly exist! nay, no contempt could, indeed, be committed against us, we should be so truly contemptible."

This and subsequent instances of judicial authoritarianism led to nearly successful impeachment proceedings against Pennsylvania judges after the Jeffersonian "revolution" of 1800 and to a State legislative act in 1809 explicitly forbidding summary punishment for publication.

Similar arrogation of authority by judges in New York led to adoption there of the Revised Statutes of 1829 banning criminal punishment entirely, even after trial by jury, for publications not classifiable as false or grossly inaccurate reports of proceedings.

In the Federal courts, the issue of summary contempt powers came to a head with the punishment by Judge Peck of a lawyer aptly named Lawless for an egregious attempt to prejudice public opinion respecting the jurist's integrity in the adjudication of pending Missouri land disputes. The House of Representatives, dominated by Jacksonian Democrats, voted in 1830 to present articles of impeachment against him.

The subsequent trial of Judge Peck in the Senate produced a full-dress debate on the whole subject of contempt powers. It resulted in his acquittal by a narrow margin and in the immediate enactment by Congress of the Federal Contempt Statute of 1831. This act provided that the power of Federal courts to issue attachments and inflict summary punishment for contempts

shall not be construed to extend to any cases except the misbehaviour of . . . persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehaviour of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any other person or persons, to any lawful writ, process, order, rule, decree or command of the said courts.

The clear intent of this section to restrict the power of summary punishment to emergency situations immediately menacing the courts' discharge of their duties and to deal with all other threats to the integrity of the courts through the due process of indictment and trial by jury is made still more clear by the language of the statute's second section

That if any person or persons shall, corruptly, or by threats or force, endeavor to influence or intimidate, or impede any juror, witness, or officer, in any court of the United States, in the discharge of

his duty, or shall, corruptly, or by threats or force, obstruct, or impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons, so offending, shall be liable to prosecution therefor, by indictment . . .

This law has never been revoked by Congress, although for many years until just recently it suffered emasculation through judicial construction. Shortly after its enactment, a majority of the States adopted comparable legislation. By 1860, according to Nelles and King, when the Union was composed of 33 States, 23 of them had enacted limitations on the summary power to punish for contempt.

Following the Civil War, however, the doctrine of an "inherent" power to punish summarily, arising out of the necessity of maintaining the authority of courts, again came into vogue; and legislation curtailing this "inherent" power was blandly called unconstitutional by judges wishing to exercise it. An Arkansas Supreme Court decision of 1855 in *State v. Morrill* furnished the rationale. The legislature was impotent, declared the judges to divest the judiciary, a coordinate branch of the Government, of any necessary inherent power. Thereafter, more than a dozen other State courts followed suit.

The reaction found Federal expression in three significant cases that went to the Supreme Court of the United States. In *Patterson v. Colorado* the Court dismissed a writ of error sought by a publisher who had been cited for contempt on account of articles and a cartoon reflecting upon the motives and conduct of the Supreme Court of Colorado in cases which were pending only to the extent that the time for motions for rehearing had not elapsed. The opinion of the United States Supreme Court dismissing the writ was the more remarkable in that it was written by Mr. Justice Holmes. He said:

What constitutes contempt, as well as the time during which it may be committed is a matter of local law . . . we leave undecided the question whether there is to be found in the Fourteenth Amendment a prohibition similar to that in the First. But even if we were to assume that freedom of speech and freedom of the press were protected from abridgment on the part not only of the United States but also of the States, still we should be far from the conclusion that the plaintiff in error would have us reach. In the first place, the main purpose of such constitutional provisions is "to prevent all such previous restraints upon publications as had been practiced by other governments,"

and they do not prevent the subsequent punishment of such as may be deemed contrary to the public welfare.

This goes right back to Blackstone. And what is perhaps even more astonishing, from the man who was later to enunciate the "clear and present danger" test was an outright adherence here to the "tendency" doctrine:

If a court regards, as it may, a publication concerning a matter pending before it as tending toward such an interference, (i. e. with the administration of justice) it may punish it as in the instance put.

This would be to give judges not only summary power but plenary power to punish as interference whatever might strike them as objectionable or annoying. It would leave them quite free to equate any affront to their personal dignity, as many of them, quite humanly, were wont to do, with actual obstruction of the judicial process.

Mr. Justice Harlan pointed to the fallacies of this opinion in a powerful dissent. He argued, to begin with, that freedom of speech and of the press are rights belonging to citizens of the United States and are therefore protected from State impairment by the "privileges and immunities" clause of the Fourteenth Amendment. And he rejected with vigor the view that

the legislature may impair or abridge the rights of a free press whenever it thinks that the public welfare requires that to be done. The public welfare cannot override constitutional privileges, and if the rights of free press are, in their essence, attributes of national citizenship, as I think they are, then neither Congress nor any State since the adoption of the Fourteenth Amendment can, by legislative enactments or by judicial action, impair or abridge them.

Mr. Justice Holmes must have mulled over this rebuke. At any rate, a somewhat different attitude in respect of contempt by publication was expressed a decade later when, joined by Mr. Justice Brandeis, he wrote a stinging dissent in *Toledo Newspaper Co. v. United States*.

This case involved citation of the Toledo News-Bee by Federal District Judge Killits for editorials, cartoons and news stories concerning a local controversy over extension of a street railway franchise. Stockholders of the railway sought injunctive relief against a municipal ordinance fixing a 3-cent fare pending renewal of the franchise, and the newspaper, arguing that the Federal District Court had no authority to grant such an injunction, disparaged and derided Judge Killits when he granted it. Six months after publica-

tion of the editorial criticism, he cited the newspaper for contempt.

This was a Federal case, and Supreme Court review of it turned necessarily on interpretation of the 1831 contempt statute. Chief Justice White, reverting to the "inherent" power doctrine, held for the Court that the Act of 1831 did not forbid summary punishment of conduct "tending" to obstruct justice. The power to punish, he said, inheres in the right of self-preservation. Press freedom does not mean "freedom to do wrong with impunity." But what constitutes doing "wrong?" According to Mr. Chief Justice White,

... not the influence upon the mind of the particular judge is the criterion but the reasonable tendency of the acts done to influence or bring about the baleful result is the test . . . the wrong depends upon the tendency of the acts to accomplish this result without reference to the consideration of how far they may have been without influence in a particular case.

Mr. Justice Holmes objected on several counts. He cited the plain language of the 1831 statute confining summary contempt powers to misbehavior "in the presence of" courts or "so near thereto as to obstruct the administration of justice." The words of the statute "point and point only," he said, "to the present protection of the court from actual interference, and not to postponed retribution for lack of respect for its dignity." Moreover,

a judge of the United States is expected to be a man of ordinary firmness of character, and I find it impossible to believe that such a judge could have found in anything that was printed even a tendency to prevent his performing his sworn duty.

He objected also on the ground that Judge Killits, with self-righteous forbearance, waited nearly half a year from the time of the offensive publications to vindicate the independence of his court. The fact, Holmes reasoned,

is enough to show that there was no emergency, that there was nothing that warranted a finding that the administration of justice was obstructed, or a resort to this summary procedure . . . I would go as far as any man in favor of the sharpest and most summary enforcement of order in court and obedience to decrees, but when there is no need for immediate action contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts.

Mr. Justice Holmes made the same point a few years later, dissenting in *Craig v.*

*Hecht*, a case in which the summary punishment followed the alleged contempt by a full year and a half. The case did not involve a newspaper and turned on the somewhat legalistic question whether a writ of habeas corpus was the plaintiff's appropriate remedy in the circumstances, so that it requires no detailed exposition here. But it gave occasion for another Holmesian reminder that a judge may not hold in contempt one "who ventures to publish anything that tends to make him unpopular or to belittle him . . ." and that the ordinary procedures of the law are adequate to deal with all supposedly contumacious acts save those that immediately threaten courts with physical disorder or open defiance.

They should be dealt with, this is to say, through indictment and trial by jury, as section 2 of the Act of 1831 provides. Indeed, it is difficult to see why any other remedy should be required under any circumstances.

### III

#### CONTEMPORARY CASES

*Toledo Newspaper Co. v. United States* was specifically overruled in *Nye v. United States*, a case in which no newspaper was concerned but which involved interpretation of the phrase "so near thereto" in the 1831 statute. Mr. Justice Douglas observed for the Court:

If that phrase be not restricted to acts in the vicinity of the court but be allowed to embrace acts which have a "reasonable tendency" to "obstruct the administration of justice," then the conditions which Congress sought to alleviate in 1831 have largely been restored. . . . The result will be that the offenses which Congress designated as true crimes under section 2 of the Act of March 2, 1831 will be absorbed as contempts wherever they may take place. We cannot by the process of interpretation obliterate the distinction which Congress drew.

Precisely so; this much at the very least seems indisputable. But there remained for determination (1) whether this limitation of the contempt power was applicable to the States, not on account of the 1831 statute but on account of the First Amendment; and (2) what criteria should be employed to appraise contempt now that the "reasonable tendency" test had been abandoned. The Supreme Court met both issues squarely in *Bridges v. California* with which *Times-Mirror Co. v. Superior Court* was coupled; the two cases were dealt with in a single set of opinions, Mr. Justice Black speaking for a majority of five, Mr. Justice Frankfurter for a minority of four.

The majority reached the conclusion that since the Fourteenth Amendment had been recognized from the time of the *Gitlow* decision in 1925 as making applicable to the States the guarantees of the First Amendment, "history affords no support for the contention that the criteria applicable under the Constitution to other types of utterances are not applicable, in contempt proceedings, to out-of-court publications pertaining to a pending case." The criteria applicable, then, are the criteria set forth by Mr. Justice Holmes in *Schenck v. United States* —that "the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils" that legislatures have a right to prevent.

In short, State and Federal Courts alike are forbidden by the Constitution to punish out-of-court publications save when these present a clear and present danger to the actual administration of justice. "The substantive evil must be extremely serious," declares the Black opinion, "and the degree of imminence extremely high before utterances can be punished." Mere disrespect for the judiciary cannot be considered a substantive evil of the requisite magnitude. "For it is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions. And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt much more than it would enhance respect."

Disorderly and unfair administration of justice is a graver evil which States have a right to prevent, and the Court therefore weighed the likelihood of its eventuation from the circumstances of these particular cases. The circumstances, so far as the newspaper case was concerned, were these: The *Los Angeles Times* published an editorial titled "Probation for Gorillas" in which it vigorously denounced two members of a labor union who had previously been found guilty of assaulting non-union truck drivers and were awaiting sentence, having applied for probation; the editorial asserted that the trial judge would make a serious mistake if he granted probation and urged him to sentence the convicted men severely. The trial judge punished this comment as contempt with a \$300 fine on the ground of an "inherent tendency" to interfere with the orderly administration of justice in an action then before a court for consideration.

It is an odd fact that the *Los Angeles*

## NIEMAN REPORTS

Bar Association urged the judge to cite the newspaper for contempt on account of this editorial. Its action seems, in a sense, more genuinely contemptuous than the contempt itself—a gratuitous assumption that the judge lacked sufficient strength of character to ignore the expressed desire of a powerful publication—a desire which must have been well known to him, anyway. Mr. Justice Black's opinion observed that to regard the editorial "as in itself a substantial influence upon the course of justice would be to impute to judges a lack of firmness, wisdom or honor—which we cannot accept as a major premise." And he concluded that it was an exaggeration to see in this utterance even an "inherent tendency," if such a test were appropriate—let alone a "clear and present danger"—threatening the administration of justice.

**Pennekamp v. Florida** presented a similar problem in somewhat more substantial form. The *Miami Herald* was cited for contempt on the basis of editorials and a cartoon disparaging conduct of the Circuit Court of Dade County, Florida.

It seems clear that the editorials were meanly and unjustly abusive. The displeasure of the judges who were assailed is altogether understandable. Their integrity was indisputably impugned. But that the attack actually created a distrust for the judges in the minds of Floridians must be viewed with some skepticism. There is a good deal of data, including election returns, to show that newspaper editorials are not invariably as persuasive as newspaper editors would like them to be. In the Florida situation, it is interesting if not significant that one of the judges attacked by the *Herald* was shortly thereafter elected to the State Supreme Court, despite that newspaper's continued opposition.

It scarcely follows, moreover, even if such distrust were created, that it would prevent fair action by the Court either in the pending or subsequent cases. Judges are frequently called upon to render judgments that they know will be unpopular and regarded by at least a portion of the community as biased and unfair. If they possess the hardihood to breast the winds of such suspicion, they will do so whether the winds are fanned by the press before or after they have spoken. If not, no editorial restraint is likely to protect the public from their pusillanimity.

This appears to have been the dominant reasoning of the Supreme Court of the United States which was unanimous in condemning the contempt citation. Said Mr. Justice Reed:

Comment on pending cases may affect

judges differently. It may influence some judges more than others. Some are of a more sensitive fiber than their colleagues. The law deals in generalities and external standards and cannot depend on the varying degree of moral courage or stability in the face of criticism which individual judges may possess . . . What is meant by clear and present danger to a fair administration of justice? No definition could give an answer. Certainly this criticism of the judge's inclinations or actions in these pending non-jury proceedings could not directly affect such administration. This criticism of his actions could not affect his ability to decide the issue . . . As we have pointed out, we must weigh the impact of the words against the protection given by the principles of the First Amendment, as adopted by the Fourteenth, to public comment on pending court cases. We conclude that the danger under this record to fair judicial administration has not the clearness and immediacy necessary to close the door of permissible public comment. When that door is closed, it closes all doors behind it.

**Craig v. Harney** posed a much more difficult problem, of great significance because it tested the outer boundaries of the Court's tolerance respecting the range of permissible comment in pending cases. The comment here was, by any standard, flagrantly unfair and irresponsible, and the danger to a fair administration of justice was certainly not inconsiderable.

The comment took the form of news stories and an editorial concerning the progress of a forcible detainer case in Corpus Christi, Texas, before an elected county judge, Joe D. Browning, who happened to be a layman. The local case involved a landlord who sought to evict a tenant, at that time serving in the armed forces, from a business property for alleged non-payment of rent. Each side moved for an instructed verdict, and Judge Browning instructed the six-man jury to return with a verdict for the landlord. Despite repeated instructions from the judge, the jury returned three times with a verdict for the veteran and thereafter finally complied with a statement that it was acting under coercion by the court and contrary to its own conscience.

The account of these proceedings in the Corpus Christi *Caller-Times* inflamed local opinion and resulted in resolutions by citizen groups denouncing the judge. But the published account omitted certain details of testimony which might have made the judge's conduct much more

comprehensible. Reporting, for example, testimony by the tenant's agent that he had sent the landlord a check for the rental, the newspaper failed to report his admission that he had dated the check a month later than it was due "through oversight." An oversight it may have been; but it was an oversight that certainly should have been reported.

The tenant moved for a new trial and, while his motion was pending before Judge Browning, the newspaper declared in an editorial that "Browning's behavior and attitude has brought down the wrath of public opinion upon his head, properly so. Emotions have been aggravated. American people simply don't like the idea of such goings on, especially when a man in the service of his country seems to be getting a raw deal . . ." The newspaper, of course, had played no small part in exciting the wrath of public opinion with which, by implication at least, it presumed to threaten the judge if he failed to grant the new trial it desired.

This was fairly formidable pressure. There is indubitable merit in Mr. Justice Jackson's dissenting observation that "the Judge was put in a position in which he either must appear to yield his judgment to public clamor or to defy public sentiment . . . He was diverted from the calm consideration of the litigation before him by what he regarded as a duty to institute a contempt proceeding of his own against his tormentors."

But the effect upon the judge's mind of this pressure and of the aggravated emotions resulting from faulty newspaper accounts of his conduct is a matter of mere conjecture. It cannot be said that these influences made it impossible for him to do his duty fairly and impartially. They were annoyances. They made detached deliberation more difficult. Indeed, if the judge subjected to them were lacking in resolution or poise or independence, they would undeniably threaten his impartiality. The vital question is whether this threat was of such magnitude, probability and imminence as to warrant the closing of that door which, in Mr. Justice Reed's fine phrase, "closes all doors behind it."

Speaking for a bare majority of the Supreme Court, Mr. Justice Douglas answered this question in the negative. Of the news stories, he acknowledged that "they did not reflect good reporting for they failed to reveal the precise issue before the judge." Of the editorial, he said that "this was strong language, intemperate language, and, we assume, an unfair criticism." He went on, however, to recall Mr. Justice Holmes' dissenting observation in *Craig v. Hecht* that a judge

may not hold in contempt one "who ventures to publish anything that tends to make him unpopular or to belittle him. . ." And he offered a fresh phrasing of the clear and present danger doctrine in its application to contempts: "The vehemence of the language used is not alone the measure of the power to punish for contempt. The fires which it kindles must constitute an imminent, not merely a likely, threat to the administration of justice. The danger must not be remote or even probable; it must immediately imperil." Finally, reverting to Mr. Justice Holmes' dissent in the Toledo case, he declared that "the law of contempt is not made for the protection of judges who may be sensitive to the winds of public opinion. Judges are supposed to be men of fortitude, able to thrive in a hardy climate."

What Mr. Justice Holmes himself would have said in this particular case is a matter of conjecture, too. Mr. Justice Frankfurter, decidedly no more diffident than his colleagues in interpreting his illustrious predecessor, took an altogether different view. His impatient, exasperated dissents in the *Bridges* and *Craig* cases and his critical concurrence in *Pennekamp v. Florida* set this view forth in consistent detail.

To begin with, he thinks—and is convinced that Holmes thought so, too—that summary punishment for contempt is an historic if not an inherent power of courts, subject to limitation by legislatures but not restricted by the Constitution. "That the conventional power to punish for contempt is not a censorship in advance but a punishment for past conduct and, as such, like prosecution for a criminal libel, is not offensive either to the First or to the Fourteenth Amendments, has never been doubted throughout this Court's history," he declared categorically in his *Bridges* dissent. The scope of the contempt power being a matter for State determination, "California should not be denied the right to free its courts from such coercive, extraneous influences" as it may deem injurious to the judicial process. In the *Toledo* and *Craig v. Hecht* cases, he points out, the Holmes dissents dealt only with the proper application of a Federal statute narrowly confining the contempt power and conveyed no implication that the States are forbidden by the Constitution to enforce a broader contempt policy. Indeed, the Holmes opinion in *Patterson v. Colorado* takes this State right for granted.

In the second place, Mr. Justice Frankfurter thinks his colleagues have tortured

the clear and present danger phrase out of all relation to its author's intent.

"Clear and present danger" was never used by Mr. Justice Holmes to express a technical legal doctrine or to convey a formula for adjudicating cases. It was a literary phrase not to be distorted by being taken from its context. In its setting it served to indicate the importance of freedom of speech to a free society but also to emphasize that its exercise must be compatible with the preservation of other freedoms essential to a democracy and guaranteed by our Constitution. When those other attributes of a democracy are threatened by speech the Constitution does not deny power to the States to curb it.

pending before juries or about judicial attempts, such as that now projected in Maryland, to protect defendants in criminal proceedings from trial by newspapers before they have come to trial by courts. In dealing with the rights of a prisoner on trial, the Court might well view the clear and present danger doctrine in a light quite different from that where mere criticism of a judge is concerned. The balance between the right of an individual to a trial free from improper influences and the right of the public to know how its courts of justice are being conducted is an extremely delicate one.

#### IV

#### FREEDOM AND RESPONSIBILITY

Under the prevailing construction of the First Amendment, the press is in many respects the most privileged of American institutions. Although newspapers are, of course, business enterprises operated for private profit, they are at once subsidized by the Government through the grant of second class mail benefits and insulated by the Constitution from Government regulation. Thus, in a sense, they are inescapably irresponsible in that they are accountable for their conduct only in the remote sense that they depend upon popular favor; and it should afford no occasion for surprise that many of them behave frequently with gross irresponsibility.

The first of these contentions seems, like the logic of Mr. Justice Holmes in *Patterson v. Colorado*, another reversion to Blackstone. Punishment for past conduct in the realm of expression is indistinguishable in its impact from censorship in advance unless the character of the conduct made punishable be most sedulously circumscribed. The "clear and present danger" test was certainly an attempt—a signally useful and illuminating attempt—so to circumscribe it. And it does scant honor to Mr. Justice Holmes to dismiss this attempt as a mere "literary phrase." Its value lies precisely in its viability "for adjudicating cases"—for determining when speech does genuinely and actively threaten "other attributes of a democracy." Mr. Justice Frankfurter, in his laudable desire to wear the mantle of Mr. Justice Holmes, may have donned here a garment which the great dissenter doffed long before the period of his richest maturity.

\* \* \*

As long as *Craig v. Harney* stands, the immunity of newspapers from summary punishment for out-of-court publications in connection with cases pending before judges seems virtually complete. The state of the law was summarized concisely if somewhat bitterly by Mr. Justice Frankfurter in his dissent. "Hereafter," he said, "the States cannot deal with direct attempts to influence the disposition of a pending controversy by a summary proceeding, except when the misbehavior physically prevents proceedings from going on in court, or occurs in its immediate proximity." Thus, the interpretation of the First Amendment which Congress wrote into the contempt statute of 1831 is now binding upon State courts.

This leaves unsettled what the Supreme Court might say about comment on cases

But toleration of some degree of irresponsibility is an inevitable price of the freedom requisite to a discharge of the vital function of the press—that is, its service as a check upon abuse of governmental power. For the sake of this service, Americans have long found it worthwhile to tolerate serious shortcomings on the part of the press. And among these shortcomings, the threat to the independence of the courts about which Mr. Justice Frankfurter is so exercised is perhaps by no means the most serious. The spreading concentration of ownership and the diminution of diversity which are making American newspapers more and more the representatives of a special economic class constitute a more profound evil and raise weightier questions respecting the utility of freedom of the press from the point of view of the general public.

Nevertheless, Mr. Justice Frankfurter is quite justified in regarding "trial by newspaper" as a very serious evil indeed. His observation in the *Pennekamp* case concerning the relationship between the press and the judiciary helps to put the problem in perspective.

Without a free press there can be no free society. Freedom of the press, however, is not an end in itself but a means to the end of a free society. . . . The independence of the judiciary is no less a means to the end of a free society. . . . A free press is not to be preferred to an independent judiciary, nor an independent judiciary to a free press. Neither has primacy over the other; both are indispensable to a free society.

But it does not follow from this—indeed, it cannot follow from it—that the one should be accorded authoritative control over the other. It is a fact that irresponsible journalism constitutes a threat to the administration of justice. But it is equally a fact that arbitrary judicial authority—that is, the power to punish summarily for constructive contempt—constitutes a threat to freedom of the press. And what must be decided in the last analysis is which of these twin threats constitutes a graver menace to a free society. This is, of course, essentially a question of social policy, rather than of constitutional interpretation.

Grave as they may be, the hazards of irresponsible journalism seem less peril-

ous to freedom than the hazards inherent in authorizing a judge to discipline newspapers for comment which he happens to deem offensive. The long line of cases already cited here shows how likely judges are to abuse the contempt power if it is left in their hands. Resolute and conscientious judges can ignore or rise above newspaper criticism which tends to interfere with the performance of their duty. But newspapers striving conscientiously to expose official misconduct or corruption can scarcely ignore or rise above the summary punishment administered by an arbitrary judge bent upon suppressing their disclosures. The very existence of summary contempt powers, even when they are not exercised, operates, moreover, as an inhibition upon newspaper initiative and enterprise; it reinforces the inertia of publishers and their debilitating tendency to let sleeping dogs lie—an occupational disease of newspaper ownership. Uninhibited newspaper activity, on the other hand, even if it proves occasionally embarrassing, operates as a salutary prod to the performance of judges; it tends much more to promote than to prevent speedy and effective administration of justice.

Finally, there is a better method than summary punishment by which judges can deal with newspaper interference which seems to them genuinely to constitute a clear and present danger to the integrity of their courts. That method is indictment and trial by jury. If it be objected that this remedy is too slow, the answer is that citations for contempt being themselves punishments for past misconduct can be imposed only after the damage has been done. And in so far as they have an injunctive effect on subsequent publication, they amount directly to just the sort of previous restraint which it is universally acknowledged the Constitution forbids.

The ultimate warrant for so zealous a regard for freedom of the press must rest upon recognition that it is not only peculiarly vital to a free society but also peculiarly susceptible to subversion. Its abuse is preferable to its disuse. Speaking, in *Palko v. Connecticut*, of freedom of thought and speech, Mr. Justice Cardozo observed: "Of that freedom one may say that it is the matrix, the indispensable condition, of nearly every other form of freedom."

## Brandeis as Editorial Writer

by A. Gayle Waldrop

Those who have read the biography by Alpheus Thomas Mason—the title is *Brandeis: A Free Man's Life*—know that Louis D. Brandeis was an editorial writer. There is value, however, in making a concentrate of some of the facts on this phase of his public service. Scattered throughout Mason's more than 600 pages, the facts seem to be incidents. Fused together, there may be sources of pride and inspiration to members of an organization that seeks to stimulate the conscience and quality of editorial pages.

With grateful acknowledgement to Dr. Mason, I quote, paraphrase and interpolate.

Robert L. O'Brien, publisher of the Boston *Transcript*, on May 16, 1906, asked Brandeis for one of his "judicious edi-

torials." Brandeis responded immediately. He followed this up two days later with a letter to the *Transcript*, pointing out that the Gas Commission had "permitted, from year to year, other companies to pay 10 or even 12 per cent."

The Boston *Post*, on May 17, 1908, printed a ringing editorial, "Don't Condone the Crime," of which Brandeis later owned authorship. The editorial ended:

Defiance of Massachusetts law by a great corporation should not be condoned. The New Haven road has been convicted by the Supreme Court of the essential theft of the trolleys and the Boston & Maine stock. To permit the New Haven road to retain the stolen goods on any pretence whatever is to encourage lawlessness and invite anarchy . . . .

The courage shown and the language used are in the great tradition of editorial writing. The alliteration is effective, as was the conclusion of one of his great opinions: "Such is the command of the

Constitution." Another style device he used was contrast, for example. "You will realize the danger of letting the people learn that our sacred Constitution protects not only vested rights but vested wrongs." And, on occasion he made contrast by a visual image:

Travelers tell how amid the mighty Himalayas, man is cowed. You will find nearer at home a like effect of overwhelming power . . . . In a democracy it is the part of statesmanship to prevent the development of power which overawes the ordinary forces of man. Where such power exists, it must be broken. The privilege which begets it must be destroyed.

In August, 1912, Norman Hapgood prevailed upon Brandeis to spend part of his vacation in defining the campaign issues for *Collier's*. He supplied Hapgood with editorials through the October 19 issue, and wrote his brother that he "would probably add two more to make the full measure." In these editorials, he directed

---

A. Gayle Waldrop, professor of journalism at the University of Colorado, author of *Editor and Editorial Writer*, did a paper on Brandeis for the National Conference of Editorial Writers last Fall. This is from it.

public attention to flaws in the Roosevelt-Perkins scheme for "domesticating" the modern industrial monsters. He summed up the real differences between the New Party and the Democratic Party. He dissipated confusion by asking this question: "Shall we regulate competition or monopoly?" He struck at the sponsors as well as the program of the New Party. He contrasted the business affiliations of George W. Perkins with his Progressive professions. He contrasted with particular effect Roosevelt and Wilson. The Rough Rider was useful in the stage of agitation when "the qualities of a great preacher—emotion, imagination, the dramatic sense and dash were needed to arouse men and create a following." But in 1912 these qualities were outmoded for then the needs were "a man of substance," not a "man of noise," Brandeis wrote, and "that true open-mindedness which makes one willing to listen, as well as to speak." He gleefully adopted Clark Howell's paraphrase of Teddy's famous peroration: "We meet at Armageddon to battle for the trusts."

Not only was Brandeis a writer of editorials as we most often think of them; he was a writer of letters to the editor. Our definition of editorials includes letters, or should. But, have we properly valued the power of this kind of editorials? Have we been as alert as possible to encourage especially qualified men and women to write letters? Have you a Brandeis-to-be, a man of his spirit and working habits, in your city? Find him. Use him, if you have to draft him.

When the Boston Elevated Railway Company, in 1897, had stealthily secured from the legislature a grant of well-nigh permanent franchises in many of Boston's principal streets, Brandeis wrote the *Boston Transcript*: "The proposal is at odds with the established policy of the Commonwealth and would, if enacted, sacrifice the interests of the public to that of a single corporation."

Articles can by their purpose and their content be editorials. Such an editorial-essay, prepared after months of investigation, after interviews and discussions with friends—he, too, used editorial conferences—Brandeis asked Hapgood to print in *Collier's*. The subject was Savings-Bank Life Insurance. The editorial-essay was published simultaneously in 1906 in metropolitan newspapers all over the country. You know of the results in Massachusetts and New York.

Another article, in 1907, took the form of a pamphlet, suggestive in format and appearance of the annual reports of large

railroad companies. It was entitled "Financial Condition of the New York, New Haven & Hartford Railroad and the Boston & Maine Railroad." It was based on a full and thorough investigation of the whole business in its every phase. He placed it in the hands of legislators and gave it a wide distribution among stock and bondholders of the two roads.

Such a device and such reports as the two described are in the best editorial tradition, to give the people the facts which they themselves are unable to get. Admitting that the analysis of railroad finance was necessarily technical, and intended primarily for financial and railroad men, Brandeis said that the facts given were so clear that the chief points could be readily understood by anyone. An admirable editorial aim, that of making technical facts readable.

Brandeis had the philosophy, the purposes, the practices of able editorial writers.

When the *Boston Traveler* in 1903 divined sinister motives beneath his reforming zeal, Brandeis told a reporter:

Nothing could be further from my thoughts than to be a candidate for mayor, or for any other public office. What I have desired to do is to make the people of Boston realize that the most important office, and the one which all of us can and should fill, is that of private citizen. The duties of the office of private citizen cannot under a republican form of government be neglected without serious injury to the public . . . .

Do not editorial writers have the same rights—and duties—as other private citizens? And greater opportunities and obligations to use them for public good? Especially under such circumstances as Brandeis had described in 1901, when the Boston Elevated Railway Company had extended its control over newspapers, government officials, and voluntary organizations. "It is especially to be regretted," he said, "that in this struggle to protect the community against the aggressions of the Elevated, the people were left with no assistance from the municipal authorities, and that they were opposed by the great majority of their representatives in the Board of Aldermen and the Legislature."

The editorial function of helping to educate the electorate Brandeis described in a 1932 letter to Hapgood:

The trouble with our democracy is that we have not been willing to pay the price—that is, to educate the electorate. That must be a continuing process—not a quadrennial or annual campaign. And it must involve a much wider partici-

pation in government. I think consideration of governmental problems can be made for a large section of the people the most alluring of occupations. And there will be time for this when we have the five-day week and six-hour day.

There is faith for you, gentlemen, a faith you have—and faith in you—in your thinking and writing ability—to make governmental problems the most alluring of occupations for a large section of the people.

Another facet of faith was shown in a letter to a newspaperman. When Richard L. Neuberger had a tempting offer from a national magazine that would have taken him from Oregon to a big Eastern city, he wrote to ask Brandeis if he were still of the opinion that young men should stay where they were brought up. By airmail came this reply: "Dear Richard Neuberger: Stay in Oregon. Cordially, Louis D. Brandeis." Here is faith in the importance of the hinterland, and of staying in it.

As did Joseph Pulitzer, Brandeis knew the power of persistence and the force of facts. In a letter to Hapgood, two years before the end of the nine-year fight against the New Haven, Brandeis suggested this obituary notice:

Mellen was a masterful man, resourceful, courageous, broad of view. He fired the imagination of New England, and being oblique of vision merely distorted its judgment and silenced its conscience. For a while he triumphed with impunity over laws human and divine, but as he was obsessed with the delusion that two and two make five he fell at last a victim of the relentless rules of humble arithmetic.

Remember, O Stranger!

Arithmetic is the first of the sciences and the mother of safety.

In an interview on January 28, 1916, the day Wilson nominated him to be associate justice, Brandeis told a reporter: "It has been one of the rules of my life that no one shall ever trip me on a question of fact." In a rough memorandum years before on "What the practice of law included," he had set down these axioms—which are as useful for editorial writers as for lawyers:

Know thoroughly each fact. Don't believe client witness. Examine documents. Reason; use imagination. Know bookkeeping—the universal language of business; know persons. Far more likely to impress clients by knowledge of facts than by knowledge of law. Know not only specific case, but whole subject. Can't otherwise know the facts. Know not only those facts which bear

## NIEMAN REPORTS

on direct controversy, but know all the facts and law that surround.

His approach to problems was that of the economist and social engineer, not of the moralist, a sound approach that is sometimes forgotten by editorial writers in the heat of battle. He did not, for instance, condemn monopolists for immoral behavior but rather saw their actions as symptoms of a faulty system; the system, not the men, must be changed.

He condemned "attacks upon reputation," the argument to the man. Analyzing the campaign against his confirmation as associate justice, and the forces back of it, he affirmed other sound editorial practices:

No one but a fanatic can be sure that his opinions—political, economic, or social—are correct. But no man, be he reactionary or progressive, ought to doubt that free thought and free speech are necessary in a democracy; and that their exercise in things public should

be encouraged. My opponents throughout long years practically refused to discuss publicly or privately with me the measures under consideration. For opposing arguments they substituted attacks upon reputation. And the community permitted them to do so almost without protest. This seems to me the fundamental defect. Our task in Massachusetts is to reconstruct manhood.

In these witch-hunting days in Washington and elsewhere, against individuals and against newspapers, one of the editorial tasks is to reconstruct manhood, Brandeis might say. In this effort, you may borrow an editorial from him, his undying words on the sanctity of the unconstitutional protection afforded freedom of the press and speech. I quote from his opinion, *Whitney v. California*:

Those who won our independence by revolution were not cowards. They did not fear political change. They did not

exalt order at the cost of liberty. To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify repression. Such must be the rule if authority is to be reconciled with freedom. Such, in my opinion, is the command of the Constitution.

Louis D. Brandeis, editorial writer, in fact and by philosophy, capably discharged the duties of the office of private citizen. You are his colleagues.

## THE PRESS AND SOCIAL ACTION TODAY

by John H. Crider

I would first of all like to put our American press in perspective by examining it as a growing organism. Critics of the press, it seems to me, too often make their diagnosis of American newspapers as if they suddenly emerged from the air in their present form with little expectation of ever changing. I am strongly of the opinion that the press is not sufficiently self-critical and feel that if it would indulge in more corrective introspection, its chronic critics, who are on pretty weak ground anyway, would return to their academic studies and other activities for which they are far better suited.

The first evidences of a forceful American press were during the Revolutionary period, although there had been newspapers published in America during the earlier colonial period. The press of the Revolutionary period was characterized by a vigorous, highly partisan personal journalism which seemed to be afraid of nothing, least of all the roar of the British lion. Much of the product of this press was irregular as most periodicals go, and could almost be called a form of pamphleteering. The editors, some of them with

literary subtlety, but more often with sabers bare, would tangle with each other over public issues from one edition to the next. This press played an important part in crystallizing American colonial opinion against the British masters, which is no doubt very well known to you.

The next chapter was the post-Revolutionary press, which played a vital part in influencing the course of the new nation. Here again we have vigorous, even bitter, personal journalism, with editors playing party politics with a vengeance and more frequently than not serving as deliberate tools of some leading politician. There follow a few samples from the outspoken press of the late eighteenth century:

From the *Independent Chronicle* of Georgia addressed to the money inflation following the Revolution—"Clouds, when you rain, bleach him to the skin. When you hail, precipitate your heaviest globes of ice on his ill-omened pate. Thunder, when you break, break near him, shatter an oak or rend a rock full in his view. Lightning, when you burst, shoot your electric streams close to his eyelids. Conscience, haunt him like a ghost. . . . Ye winds, chill him; ye frost, pinch him, freeze him. Robbers, meet him, strip him, scourge him, rack him. He starved the fatherless and made naked the child without a mother."

The orthodox Boston *Centinel* com-

plained, "As soon as one bubble bursts, another is blown up and we are in the way of becoming the greatest sharpers in the universe—all assuredly anti-republicans."

Not only were editors like Freneau and Feno, and even at times, Benjamin Franklin, throwing sharp javelins at each other in one political cause or another, but the great political figures themselves like Madison and Hamilton would adopt nom de plumes in taking on the cloak of journalism in behalf of their respective causes. There was certainly nothing dainty about the press of those times, its outstanding characteristic being a ruggedness equivalent to that of the country itself. In a sense, of course, these journalists were very free men, but though free to act as they pleased, they very frequently inhibited their freedom of action by becoming mere stooges for politicians or political parties.

All of the foregoing was in the days of the handpress and before telegraph, when news traveled slowly and the meager papers of those times were slow to put together. With the advent of mechanical presses, machine typesetting, and the speedy collection of news by telegraph, many significant changes took place.

There was still a strong tendency for newspapers to align themselves with political parties in a fairly rigid way, and even

---

John H. Crider is editor-in-chief of the *Boston Herald*. He was a Nieman Fellow in 1941 when on the Washington staff of the *New York Times*. This paper is from a lecture in a Massachusetts University Extension course.

to obtain financial support from parties and politicians. But the new mechanical innovations converted the big city press of America in the latter days of the nineteenth century into a highly competitive business, free of old chains but requiring large amounts of capital. Again, we had a striking era of personal journalism with great newspapers referred to as "Greeley's paper" or "Pulitzer's paper" or "Hearst's sheet." These journalistic tycoons threw their weight around footloose and fancy free, and the battles of some of these fellows led to a war of yellow journalism of which no one can be proud.

Looking at it in perspective, I cannot see how anyone can fail to reach the conclusion that our current press serves the public better and more uniformly than heretofore. Which is not to say that it cannot be improved.

There are also many significant reasons for the trend toward consolidation and monopoly, which are so frequently lamented. The principal one is the high cost of doing business. Any newspaper takes a great deal of capital, good management, and enterprise. About 80 per cent of the business of putting out a great daily newspaper can be likened to a factory operation. The editors, reporters, artists, and publishers whom our critics talk so much about are a very small part indeed of the whole operation. I am not criticizing unions, but it should be noted that the complete unionization of metropolitan newspapers has been an extremely important factor in pushing publication costs to such heights as to make the elimination of competition a tempting project for almost any publisher. It may be reassuring to know that there are now technological advances under way which, while no cause for cheering among some unionized mechanical workers in newspaper plants, offer a great hope of lowering production costs to an extent which will make the propagation of newspapers a much less costly thing. This is all to the good.

I would like to mention in passing the fallacy of the newspaper monopoly theory. I agree that in principle it is a bad thing to have only one newspaper in a community or to have two newspapers owned by the same publisher. There is a great deal of that sort of thing around the country, and it is one of the most attractive targets of our critics. What is constantly overlooked, however, is that the thing has not worked out as badly in practice as theory might make it seem. In any listing of the best newspapers in America, for example, there would be included the Baltimore (morning) Sun, the Providence Journal, and the Louisville Courier-Journal, none of which has local competition in its par-

ticular morning or afternoon field. They are monopoly papers.

There is, you see, another aspect to this monopoly thing. When talking in terms of the desired goal of as much freedom of action and capacity for leadership as possible in the editing and management of a newspaper, the economic situation of a newspaper may be all important. A monopoly paper, financially strong, can afford to take unpopular views for purposes of leadership which might put a highly competitive newspaper out of business. I trust I make myself clear as to this for it is a very important consideration. Another aspect of the problem is that there can be too much competition. In other words competition *per se* is no cure-all. On the contrary, it is my opinion that too much competition can easily be a worse curse than none at all. I ought to know, for Boston is THE most competitive daily newspaper city in America. You might bear this in mind the next time you are tempted to complain about the news sensationalism and editorial languidness of the Boston newspapers.

Now let us get on to the theory of news and editorial operations and how they work out in practice. The basic rule is separation of news and editorial opinion. A newspaper is supposed to serve two journalistic functions—supplying information about the day's happenings, and influencing public opinion by expressing opinions of its own. The first of these is performed under the heading of news, the second by the editor and his editorial writers. When the two functions become confused so that the reader cannot easily distinguish news from opinion, the public is being misused, and the newspaper is abusing its power. Objectivity should be the goal in reporting and throughout a newspaper's news columns. The opinion should appear only in editorials and in editorial columns.

The thing that makes a newspaper possible, and in my opinion the most important possession of any newspaperman or woman, is what is commonly called a nose for news. A more dignified term for it would be news judgment. It is this that is at the heart of the newspaper operation and, more than any other nonmechanical part of the operation, makes it possible to get out a great newspaper in a big hurry. News judgment is a sort of professional sixth sense. It can be cultivated, but it is best when instinctive, which I believe it is in our best reporters and news editors. It is a sort of reflex action which occurs all the way along the line from the reporter's first reaction to a story, through the copy desk and the editors' hands into the composing room where the news ar-

ticle starts the mechanical phases of its journey to the waiting delivery trucks.

It is this news judgment which makes a reporter spot a story in the first place. It is a much more subtle and complicated thing than the man-bites-dog formula might suggest. It tells the reporter instinctively that he's got a story. It tells him how to write almost automatically that story at high speed and get the most important things into the opening or lead paragraphs. It tells him which things ARE most important, and which to leave to the middle or end of the story. It makes the editor know immediately that the story is good, medium, or inconsequential. It tells the copy reader how to write the headline. And, finally, this sense for news tells the make-up editors which of the day's stories are front page, and in what order. The proof that this is an instinctive professional sense is in the front pages themselves—all produced separately by different reporters and editors, and yet resulting in very close to the same front page display of news. Check the New York Times and its competitor, the Herald Tribune, some morning and you'll see what I mean.

To me this automatic judgment of news is one of the most fascinating elements in journalism. It is also fundamental. Let's look at a couple more examples of it at work. A White House press conference breaks up. It may have lasted from ten minutes to three quarters of an hour. I have never been to one that did not produce a number of stories. The highly competitive press association men take notes feverishly in long hand. Waiting for the bulletins which will be flashed by the United Press and Associated Press correspondents are literally hundreds of newspapers at various stages of going to press. Seconds count in the hot competition between these two services. When the "thank you, Mr. President" phrase is heard that means the conference is over. As a matter of fact, for some years now Merriman Smith, the UP White House man, has taken it unto himself to speak those decisive words, an advantage which he makes the best possible use of. Merriman is usually half way to the door as he gets the last words out. Meanwhile his rival is dashing in the same direction toward the press room where they have their own telephones. Acting independently and at great speed, they grab their phones and start dictating leads or bulletins which go out all over the country as fast as they say the words. Yet despite the independence of action, you can be sure that the bulletins dictated by each of them will be in about the same order of importance—the most important naturally coming

## N I E M A N R E P O R T S

first—and very similarly phrased as well. This is that sixth sense at work under the greatest stress.

Let us turn now to the editorial columns, which constitute the newspaper's voice. The ideal is often said to be an editor in charge of this function who is wholly detached from ownership. The *Economist* and the *Times* of London have worked out schemes to make this possible. Yet I am not so sure that the ideal is ideal. It seems to me that it is quite proper for an editor to have some sense of responsibility toward the owners of his paper as well as to his public. This need not be a divided allegiance, and there need be no serious conflicts detrimental to the public. The most important thing is for the editor to have employers whose views in general are similar to his own. Obviously an editor cannot be free if he works just for hire or for anybody, regardless of views, so long as he is well paid. If an editor doesn't have employers with whom he is in general agreement, he ought to look for another job.

As to advertising influence, this is largely mythical. Let me give you an illustration from my own experience to prove the opposite of what superficial critics say on this point. Naturally, we are always suspect when we run any editorial which might be construed as serving the interest of an advertiser. But, curiously, we would not help ourselves one bit by doing that. For example, we probably hurt ourselves by running an editorial last fall supporting a rate increase for the telephone company. That was not a popular position, yet the facts demonstrated to my satisfaction that the telephone company had a vastly better claim to rate increases than many union workers had to another wage increase. Telephone rates had remained stagnant while costs, including wages, shot up and up. Obviously, if we were serving our own best interest, higher rates being as unpopular as they are, we would have taken the demagogic position of opposing them.

My own feeling is that a newspaper which becomes doctrinaire wholly loses its influence. If every time you turned to the *Herald* editorial columns, you found us supporting Franco, attacking unions, opposing all progressive measures, echoing the National Association of Manufacturers, supporting monopoly, and so forth, you would soon conclude that we had no mind of our own. We were not leading, but following. You would get the same sensation I experience when I read the *Daily Worker*, the *Chicago Tribune*, or (formerly) the newspaper *PM*. Things in this world are not black and white, easily departmentalized, but mostly grey. If it was

as easy to tell right from wrong, and progress from retrogression as the *Daily Worker* and Col. McCormick make it seem, there would be no need for editorial columns. Actually, any conscientious editor ought to be suffering from chronic headache.

How do we find our American press today? According to Chancellor Hutchins, Professor Chafee, Morris Ernst, and other professional hecklers of the press, it is in pretty bad shape. I have a distinct feeling that the basic complaint, rarely expressed but hidden in a maze of technical criticism, is that these gentlemen disapprove of the fact that most newspaper editors and owners have relatively conservative views compared to their own. They see coloration of news where it isn't. They detect editorials catering to "the interests" where quite the opposite is the fact. In other words, because they resent the views of the majority of newspaper editors and publishers, they would change the system. Frankly I think they are on perilous ground and not very far from ordaining a kind of "thought control." If I were an ardent New Dealer or socialist, I, too, would be concerned that so many of the country's opinion-makers were of an opposite view. But I don't believe that as an American I would want forcibly to change this leadership which stems from private property and the right of free expression. Strangely, if you abolish the private property rights of publishers, you automatically abolish the freedom of expression, too. Joe Stalin and Adolf Hitler should have proved that by now. And, if I shared this ideological gripe of our critics, I would boast rather than sneer at the fact that the public goes its own way regardless of the views of these publishers and editors. Witness the triumphs of Franklin Roosevelt, and, more recently, of Mr. Truman.

Why could such a thing happen? Because by far the majority of American newspapers were honest and objective in their handling of political news. Franklin Roosevelt knew how to control the leading news columns and he might well have said "let the publishers have the editorial pages so long as I can get my stuff on the front pages." The editors and publishers were well aware of what was happening, but it didn't keep most of them from playing by the rules. A number of our Republican readers complained because ours, the leading Republican paper of the community, was the only Boston newspaper to print the full text of all of Harry Truman's campaign speeches. Often the news reports of the President got bigger display on our front page than those con-

cerned with our candidate, Mr. Dewey. This is as it should be.

Which brings me to what I regard as the most serious aspect of current press criticism. I am reminded of a newspaper feature editor who was always quibbling about the difference between interpretive "background" writing and editorializing. Those who worked for him could never get a satisfactory definition of the difference. Finally, they concluded that if the writer sneaked into his article a bit of editorial opinion with which this editor would agree, he would hail this particular bit of writing as representing that wonderful thing called "background." But if the writer happened to get into his article some views with which the editor disagreed, he would condemn it as rank editorializing.

What worries me is that most of the professional critics of the press acclaimed the newspaper *PM*, which usually presented views with which they agreed, but strongly denounced the *Chicago Tribune*, which presented views they regarded as bad. My own opinion is that neither of these publications were newspapers, any more than *Time* is a newsmagazine. They all three represent in varying degrees what is to me the most sinister strain in the current American press. These publications are much more concerned with portraying current developments as black or white, than with an objective presentation of the news, leaving the reader to form his own judgments. This is, like Hitler and Stalin, not to trust the public mind. This is the road to thought control.

I cannot help believing that most of our chronic critics would hush up if the whole press of America reflected every day, in the news columns and on editorial pages, what they believed the public should be told regarding the day's news. We want no self-appointed gods telling us what to believe and what not to believe, giving us propaganda instead of news. If that day ever comes, we will have come to the end of press freedom and will have discovered, I am sure, that the gods who tell us what to believe are men with a lust for power far surpassing that of the most dominant publisher in America today. Recent world history should save us from any illusions as to what kind of government we would have then.

In the end I have confidence that the people will decide for themselves. In the end, I am sure that if left to their own thinking, they will always choose a free press, privately owned and operated. And, in the meantime, I hope the press will prove to be its own best critic.

## Reviews--

### The Basis of American Influence

by Christopher Rand

**PUBLIC OPINION AND FOREIGN POLICY.** Edited by Lester Markel, with chapters by Hanson W. Baldwin, Arnaldo Cortesi, W. Phillips Davison, C. D. Jackson, Martin Kriesberg, Cabell Phillips, James Reston and Shepard Stone. Published for the Council of Foreign Relations by Harper and Brothers.

This is a study of how the U. S. Government, in making and pursuing foreign policy, interacts with public opinion at home and abroad. The study concentrates on government institutions themselves—their weaknesses and strengths in public-opinion work. It deals only in passing with the press and other unofficial partners in the relationship.

The picture that the authors paint—its outlines must be familiar to many readers of *Nieman Reports*—is roughly as follows. Foreign relations today depend greatly on mass persuasion. The framing of foreign policy is a job for experts, yet American foreign policy must conform to the people's views, and our people and experts aren't in close touch. On the other hand, American policies can't succeed abroad unless foreigners understand them, yet foreigners have deep misconceptions about us, made deeper by the propaganda of Communists and others. These problems have crept up fast, thanks to the speed of modern communications and the newness of America's role in the world, and have taken Washington largely unawares. Many officials refuse to recognize them. Others recognize them only superficially, putting new boxes in the organization charts to cope with them, but not putting much authority into the boxes. The State Department, in spite of itself, is still inclined to be toplofty about public relations—it has set up machinery for trading ideas with the public, but the machinery itself is largely cut off from the inner workings of policy. The Defense Department, also important in foreign policy, puts a good deal of energy into public information, but it is dissipated in confusions arising from service rivalries, rivalries with other departments, and the blind spots of what neither Mr. Markel nor Mr. Baldwin hesitates to call the Military Mind. The President—the Number One Voice, in Mr. Reston's words—has great powers in both interpreting and shaping public opinion, but they are ill defined and depend not so much on the system as on the personality of whoever happens to be President at the time. Congress comes muddily between these agencies and the people, helping to form opinion, claiming to represent it, suspicious of "cookiepusher" diplomats and of "propaganda," and jealous of its hold over foreign policy, now much tightened by the control of funds for things like the Marshall Plan. With this Tower of Babel behind them, American representatives abroad, still amateurish in a new game, try to win friends and fight the cold war, and their success is uncertain.

The details of the chaotic picture are sketched in by

the different authors with varying success. Several of them are newspapermen, and on the whole these do an excellent job. Mr. Reston's study of the Number One Voice and Mr. Cortesi's of the battle for the Italian election, to name only two, are stimulating, informative and to the point. Other authors are professional public-opinion experts, and by comparison their contributions seem dull and sterile. Mr. Kriesberg, for instance, in dealing with "Dark Areas of Ignorance" in America, labors drearily with poll figures to show such facts as that men know more than women about foreign affairs, the rich more than the poor, the sea-boards more than the hinterland etc.—or that 30% of the voters are "unaware" of most events in foreign affairs, 45% "aware" and only 25% "informed," statistics that seem meaningless to this reviewer since the terms are not strictly defined. (It should be said that Mr. Markel expresses doubts about polls in footnotes to this chapter.)

Some parts of the book seem to dwell too long on details of government organization and too briefly on the philosophical problems that lie in the background. For instance the State Department channels for putting out information are described painstakingly, even though they are largely bypassed and may change tomorrow with reorganization, but there is only oblique reference to a set of questions that plagues our propagandists abroad every day—How can an official government agency best advertise a system of which a free press is virtually the keystone? By relaying everything that is said in America, thus publicizing our faults and officially insulting our allies? Or by relaying only what is politic, thus appearing to suppress facts in contradiction to our claims about ourselves? There is still wide disagreement on this thorny point among those responsible for our foreign propaganda, and it might be worth more discussion here.

But criticisms like this are inevitable with a book that is a group undertaking, with different approaches used in different parts. On the whole there seems to be much more gain than loss from the divided authorship. The field is tremendous, covering public opinion at home and abroad plus the operations of government in Washington, and a great deal of information is furnished about every section of it. There is also a sort of bonus in Mr. Jackson's chapter, which discusses the foreign output of private American news agencies, and which raises such interesting questions as whether the sale of American wire-service news to Iron Curtain government distributing agencies is helpful or harmful—the distributing agencies will distort the news in handling it, but even so they will pass it on in diluted form, and there is no clear decision yet whether this is profit or loss.

Perhaps our intellectual influence abroad depends chiefly on the strength of our own spontaneous culture, and the respect it wins for itself without trying. Two

instances cited by **Public Opinion and Foreign Policy** seem to bear this out: the high French regard for our current literature, though in general they think us materialistic and shallow; and the amazing part played in the Italian election by *Ninotchka*, the Greta Garbo movie satirizing Russian Communism, which was made long ago with the aim of amusing Americans. But if our chief job is to be better and more thoughtful versions of ourselves, it is also true that the government can self-consciously do a great deal toward connecting American popular thought with the popular thought of foreigners. The government has been caught in a time-lag here as in many other fields. Its practices simply aren't in step with its new position in the world. This situation demands quick readjustment. **Public Opinion and Foreign Policy** is a comprehensive, useful guide to where and how the adjustments can be made.

## Hints From the Press Box

by Victor O. Jones

**SPORTS PAGE, The Story Behind Newspaper Sports Writing.** By Stanley Woodward. Simon and Schuster, New York, 1949. \$2.95.

Rufus Stanley Woodward, until recently for ten years sports editor of the *New York Herald Tribune*, now editor of *Sports Illustrated*, here gives the full treatment instead of the usual chapter that sports generally get in newspaper books. He goes into considerable technical detail, but the non-specialist in or outside the newspaper business will find all textbookish aspects made highly readable by anecdotal asides, by the examples cited, and by the salty style.

On almost every page you'll find some good advice, some apt aphorism, some rule of prudence or a wise saw. Such matters as making out expense bills without going broke, keeping the assignment sheet, making sure of your communications, handling liquor in the open, avoiding the cliche, and getting around the managing editor when that dope isn't half as smart as the sports editor—all these are thoroughly gone into. Even a veteran of the craft is likely to pick up something he hadn't thought of. For those who have changed their minds about becoming firemen or cowboys, and want to become sportswriters, this is a bonanza.

Nor should embryo sports writers be frightened by Stanley's emphasis on the difficulties to be encountered on the sports beat. I would be the last to deny that sports writing and editing require professional skill. Sports writers really don't just get into the ball games for free. On the other hand, I'm afraid that Woodward rather overdoes the complexities of covering even a basketball game or a prizefight. He gives the general impression that sports writers and editors are the only newsmen who have to meet deadlines and know what the hell it's all about.

Granted that sportswriters are pros, so are city side reporters and rewrite men. The "B-Copy," "inserts," and "new leads" that Woodward cites as terrifying obstacles in the path of sportswriters are pretty simple and wouldn't ruffle the nonchalance of any good rewrite man. And while a Washington correspondent would be like a fish out of water covering a track meet,

so would a track writer covering a session of Congress. That doesn't make covering a track meet—or a Congressional session—work fit only for mental giants. But if I had a mental giant handy, I'd be inclined to send him to Washington instead of the track meet.

One chapter which should be of interest to the whole profession from copy boy to publisher is "The Walking Dead." These are described as a "corps of older men, frequently serving as top editors, who can't take it with them, (a) because of the natural difficulties involved, (b) because they never had it. They owe their pre-eminence to the fact that they shave every day, are courtly and diffident in their address, particularly to superiors, and to their ability to come up spasmodically with a few old saws which make the unwary believe that the old gentlemen are steeped in newspaper lore . . ." I don't suppose the newspapers have any monopoly on this species, and I find it hard to believe they bloom in profusion on successful papers.

Woodward's experiences with these zombies and some of the stratagems he employed against them make for some of the punchiest reading in the book. Not that I'd agree its a sure sign of stuffiness for a publisher to pass up circulation rather than turn his sports pages into tout sheets. Nor am I certain that Rufe's preoccupation with the betting odds on college football games comes under the head of progress.

In the chapter on "How You Get Started," Woodward advises against the newspaper business unless you have a "call," unless it's "the work you can't get along without doing." He also advises a thorough grounding on the city staff or general copy desk before specializing in sports. Among his interesting observations is that as the result of the much greater security which newspapermen now enjoy under the Guild or its influence, openings are harder to find. Of the five ways to start, he rates the school of journalism as the best. "Good luck and nepotism," he observes, "can be invariable aids."

"Miasma from the Past" includes some sportswriting samples from as far back as the 1880's. It leaves no doubt that there has been improvement in sportswriting, which now is shorter and sharper.

There are chapters on organizing a sports staff, the mysteries of the copy desk, the headaches of communications (illustrated mostly from Woodward's war corresponding days with the airbornes at Arnheim and the fleet off the still hostile coast of Japan). There are also individual chapters on the different kinds of sports specialists—baseball writer (most widely read); football writer (most widely written to); boxing writer (not for a reporter whose forte is naivete); racing writer (not to be confused with handicapper); columnist (apt to be the best man on the paper, Red Smith the best in the business).

All these jobs are described not only in great technical detail, but with a richness of atmosphere that makes the very sounds and smells of press boxes, rink sides and dressing rooms emanate from the pages. It's the classiest writing in the book.

Woodward also goes into radio and television and the newspapers' promotion of sports events. He's agin' 'em.

This is Woodward's first book, but I hope it isn't his last. Sprinkled through these pages are many allusions to personalities and events. It should be worthwhile

to expand these and add other personalities and events of which the author has personal knowledge into memoirs which would cover a facet of our civilization too often neglected by classic historians.

Due perhaps to the advance publicity of the publishers, I was disappointed in *Sports Page's* lack of muckraking in its honorable connotation. Beyond a passing reference to Carnera's tank tour, the general chicanery of boxing, and a laying out in lavender of the Kentucky Derby, there is hardly any low-down on the sports which fill the sports page.

So at the grave risk of being set down as a long hair, I'd like to have Woodward do still another book. This one would have him take up such questions as:

Why is it that sportswriters, who can tell us what every athlete eats for breakfast, generally seem surprised when the police and court house reporters come up with things like the Black Sox, Graziano's war record, Garden basketball scandals, the peculiar deviations of immortal tennis players, the wartime "benefit" between Louis and Conn which was stopped by the War Department even though sponsored by a committee of distinguished sportswriters, various college football mutinies and the New York Giant's pro football scandal.

Why, with the highly developed physical education program in our public schools and colleges, when the Japs struck at Pearl Harbor, were some 30 percent of our men of fighting age found unfit to bear arms? Has anything been done about it?

Is college football debauched, and if so, who is the most responsible—the college presidents, the alumni, or the sportswriters?

Why, with baseball writers putting out several million words a year, was Gardella's law suit and the "reserve clause" such a bombshell to the average fan?

Why, when Bob Murphy tried to organize the ball players were the baseball writers almost unanimously on the side of management, just as the football writers almost always take the side of the coach as against the players when the gridiron peons revolt?

And so on and so forth . . . .

One of Woodward's charms is that his approach to sports is amoral. He doesn't, except where leaky press boxes and the horrors of transportation from the Yale Bowl to the Taft Hotel are concerned, "attack" or "defend." Much of the newspaper business has this same blind spot, developed no doubt from looking too hard at Media Records. But the sports writers do have a certain freedom of expression and invulnerability to libel. Their influence on the conduct of sports, on the ideals of our youth, on our public taste, is great. Even the honest sportswriters have declared themselves, far beyond anything permitted city side reporters, "in" on the sports picture. Does that imply an added responsibility?

I have the feeling that, by and large, in the triangle of public, athlete, and promoter, the sportswriters are generally on the side of the promoters.

PS—The poor old Boston papers, as usual in books on journalism, don't escape the barbs of Mr. Woodward. For once, in at least one case, he's running around without his pants. That's in his version of how the Boston turf-twisters covered the Suffolk Downs riot. They'd come to write about a race, sez Stanley, and by golly even a riot wouldn't stop them beyond the con-

cession of mentioning the riot fairly high up in their leads. My recollection is that all the Boston papers had very complete accounts of the riot—on Page One and with banner headlines and pictures. Maybe Stanley only looked on the sports pages.

## A Century of San Francisco's Newspapers

by Robert deRoos

**GAUDY CENTURY**, San Francisco's One Hundred Years of Robust Journalism. By John Bruce. Random House. \$3.75. 302 pp.

San Francisco is known to the trade as a good newspaper town. Some of the reasons are set forth in John Bruce's lively record of a hundred years of libel, mayhem, catcalling, dueling and blackmail—and some solid journalism.

The first newspaper, published August 15, 1846, was greeted by a city of 375 people, 89 of whom could not read. It was printed at first on cigaret paper, half in Spanish and half in English, and its editor was a Kentucky backwoodsman clad in buckskins and a foxskin cap. Since his day, when editors were "true with the rifle, ready with the pen and quick at the type case" San Francisco has attracted a prodigious variety of editors and papers. By 1859, 132 newspapers had been started in six languages, preaching eight religions and supporting seven political parties. (By 1853 progress had been made in other lines: the city had 537 saloons and 743 bartenders or, as Bruce says, one bartender for every 50 persons in town.)

Today San Francisco's papers are down to a stalwart four, the demure Scripps-Howard News, two Hearst sheets (including the Examiner, W. R. H.'s first baby) and the Chronicle, now as when it started "a model of high-toned Christian journalism."

Mr. Bruce is the city editor of the Chronicle. He was for long city editor of the Call-Bulletin, a columnist, editorial writer, police reporter and political reporter. He knows San Francisco; he knows newspapers. His book brings this knowledge together in a very happy way.

Because it is impossible to separate the life of newspapers from the life of the city where they are published—as Joseph Henry Jackson observes in his foreword—Mr. Bruce's book is a quick history of San Francisco as well as of the hurdy-gurdy hundred years of its press.

Frontier journalism always presented a pattern of clashing personalities, horsewhipping and venom. In San Francisco, all this was magnified by the hurry of settlement and the bright light of gold. Early San Franciscans were men and women notable for volatile qualities even in a frontier society.

Mr. Bruce has managed to get in all the flavor of the town and a considerable slice of the city's history. He records the glorious news beat scored by the Alta Californian on the election of Buchanan—the hand-set paper was on the street a half hour after the news was received. He details the founding of the Morning Call—named after a playbill—which started with an editorial policy condemning Chinese immigration and continues to this day with policies as popular as the Hearst

afternoon Call-Bulletin. Once, Mr. Bruce says, when the owner of the Call tried to break a compositors' strike by hiring lady type-setters, his efforts were thwarted by the strikers who married the girls, every one of them.

San Francisco started in violence, and powder and blood set the tone for its newspapers. It was fashionable to crusade against lax enforcement of law, and in 1855 one editor showed that 487 people had been murdered and only six had been hanged by the sheriff and 46 had been hanged by mobs. The editor did not think this a good record.

Duels between editors and customers, editor and editor, became so common that one editor posted this notice: "Subscriptions received from 9 to 4; challenges from 11 to 2 only."

San Francisco's editors were not impressed with the discovery of gold. The *Alta Californian* played the story on two: ". . . one person brought thirty dollars worth to New Helvetia, gathered there in a short time. California, no doubt, is rich in mineral wealth, great chances here for scientific capitalists. Gold has been found in almost every part of the country." It seems that what has been regarded as a colossal muff, really was in the best tradition of interpretive journalism—but it pays to interpret right.

Mr. Bruce traces the growth of San Francisco's present papers with particular emphasis on the *Chronicle* and the *Call*. He does a moving section on the great editor, Fremont Older, with whom he worked closely during the Mooney case. And he does a lively act, all things considered, on the daring and ruthless de Young brothers who started the *Chronicle* as a theatrical throwaway on borrowed capital of \$20.

It is a lusty telling of a lusty story. All the names are there—from Emperor Norton to Lola Montez. And like a lot of newspaper shop talk, it makes good listening for everyone.

## "So What"

by Peter Lisagor

**OF ME I SING.** By Malcolm W. Bingay. The Bobbs-Merrill Co. 300 pp. \$3.50.

If Malcolm Bingay owned a newspaper, his city editor would get \$100,000 a year, his managing editor forty-eight fifty a week, and he would charge his editor-in-chief office rent. His Washington correspondents, if any, would be stationed in Kalamazoo, Kokomo and Keokuk. These arrangements, by his own admission.

He also probably would people his shop with non-Guild, slightly hungry reporters, exhume a couple of old Detroit police reporters, and order his editor to sit, with the courage of Diogenes, incorruptibly alone in an office barred to glib visitors.

And Bingay? He would be in among the editorial writers. As editorial director of the Detroit *Free Press*, Bingay has found a heaven on earth. There, as he states it, "the guardians of the editorial page loll in their beautiful ivory tower, far removed from the clonic spasms of ephemeral editions. We move from the hysteria of the hour to the coherency of the years, from the effervescence of the waves to the silent depths of the great ocean of thought, from the feverish glances of jaundiced myopia to the calm of the horizons . . . ."

If nobody read editorials emanating from such an unearthly chicken coop—and would they?—Bingay could beguile his time mapping spelling bees or tapping his exchange desk, "that laboratory of ideas."

This Bingay paper, if the reviewer may cull further from this supercharged memoir, would be a delicate blend of the contrasting philosophies of the half-brothers Scripps—James E.'s views of a paper as a cultural asset and Edward W.'s aim of "give 'em what they want . . . with enthusiastic ignorance."

Bingay's paper would be in Detroit, of course. For there he grew up—as copyboy, reporter, sports editor, kid city editor, managing editor of the *News* and editor and editorialist of the *Free Press*. He loves the town, almost as much for its municipal fiascoes as for its successes.

As the title immodestly suggests, Bingay has poured into these reminiscences an immense conceit, leavened here and there by disarming asides. To cite a few of his self-applauded triumphs, he invented the first group by-line (A Pulitzer Prize winning story of an American Legion parade), the first spelling bee, the first "experience" column, and the first broadcaster and mc of the first radio station.

He is by turns evangelistic, bilious, melodramatic—and, like many oldtime newspapermen at the memoir stage, looks upon the good old days with a nostalgic fixation. "We were a generation of overworked and underpaid men but there were giants among us." And he writes of these giants, as he does of the fake-story artists and imposters of the city room, with great gusto and even greater inconsistency.

In those lamented days, Bingay recalls, E. W. Scripps took one look at the Detroit *News'* library, with its 50,000 volumes, and screamed his remarkable credo: "As soon as a reporter begins to learn anything, fire him. To be a good reporter a man must be of such low mentality that he is constantly startled by the obvious. Only then will he write what the common herd wants to read. There should be only three books allowed in a newspaper office: a city directory, a dictionary and a World Almanac. All you are doing here is getting together a collection of educated asses who couldn't recognize a story in boxcar letters."

Although he admits the journalistic world has improved, Bingay takes a wild swing at the Newspaper Guild as having "standardized their (reporters') mental processes and made of them clock watchers instead of the wild carefree Bohemians who, though underpaid and often hungry, would rather have covered a big story than eat or sleep and who knew no hours."

"In the old raw drunken days of the craft, a good reporter for the joy of working would risk his life to get his story. Today a well-disciplined Guild reporter would not risk the loss of his second cup of coffee. Why should he sacrifice his ease for the dirty capitalistic press? Why, Heywood Broun told us at that rally we held for Harry Bridges that—"

At another point, he adds: "I sincerely believe the Guild has gravely injured American journalism by taking from it that imponderable element of intellectual liberty and initiative you can never capture in a regimented society, but it has brought the worker a far better wage and far better working conditions than we ever dared to dream."

The only conclusion to be drawn from this gem of illogic is that the "clonic spasms of ephemeral editions" somehow writhed into Bingay's "beautiful ivory tower."

Other Bingayisms: "All managing editors ever do is tell syndicate salesmen they don't want any comics—and see to it that the space is taken up with worthless telegraph copy which is considered of world importance, although nobody reads it."

"A circulation manager is a fellow who, when circulation jumps, takes the credit for it, and when circulation drops, blames the editorial department."

After ex-city editor Bingay has described a city editor as "the field general, the focal point, the eyes, ears, the heart, brain, the soul of a newspaper," he writes that "that worthy can be classified, according to one's preferences, by whether he says 'Gee whiz' or 'so what' when something happens."

"I am now a stern advocate of the 'so-what' school," he then adds. "Two world wars and our breakaway from the insularity of small town quarrels into the Weltanschauung on which the rate of humanity depends have made this vitally necessary."

Somehow, Bingay's "calm far-off horizons" got clouded by the "jaundiced myopia" on that one.

His quarrels with the man who finally fired him from the *News*, a former Washington correspondent, led to this "coherency of the years" concerning Washington correspondents:

"About ten per cent of them would rank high any place in journalism. The rest are from their hometown police or city hall beats. Buying a one-way ticket to the nation's capital does not put brains in a man's head. Most of the gentlemen have their noses too close to the trees of their own peculiar ideologies to see the wilderness in which we, the people, wander."

Ex-sports writer Bingay believes that a young man has greater latitude for good writing and development on the sports pages than elsewhere on a paper. But before he became "Iffy the Dopester"—a sports pseudonym—and a senior pundit in that tower, he saw himself as "playing Homer to an Odyssey of sin, a Boswell taking notes of the wisdom of barroom bums, a Puritan forsooth in Babylon."

Bingay observes toward the end of his book, in what must be tentatively accepted as hyperbole: "After all these decades in journalism a public rally of my enemies would probably overflow Briggs Baseball Stadium."

Although much of what Bingay says so stridently is true, one can't put the book down without thinking of the late Israel Zangwill's observation of George Bernard Shaw: "His belief in himself is refreshing in these atheistic days when so few men believe in any god at all."

## Department of Humility

**THE PEOPLE KNOW BEST.** By Morris L. Ernst and David Loth. Public Affairs Press. 169 pp. \$2.50.

If only for its title, this book ought to be on the reading table of every newspaper in the United States—where staffers can see it often. It ought to be filed in the library as well—under "Department of Humility." And it should have a prominent place on the

night table of every newspaper publisher, editor and pundit—where it can be picked up just before bedtime.

The events of last November 2 need no elaboration in this brief review. The manner in which those events reflected upon the press and radio does, however, deserve continued study. What Morris Ernst and David Loth have done here may be helpful in an analysis of what Scotty Reston (and others) have termed a "spectacular" failure.

This volume consists principally of excerpts from the columns and broadcasts of the misguided oracles who conceded the election to Thomas E. Dewey but somehow failed to convince one Mr. Truman and some millions of voters of their wisdom. In this sense, **The People Know Best** is a treasure of embarrassing moments.

But obviously more than that is needed for a definitive study.

In their opening chapters, "Descent Into Cynicism" and "Mechanics of An Illusion," the authors offer whatever comment they have.

This sample gives the tone of the book:

"The great illusion that the 1948 election was an elaborate formality, held to ratify (a) foregone conclusion, would not be a danger signal if it were an isolated phenomenon in the march of ideas. However (it) was not such an isolated event. Rather it showed unmistakably a trend, and that is serious . . . ."

"Actually, of course, the prophets do not need clemency from us. The question is bigger than that. It is a question of how we can use the instruments of mass communication to serve progress in our society."

This probably was the first book rushed into print on the performance of the press in the 1948 campaign. It will not be the last. In time, perhaps, one such effort will sacrifice haste in favor of a more thorough soul searching.

D.B.D.

## Speed vs Meaning

**AN EDGE OF LIGHT.** By Frank K. Kelly. Atlantic-Little Brown Co. Boston. \$3.00. 307 pages.

A quarterly is not well fixed to deal with a current novel. Long since, the critics have had their way about Frank Kelly's novel, **An Edge of Light**. There remains the theme and substance of the book. An old AP man, Kelly has laid his setting "in the central wire room of the Consolidated Press Building, a long white-walled room filled with the hammering of teletypes and the ringing of small bells."

Kelly's description of the impact of the ceaseless, ruthless demands of these hammers and bells upon the human mechanisms serving them is terrific and terrifying. It impressed Elmer Davis, which is no small achievement. Only one who has sweated under the wire filing pressure could turn in Kelly's descriptive writing of the tensions gripping the man filing the central wires: "His thin face circled by a cloud of smoke, he marked messages and bulletins and night leads from Chicago and Rome and Moscow, Tokyo, Bombay and Berlin. He didn't think of what he had done or where he might be going, he leaned over the scarred green desk and let his fast hands run . . . . His hands throbbed, his fingers ached. The smoke hurt his eyes

.... If he didn't slow a little, if he didn't steal a minute now and then, he might not last another year. He wrote the time of a bulletin received in Cleveland . . . ."

The romanticism of reporting and speeding the news has been done over to the queen's taste. Kelly's realism deals with the issue of speed vs meaning. That is the conflict that becomes the crisis of *An Edge of Light*. You beat the competition and give the customer what he wants, a headline for the next edition. And if it proves to mean nothing in any terms that survive the utility of one edition—well, there's more where that came from. That wasn't good enough to Hammil, one of Kelly's pressmen. He demanded meaning in what was sent. That might take time and time was the essence of the competitive game of filing the wires. Meaning did not make out very well. All the congratulatory messages came for the split second beats. The complaints were not for lack of meaning but for failure to get a bulletin in ahead of the opposition.

The struggle of Hammil's conscience and sounder self against the bulletin fever and its synthetic news diet is the tale Kelly has to tell. It is not easy to put into an art form, not easy to build a crisis overt and significant enough for the non-technical reader. Hammil is clearly Kelly, however different his love life may be, and it is Kelly, ex-AP man, who among all the inarticulate rebels in the wire service staffs articulately rebels against the meaninglessness of the bulletin fever of split second wire-filing.

One wouldn't know how representative Kelly is in his rebellion against speed at the expense of meaning. In the interest of sanity, it might be hoped that he is representative of many and will convert many more with *An Edge of Light*, including perhaps some of the Elmer Davises of the wire services who might do something toward reconciling the insane conflict between speed and meaning.

A problem not raised in the book but relevant to journalism is why, if Kelly is worth \$10,000 in government, he wasn't ever worth more than half that to AP.

L.M.L.

The George R. Holmes Memorial Award for 1948 for distinguished work by an INS correspondent, went to James L. Kilgallen. He scored a beat of six minutes on the New York grand jury indictment of Alger Hiss.

## Scientist Versus Reporter

What's the difference between a reporter looking at people and an anthropologist doing the same? Clyde Kluckhohn, the Harvard anthropologist, gives the following explanation in his prize winning popularization, *Mirror for Man* (Whittlesey House, \$3.75.):

"Many writers appear to be resentful of the encroachments of scientific students of man upon a territory that has been considered the property of dramatists, novelists, and lately, of journalists. It must be admitted at once that great novelists and dramatists, drawing upon the long traditions of their craft, are much more adept at laying bare the mainsprings of human action than are anthropologists. If a friend of mine wants to find out in a short time what makes rural Poles tick, I should certainly send him to Ladislas Reymont's

novel *The Peasants* and not to the social-science classic *The Polish Peasant*, by Thomas and Znaniecki. Malinowski's best monographs on the Trobrianders are not in a class with Willa Cather's *My Antonia* or Rebecca West's *Black Lamb and Grey Falcon* so far as conveying with imaginative reality the inner workings of a society and the motivation of individual actors in that society.

"But even the very greatest artists offer no way of checking their conclusions except that of subjective conviction. The fact that a novelist can profoundly stir the feelings does not prove that he is telling verifiable truth. Some famous dramatics are notably restricted to private worlds that are moving and interesting but narrow. The artist lays great weight on intuition and inspiration, while the anthropologist is grateful for his hunches but does not accept them until they have been tested by rigorous methods. By offering ways to scrutinize his conclusions, and by minimizing personal bias through the use of standard methods of investigation, the anthropologist presents insights which, though more abstract and hence less immediately gripping, have certain tough merits.

"What is the difference in the approach of a good reporter, and a good field anthropologist? They have much in common—in the obstacles they must surmount to meet the people they want to meet, in the care they must take in choosing their informants, and in their regard for accurate recording of what was said and done. It is high praise for one anthropologist to say to another, 'That was good reporting.' The difference arises from the purposes for which the two accounts are intended. The reporter must be interesting. The anthropologist is obliged to record the tiresome along with the flashy. The reporter must always think of what will engage his audience, of what will be intelligible to them in terms of their life ways. The first responsibility of the anthropologist is to set down events as seen by the people he is studying.

"The point is that the writers and scientists have different ways of attacking the same problem, but it is no either-or matter. Both approaches are needed, for each has its limitations and each contributes its special enlightenments."

## Alleged Fairness

The findings in the analysis of the way the New York newspapers handled the case of Dr. Edward U. Condon included the listing of individual newspapers as to their pro- or anti-Condon treatment. The *World-Telegram* was in the middle of the list, 50 per cent pro-Condon statements, 50 per cent anti-Condon.

Now superficially, that makes the *World-Telegram* look pretty good: just as much space seemingly devoted to the presentation of Dr. Condon's side of the story as was given to the other side. And the *World-Telegram* made the most of it; a story a week ago last Monday said: "The strict objectivity of the *World-Telegram* in handling the story of Dr. Condon was revealed today." Now that's a lot of bunk, and *World-Telegram* readers who were thereby deluded into thinking that the paper had given Dr. Condon a fair deal should be undeluded. The searchers themselves point-

ed out the fallacy of this reasoning by noting that the data had to do with the character and repetition of statements on the case. Of anti-Condon statements more than ninety per cent were made by members of the Thomas committee, but on the other hand, sources of the pro-Condon statements were legion: an overwhelming preponderance of evidence for the defense

as against an almost single source of prosecution material about which even the anti-Condon press could find little good to say. It all reminds us of the late Mayor LaGuardia's remark that statistics are like alienists—they'll testify for either side. In this case, the testimony doesn't stand up very well.

—“CBS Views the Press”

## EDITOR'S MANIFESTO

### Max Ascoli's Political Ideas Suggest Point of View of His Forthcoming Magazine

by David B. Dreiman

**THE POWER OF FREEDOM** by Max Ascoli. Farrar, Straus and Co. 173 pp. \$2.75.

Max Ascoli's **The Power of Freedom** is, by the author's own description, an optimistic book.

It is also, at times, unfortunately confused and abstruse.

Just the same, **The Power of Freedom** is important as the doctrine of the man who is the mainspring of a new liberal journal, **The Reporter**, due to appear this spring. As such, his book merits the attention of those who are engaged in the dissemination of news and ideas. Here is what probably can be taken as the creed of a publication that is intended to be the American counterpart of the London **Economist**.

Mr. Ascoli is a man of great democratic convictions. He has tried to enunciate those beliefs here. Heaven knows, democracy and freedom need all the defenders they can rally. But I doubt that Mr. Ascoli, with all his good intentions, will summon many new adherents to liberty's flag with this cry.

The work is pitched to the intellectual level which already has made up its mind. To make the phrase “the power of freedom” a meaningful and useful tool in the defense of freedom seems to me to require more than the woolly restatement of noble ideals that the words usually evoke.

Having read Bernard de Voto's recent verbal shaft at book critics, this reader admits that it is only a continual questing for freedom that leads him to attempt a review of a volume that is dedicated to freedom.

Mr. Ascoli deserves credit for trying to spark a new thought in our common endeavor to recognize the dignity that man claims is his endowment. And certainly his essay is no more vague than many another philosophical treatise on the same subject. It is true, though, that what this age (and certainly this reader) needs is a sharp message, in plain talk, shorn of the fuzz.

Since this report obviously is one man's reaction to another man's work, I should like only to make this clear: It is not a joyous thing to belittle the presentation of a man whose ideals and background I respect as much as I do Mr. Ascoli's. But I think his book illustrates one of the basic weaknesses in our scattered defense of democracy. Too often we just don't get

to the point, or if we do, it's not the point we thought we were starting out to make.

ITEM: On page 5, Ascoli says, “According to the Communist Manifesto, the growth of our political and economic order should create the conditions that make communism inevitable. But in these hundred years (since the Manifesto of 1848), every one of the trends that was supposed to lead to this inevitable end has led the opposite way.”

But turn the page and you find this:

“... Communist attacks have become more aggressive the more dismal the communist failures. It is as if democracy and capitalism were held responsible for these failures, as if it were their fault that communism had to start with the most unprogressive, underdeveloped countries. And perhaps to a very large extent this is not true; democracy is responsible for communism, because communism is not an outgrowth of technology and democracy, but rather of democracy's inability to grow with the growth of technology and make the proper use of it.”

You read these two sides of the same page, and you wonder just which side of the argument Ascoli really intends to take. The trends which he mentions on page 5, but fails to delineate, may not lead to the inevitable end that the Communist Manifesto predicts for them, but on the basis of Ascoli's self-contradiction they certainly aren't leading the opposite way, either. The communist menace with which he concerns himself (and rightly) would appear to be something of a factor here.

Contradiction or confusion? Take your choice.

ITEM: From page 46: “At the end of the first World War America succeeded in rejecting the responsibility of its power by repudiating the League of Nations. At the end of the second World War America tried to reach the same goal by entrusting the victory she had conquered to the machinery of the United Nations.”

In this case you do not even have to turn the page. In a single paragraph, Ascoli has succeeded in moving backward and forward, while standing still, all at the same time. Perhaps it is asking too much to know just what it is we want.

To be entirely fair, of course, it is right to point out that Ascoli does somewhat better elsewhere in his dissertation.

Discussing the nature of human rights, he declares “rights are not windfalls of philanthropy,” and adds,

"They are the skills that men have developed in the production of freedom, for our rights give us the experience, the ability, to produce freedom out of our basic types of work."

To all, I commend this passage, which may well be taken as his warrant for a free press:

"The right of free speech," Ascoli writes, "is the result of much skillful use of speech. The best way to defend it is by using speech as an instrument of understanding and communication, not for the fostering of ignorance and prejudice. When speech is used well, then it becomes an instrument of freedom. Its test is its ability to promote communication among men. The same can be said of any other right."

The right of free press or assembly, for example, depends on how well basic issues are clarified by the instrumentality of the press or procedural rules of assembly. Freedom of speech, of education, of religion, does not mean that each one of these particular activities is thrown open for promiscuous unregulated use. Rather, it means that it is available to everybody willing to subject himself to the discipline that the particular activity demands and that makes of it a carrier of freedom.

"Free speech is promoted by the kind of speech that makes men free."

My principal regret about Ascoli's work is that he does not speak as clearly throughout.

## BURRS OF THOUGHT

by Louis M. Lyons

**PATHS TO THE PRESENT.** By Arthur M. Schlesinger. Macmillan Company. \$4.00. 302 pp.

That "lively sense of contemporaneity with the future," which Arthur Schlesinger says has permeated the American spirit from the beginning, characterizes these historical essays as it does their author.

The book winds up with a piece called "Casting the National Horoscope." Over half the essays end in the future tense. One plots the rhythm of American politics through 1978. Two others, the most practical of all, deal with persistent problems of the American presidency in terms that suggest the answers not yet given but needing to be made to such riddles as guaranteeing the presidential succession, and reform of the electoral college.

Arthur Schlesinger is never one to think of history only as something past. In almost all these pieces he focuses the wisdom of history on current issues, or what should be current issues.

The calm and easy pace of his writing carries an illusion of casualness that has its parallel in early conversation with him—for he is a quiet, conversational man. But talk with him seldom goes much beyond the time of day without uncorking an idea that hits you squarely between the eyes and is likely to stay there till it has created a ferment if it finds any material ripe to work on. Talk with Arthur Schlesinger is always an experience. It has been one of the memorable experiences for a quarter century of Harvard history students, and ten years of Nieman Fellows.

The longer the talk runs the more there is in it and the more you want to carry it on. So it is in this

book of almost conversational pieces. For he writes as naturally as he talks. None of the quietly flowing pages ends without packing the power of an idea. Usually it confronts you with a quick turn of surprise, and often on a whimsicality. Many a Harvard student has suspected the professor must practice his whimsicalities to have them so relevantly and opportunely on tap. They stick in the mind as burrs of thought.

This book reveals Arthur Schlesinger as a practical optimist with buoyant faith in American democracy. Every one of his pieces ends in a superb and sometimes sublime expression of this faith. It reaches a high point in the opening essay, perhaps his finest, "What Then Is the American, This New Man?" which closes on this sentence:

The American character, whatever its shortcomings, abounds in courage, creative energy and resourcefulness, and is bottomed upon the profound conviction that nothing in the world is beyond its power to accomplish.

In "The Role of the Immigrant" he concludes:

The deeper meaning of America lies in the eagerness of the immigrant to cast his lot with the new country and in America's desire to have him do so. The national purpose has been to create a democracy of diverse cultures. . . . To be true itself, the United States must ever uphold the tradition that has contributed so profoundly to the greatness.

"The Tides of National Politics" ends on this note:

Neither conservatism nor liberalism, but a fair field for both, is the American ideal. Therein lies the cultural argument for the jealous preservation of the constitutional rights of free elections, free speech, free assemblage and a free press.

This buoyancy strikes an even bolder note, for without any history behind it, in "America's Stake in One World."

Whatever the difficulties and provocations, mankind cannot afford to yield to cynicism, defeatism or despair. . . . World government, with legislative, judicial and executive organs for enforcing world law on individuals, is the ultimate goal.

In his "A Yardstick for Presidents," appraising their relative statures he finds:

The verdict is favorable not only to them but also to the political system which made it possible for them to rise to power. . . . What endows a country with greatness is the ability to produce greatness when greatness is needed. Measured by such a standard, America has been served well by her Presidents.

The measure of the Presidents is his most provocative piece, and as some of its most provocative parts were omitted from the article published by *Life* magazine, it needs to be read here to be had whole.

The rating of the Presidents is not his but that of 55 historical scholars whom he names. But the appraisal of the qualities of greatness is Schlesinger's own.

The grading, for any who have forgotten, puts the Presidents in this order:

Great: 1) Abraham Lincoln; 2) George Washington; 3) Franklin D. Roosevelt; 4) Woodrow Wilson; 5) Thomas Jefferson; 6) Andrew Jackson.

Near Great: 7) Theodore Roosevelt; 8) Grover Cleveland; 9) John Adams; 10) James K. Polk.

**Average:** 11) John Quincy Adams; 12) James Monroe; 13) Rutherford B. Hayes; 14) James Madison; 15) Martin Van Buren; 16) William Howard Taft; 17) Chester A. Arthur; 18) William McKinley; 19) Andrew Johnson; 20) Herbert Hoover; 21) Benjamin Harrison.

**Below the Average:** 22) John Tyler; 23) Calvin Coolidge; 24) Millard Fillmore; 25) Zachary Taylor; 26) James Buchanan; 27) Franklin Pierce.

**Failures:** 28) Ulysses S. Grant; 29) Warren G. Harding.

Three Presidents are not included: William Henry Harrison, who died within a month of taking office; James A. Garfield, who served but half a year; and Harry S. Truman, whose record when the poll was taken was still incomplete.

Schlesinger's discussion of the qualities the six great Presidents had in common is acute historical appraisal. Just for a glimpse of it, take this:

All of them took the side of progressivism and human betterment as understood in their day. However much is to be said for preserving the status quo, the men whom Clio has canonized were those who gambled on the future rather than the past. . . . They were vigilant to keep the government abreast of new political and social needs. When they could not cure all the evils, they disposed of the most urgent and cleared the ground for a more comprehensive cure. . . . None was radical in the fundamental sense. They were idealists without being doctrinaires, working pragmatically within the framework of the democratic tradition, seeking to reform in order to preserve.

None of the greatest, he finds, was distinguished as an administrator. "It was the exercise of moral leadership" that established their greatness.

All of the great Presidents found the Supreme Court antagonistic except Washington, who had a chance to appoint the whole Court.

The judiciary, for reasons ingrained in the system of life tenure and the process of basing decisions on precedents, generally moves on to advanced views less quickly than the popularly elected branches of the government. . . . And it should be added that in no major conflict over questions of economic or social policy has time vindicated the Court.

In a review for newspapermen the passage on the journalistic antipathy to the great Presidents is a must. Except for Washington, who had no opposition, the press opposed the greatest Presidents in ten of their twelve campaigns. The other two don't much change the score. They were Jefferson's second term with the opposition inactive, and Lincoln's second term when the opposition had largely seceded and victory had been won.

On the other hand, the press backed the election of all but one of the subaverage executives, including the incompetents, Grant and Harding.

Schlesinger concludes that

The dread of innovation and reform which this enmity implies is doubtless rooted in the alliance, often unconscious, of publishers with conservative business, a connection which has merely grown stronger and plainer in recent years.

For the great President, journalistic hostility thus proved both a threat and a challenge. . . . In myriad ways the facts seep down to the ultimate jury, the common folk discussing the state of the nation over the back fence. . . . Every major President has been able to arouse this ultimate jury to the vision of a better society.

In his "Persisting Problems of the Presidency" he deals at length with the electoral college question made real by the Dixiecrats, with the succession to the Presidency and with the anti-third term amendment that has been received with such incredible apathy by a nation whose franchise it would restrain.

Electoral college reform will not be as radical as going to direct election by popular vote, he predicts. But "reform is essential, as the recent developments in the South render evident."

Another practical need he sees is a means of determining when a President's "inability to discharge the powers and duties" of his office calls for the accession of the Vice-President. The illnesses of both Garfield and Wilson he instances as cases when a President continued to serve despite such incapacity as should in safety have called for his replacement. He would require a medical certificate from every Presidential nominee.

He considers the problem of providing an adequate chain of succession to the Presidency an urgent one, and not satisfactorily met by the proposals offered in the last Congress.

With the amendment now making legislative rounds to limit any Presidency to two terms he has no patience at all. Even on the narrow terms urged for it, it makes no sense, he says. For if a President may not succeed himself, nothing can prevent his seeking to pick his successor. "The country would have fared better with Jackson for a third administration than with his lieutenant, Van Buren, or with Theodore Roosevelt than with Taft." The amendment would deny the country the chance to continue in office its most desired and dependable leader in the greatest crises, he observes.

To believe that totalitarianism can grow up on American soil is to doubt the people's will to cure the conditions out of which alone totalitarianism can arise, as well as their bedrock faith in past liberties dearly won. Should such a time ever arrive, constitutional prohibitions will be of no avail.

The one notable absence of optimism is the one specific forecast on which he will most widely and dogmatically be called wrong. In his "Tides of National Politics" he finds a rhythm alternating for an average of about sixteen years for liberal and conservative periods.

We may expect the recession from liberalism which began in 1947 to last till 1962, with a possible margin of a year or two in one direction or the other. The next conservative epoch will then be due around 1978.

This at first blush is as wrong as the polls, since the reaction of the 80th Congress was defeated at the 1948 elections. But Schlesinger measures "liberal" or "conservative" periods by their product in legislation, not by the intent of the voters or the program of the President. As this is written it is by no means assured

that the people and President will reap the legislative harvest they may have promised themselves in November, 1948.

It is nevertheless surprising that so practical a man should make so precise a prediction, for even with the hedging he allows himself, the precise dates will be remembered. It is hard to believe that—short of war, and Schlesinger is not betting on war—a conservative position can persist sixteen years in the present world without wrecking it, or in view of the liberal to revolutionary trends it would encounter on all sides, wrecking itself. The genius of America has not been to permit such irrational ruin.

One of the familiar Schlesingerisms in the book is his pains to demonstrate the absurdity of the terms "First World War" and "Second World War." He brings the count of wars that drew America in to nine, starting with King William's War of 1869. At least twice in the book he unobtrusively gives his own terminology to the last war, which he quietly sets down as "the Axis War."

Another characteristic note is his criticism of history in the essay on "America's Stake in One World."

"History as conventionally written," he notes, "stresses national differences, even when not genuinely such, to the neglect of national similarities. . . . This is seeing truth through a distorting lense. If peoples will but stake their faith upon the things they have in common, if statements will emphasize the unifying instead of the divisive forces in civilization, then youth will gain fresh courage in facing the future and age will revive its belief in men's capacity to establish enduring peace on earth."

#### OUR REVIEWERS:—

Victor O. Jones was sports editor of the Boston *Globe* before becoming night managing editor. He was a Nieman Fellow in 1942. The other reviewers are currently Nieman Fellows: Christopher Rand, China correspondent of the New York *Herald Tribune*; Robert de Roos, San Francisco *Chronicle*; Peter Lisagor, Chicago *Daily News*; David B. Dreiman, Minneapolis *Star*. Louis M. Lyons is Curator of the Nieman Fellowships.

## Scrapbook--

### Journalese

We have been making something of a study of journalistic prose style, inspired by the appearance of a new newspaper in New York, the *Daily Block*, a neighborhood publication edited by David MacDougall, nine, and Billy Weidlich, ten, what you might call beginners in journalism, and yet, as we'll see, already possessed of something that more journalists ought to have. Newspaper writing on the whole has improved through

the years, along with the technical improvements in the trade, but tradition dies hard, and all too frequently stories are written in the apparent effort to cram everything into the first paragraph. This one from the *New York Times*, for example: "An empire of apartment holdings, stretching from Brooklyn to Mount Vernon and including choice Manhattan residences, was disclosed yesterday to be controlled by a family whose head was alleged, according to papers on file in Federal Court, to have milked the properties at the expense of bankers, tradesmen and mortgage holders." And farther along in the same story, "He is alleged also to have induced a bank to pay out more than \$100,000 from uncollected funds on the basis of checks he is said to have caused to be issued on out-of-town banks, and to have obtained mortgage money on properties he allowed to lose value through unpaid taxes, physical deterioration and liens for unpaid property." Or this sample from the *Herald Tribune*, referring to the recent Japanese spy story: "Before the ring was broken up in October, 1941, it had tipped off to Moscow the strength, timing, and direction of the German attack on Russia in 1941 and the Japanese decision to turn south against British and the United States rather than north against Russia, the army said."

Or this one, from the *Daily News*: "Delayed once while she established proof that previous a marriage was a civil ceremony, the wedding of beautiful Luba Kylberg, who as Luba Rostova charmed ballet and musical comedy audiences with her dancing, and Count Christian de Dam-pierre was solemnized yesterday." That's enough, before everybody gets completely confused, and we'd like very much to recommend to writers who produce tortured bits like that the style of Editors MacDougall and Weidlich, who report matters of interest in their immediate neighborhood, and whose hectographed publication sells for 25 cents a month, with an advertising rate of a penny for two line. Top story in a recent issue was of special interest, because it was about a newspaperman, and it ran as follows: "We interviewed Mr. Speed of the New York *Sun* who lives on our block. Mr. Speed said that business is bad because television is making people stay home instead of going out and getting the paper. Mr. Speed said that the cost of publishing has gone up 70 per cent since the war. We asked him how the paper is run. He said first the reporters get the facts. Then it goes to the rewrite man. Next it goes to the copyman and then it is put through the stereotyper. Finally it is sent to the press. After it is finished, it is taken to the stores and newsstands and sold. Mr. Speed asked us if we thought our paper was fun. We said "Yes." Then he said, "It would not be so much fun if we had eleven labor unions to deal with." There's a simple charm about that story—no dangling participles, no parentheses within parentheses, nothing but the straightforward facts. We hope Editors MacDougall and Weidlich never lose that simplicity if they go to a journalism school or join the staff of a daily newspaper.

—CBS Views the Press, Feb. 26.

## Death to 'The Star': An Idea Is Blighted

In the middle of the war a dozen men, wearing a variety of uniforms, assembled in a London basement for a party with Lieutenant Colonel Ralph Ingersoll, editor-on-leave of the newspaper **PM**. The dozen were pre-war reporters and editors of the same paper—and after three hours Ingersoll complained that all he'd heard was: "What's the matter with **PM**? And it's all the same stuff I used to get at editorial conferences in New York."

The trouble, one of the group assured him, was that he had never listened to the criticism of his own staff of newsmen, deferring instead to the ideas of columnists and magazine writers on how to make a good newspaper; that **PM** therefore had never become a newspaper; that its chief fault, aside from a tendency to scream, was its utter predictability. One read it, if at all, not for its news, but to see if **PM's** peculiar digestion of the news continued to be as expected—a formula ill-designed to attract the mass audience needed for **PM's** survival.

These were sad charges against the daily product of that idealistic experiment in adless journalism launched with such fanfare 'way back in 1940, but they proved as true after the war as before it, to the keen disappointment of thousands far from the New York scene. In only one year, 1944-45, did the tabloid get into the black. The pinch on even Marshall Field's millions was too great. In 1946 Field and other editorial associates finally decided to accept advertising, and Ingersoll resigned. Neither the formula nor the losses changed much, however, and no one was surprised when Field sold out, more or less, to the able new team of Bartley Crum and Joseph Barnes in May, 1948.

In June the new owners changed the name to the **New York Star**. They began the difficult job of converting the property into a real newspaper. They forsook the insertion of shouting opinions into every "news" story, and sought, as good newspapers do, to give news straight and keep opinion in the columns and the editorial page. They kept the liberal mantle of their predecessor, and the **Star** was the only newspaper in New York to support the Truman-Barkley ticket. They pushed the circulation to 140,000, and their advertising increased.

But none of this was enough to put the **Star** in the black, and yesterday it breathed its last. Liberals everywhere will regret the death of what might have become a great liberal voice of national importance. Businessmen, eyeing the estimated five to seven million dollars Marshall Field and other investors have lost in the first daily started in New York since 1924, are likely to conclude with the layman that metropolitan newspaper publishing is big business indeed, and

a risky field for beginners. Perhaps another day, in other circumstances of costs and techniques, the idea will bloom again. For the present it languishes.

And newspapermen of every persuasion will mourn the death of the **Star**, as they mourn the passing of any newspaper, whether they liked it or not. They know too well what it means to those employed by it: the sudden loss of jobs, the interruption of planned careers, the scattering of old associates to other cities, the financial hardships for many, from office boys and janitors to editors and executives. They know that for these, too, there is sorrow for the passing of that tangible personality, their newspaper.

—Louisville *Courier-Journal*, Jan. 29

## Off and On the Record

by Walter Lippmann

There are many nice questions of journalistic ethics in the fracas which has followed Secretary Royall's off-the-record press conference at the American Embassy in Tokyo two weeks ago.

About what he did say there is some, but not much, dispute. The United Press understood him to say that he had "grave doubts" whether in the event of war "it would be worth while" to "hold" Japan and to undertake "the task of feeding 80,000,000 civilians." The correspondent of the Associated Press states that Mr. Royall gave no "indication . . . that the United States intended to withdraw from Japan," but then went on to report that "what he did say merely raised this fundamental question: Is the United States obligated to defend Japan? The Secretary answered negatively in expressing his opinion. General Douglas MacArthur has said 'yes.'"

Although there is no substantial difference between these two versions, Secretary Royall is quite within his rights in issuing a denial. It is the rule of the game that an official cannot be held publicly responsible for remarks made off-the-record. He is entitled to repudiate his remarks even if he made them, even, indeed, if he agreed off-the-record that they could be used without attribution to him. A correspondent who attends an off-the-record press conference knows that in return for what he gets, he must pay a price—he must take the risk of having his story denied. This is the rule of the game which, like most human arrangements, has its advantages and its disadvantages.

I once heard the rule expounded by Theodore Roosevelt, to whom I had been sent by my editor with instructions to ask him whether some charges against a certain Senator were true. "They are true," he said, "and he is in fact an unmitigated scoundrel." Then he took me by the shoulder, fixed me in the eye and added: "But young man, if you ever breathe a word of what I have just told you, I'll call you a liar." I crept back to my editor feeling as if I had bought a tiger in a pet shop.

Column, Feb. 21

## *From Scientific American*

# TRIAL BY NEWSPAPER

by Joseph T. Clapper and Charles Y. Glock

On March 2, 1948, a subcommittee of the House Committee on Un-American Activities denounced Edward U. Condon, Director of the National Bureau of Standards, through the medium of the U. S. press. The subcommittee asserted that Dr. Condon "appears" to be "one of the weakest links in our atomic security." Its report, quoted in part by various newspapers, presented 27 paragraphs of "information . . . in substantiation of this statement." Part of this information consisted of excerpts from a letter written by FBI chief J. Edgar Hoover to Secretary of Commerce W. Averill Harriman.

Simultaneously the Department of Commerce, under which the Bureau of Standards operates, announced that Dr. Condon had been unanimously cleared by the Department Loyalty Board five days previously. Dr. Condon himself at once denied the subcommittee's allegations, asserted his loyalty and reliability, and shortly thereafter expressed his eagerness for a public hearing by the Committee—an eagerness which he had expressed several time previously in response to similar accusations made by its chairman, Representative J. Parnell Thomas, in magazine articles published a year before.

During the succeeding four and one-half months the "Condon case" became a *cause célèbre*. At least three Congressional committees, the Federal Bureau of Investigation, the Atomic Energy Commission, two executive departments and President Truman himself played speaking roles in the drama. Numerous learned, scientific and juristic societies, as well as various individuals, eminent and otherwise, issued statements. In the course of controversy, the Administration's refusal to surrender the FBI letter to Congress led to extraordinary Congressional repercussions, including an attempt to write into law certain provisions regarding the retention and release of data to Congressional bodies. The Condon case itself for a time became only an incident in this argument. It was revived on various occasions, however, by additional attacks on Dr. Condon and by statements in his support. From time to time the Committee promised to grant Dr. Condon a public hearing, but the hearing never took place. The case continued to be argued in the press, albeit less frequently, even after the Atomic Energy Commission announced on July 15 that "on the basis of the voluminous record before it, the members of the Commission" were fully satisfied as to "Dr. Condon's loyalty to the United States" and considered his clearance for access to restricted data to be "in the best interests of the atomic energy program."

The Committee on Un-American Activities itself has made no formal determination of its charges against Condon. The case has been conducted largely in the press. Many citizens have become concerned about the affair as a striking example of what has sometimes been called trial by newspaper. They believe that the Condon case poses the question of the responsibilities of

modern organs of mass publication toward the liberties and reputations of individuals.

As a result of this interest, the Bureau of Applied Social Research of Columbia University was asked by *Scientific American* and six eminent scientists to conduct a study of the press treatment of the Condon case.

\* \* \*

The Bureau set out to approximate as closely as possible a complete coverage of all news articles on the Condon case in all issues of the nine New York newspapers during the given period.

\* \* \*

The problem of the study was to determine the nature of the "trial by newspaper" that Dr. Condon had received in the New York press. This involved a statistical measurement of the extent to which the newspapers treated him favorably or unfavorably. To that end the objective description of the press content on the case was analyzed as to the number of statements critical of Dr. Condon and those sympathetic to him; the number reporting demands for the FBI letter and those reporting refusals, and a miscellaneous category of statements that may be classified as neutral to Dr. Condon.

\* \* \*

The first general finding is that in the New York press taken as a whole there was a preponderance of statements favorable to Dr. Condon. Of the 3,909 analyzed statements, 745 or 19 per cent were unsympathetic to Condon, and 971 or 25 per cent were sympathetic. These proportions, applying as they do to the total coverage by the entire New York press, are not particularly meaningful: few persons would consistently have read all nine papers and been exposed to this comprehensive coverage. More significant are the differences among the papers. The range of these differences is indicated in the percentages of pro-Condon and anti-Condon statements in the individual newspapers:

	Pro	Con
Times	65	35
Herald Tribune	64	36
Star	63	37
Post	57	43
World-Telegram	50	50
News	49	51
Mirror	47	53
Sun	43	57
Journal-American	18	82

(Because the *Journal-American* published relatively little on the Condon case, the findings for this paper may be less meaningful than for the others.)

Most of the pro-Condon statements were contributed by the first four papers—*Times*, *Tribune*, *Star* and *Post*—which accounted for nearly two thirds of the total New York coverage of the story in terms of number of statements. In the four papers taken as a group, state-

ments sympathetic to Dr. Condon outnumbered unsympathetic ones in a ratio of 17 to 10. In the other five papers, which have a much larger total circulation than the first group, statements unsympathetic to Dr. Condon predominated in a ratio of 13 to 10 for the group as a whole.

A further breakdown showing how the treatment of Dr. Condon fluctuated during the progress of the case also yields significant information. In April, when the battle over the FBI letter reached its peak, the reflections of this event were markedly different in the two groups of newspapers. The **Times**, **Tribune**, **Star** and **Post** continued to give greater attention to the Condon case itself and to publish more pro-Condon than anti-Condon statements, although the ratio for the group fell to 12 to 10. In the other five papers, however, statements about the letter actually outnumbered statements about the Condon case proper, and the ratio of statements unsympathetic to Condon rose to 23 to 10. When the Atomic Energy Commission cleared him in July, the **Times**, **Tribune**, **Star** and **Post** presented a 14-to-10 ratio of statements favorable to him, but the other five papers, in spite of his clearance, remained on the other side of the fence; in that month they printed an average of 11 anti-Condon statements for every 10 pro-Condon. Thereafter there was relatively little press activity on the Condon case, but in September, when the Un-American Activities Committee promised new "shocking revelations," the statements published in the group of five papers were 26 to 10 anti-Condon. In other words, two months after his AEC exoneration, the five papers were still presenting a predominantly unsympathetic picture.

Of the statements against Dr. Condon, 88 per cent were made by members of the Un-American Activities Committee directly or in excerpts that they quoted from the FBI letter. The accusations against Dr. Condon were virtually a monopoly product of the Committee, for some of the remaining 12 per cent of anti-Condon statements were made by Dr. Condon himself or by his defenders in reviewing what the Committee had said about him.

On the other hand, the sources of the pro-Condon statements were legion. They included two departments of the executive branch of the government, the Commerce Department, Loyalty Board, the Atomic Energy Commission, entire departments of leading universities, and dozens of scientists and scientific societies. Analysis of the weight given by the various papers to the sources of these statements yielded significant differences. The **Times**, **Tribune**, **Star** and **Post** gave considerably more attention to the width of Dr. Condon's support than did the other papers: 21 per cent of their pro-Condon statements were attributed to scientists and scientific societies, while in the other five papers only 4 per cent of the statements favoring Condon came from these sources. Indeed, it appears that those five dailies all but ignored the multitude of meetings, letters and statements in defense of Condon by reputable scientists and institutions. As a result, 77 per cent of the case for Dr. Condon as presented to the readers of those papers came from Dr. Condon himself, from representatives of the Administration, or from unnamed sources.

A similar analysis was made of the bases of the anti-Condon and pro-Condon statements and the relative weight given to them. The case against Dr. Condon was made up almost entirely of three charges: 1) that he associated with suspected persons, 2) that he was lax in regard to U. S. security, 3) that he was unfit in some other unspecified way.

Of the statements making the first charge, 89 per cent identified Dr. Condon's associates only in vague terms or did not identify them at all. His associates were generally described as persons "alleged" or "known" to be espionage agents, or as Soviet or Soviet-satellite diplomats, or as persons suspected of being subversive, without any specification as to why they were under suspicion or any evidence that Condon knew that his associates were under this vague cloud. Only eight per cent of the statements regarding association actually named his associates, and in most of these cases the charges were equally vague. With regard to Dr. Condon's "laxity," nearly all of the statements were simply assertions, most of them being repetitions of the phrase "the weakest link"; there was little or no specific indication as to how he may actually have endangered national security. In the third category, the allegations were even more vague. Indeed, whatever impression may have been produced on casual readers, the content analysis indicates that the case against Dr. Condon as presented in the newspapers may well have raised a question in careful readers' minds as to whether there was any case at all.

## Newspaper Economics

The economics of newspapers is peculiar. At any rate it has recently been behaving peculiarly. In the face of a general boom with heavy advertising and fat newspapers, employment on newspapers has been tight; cutbacks of staff and reductions of bureaus have been frequent. Several large newspapers have gone out of business (Philadelphia **Record**, Seattle **Star**, Waterbury **Democrat**). New newspapers have failed to survive (Chicago **Sun**, **PM**, New York **Star**, New Hampshire **Sunday News**). Mergers have continued to reduce the number of papers. In Madison and Dayton this winter consolidations have reduced these cities to single ownerships. Dayton's three newspapers have shrunk to two. Madison's competition has changed to a single round-the-clock operation. Both surviving owners blame current newspaper economics for the mergers.

The **Wall Street Journal** recently printed a revealing study of newspaper economics in New York City which suggests some of the answers to a trend that baffles readers, confounds critics and discourages many able young men from seeking careers in journalism.

It is reprinted on the next page. →

*From Wall Street Journal*

# NEWSPAPER INCOME LAGS BEHIND SOARING COSTS

## Battle for Readers On; Newsprint, Equipment, Labor Expenses Up; Some Lose Circulation, Ad Revenue; Rivals: Video, Subway Fare

by J. Howard Rutledge

A journalistic "sob sister" could dig up a story in her boss' office these days.

Soaring costs, which killed the fledgling **Star** on January 28, are creeping up on the eight other big dailies of America's greatest newspaper arena, New York City. Even the best money-makers—the **Times** and the **Daily News**—agree expenses are going up faster than income. So, for that matter, do many other publishers 'round the country; this is one chapter in a national story.

Newspaper economics are a special type. Consider the three cents the reader pays for the bulky morning **Times**. Distribution costs more than a penny; the half-pound of paper in the average copy costs 2½ cents. On top of that comes all the expense of gathering news and printing it. Nickel prices charged by most other dailies still make a small dent in total costs.

Advertising accounts for the major share of a newspaper's revenue. And advertising is showing definite signs of leveling off after a post-war rise to a new record last year—nearly 6% over 1947 for New York's major papers.

### Cost Factors

Publishers have been paying \$4 a ton more for newsprint since last summer. Apply this to the tabloid **News** and the new price of \$100 a ton adds up to a \$20 million annual paper bill. This newspaper consumes 200,000 tons of paper a year in serving over two million daily and nearly four and a half million Sunday readers. For the afternoon **Sun** the increase adds \$100,000 yearly.

Premium prices for newsprint are slipping now, however.

Telegraph wires crackle with newsprint offers to newspapers at as low as \$125 to \$130 a ton, a full \$30 below the premium prices of six months back. The contract price in New York City is \$100 a ton.

Printing presses are wearing out under the daily grinding of war and early post-war years when replacements weren't available. Now, publishers find new presses cost over 70% more than before the war. The **Herald Tribune** recently tossed \$2,500,000 into re-outfitting an entirely new press room.

But advancing payrolls for their 15,000 employees have run up the bill most for the big New York City publishers—and in this area a number are now cutting down.

The members of the metropolis' 10 big newspaper unions are the best paid in the world. Since before the war they have tacked on an average 70% to their hourly wages, most of it through three "rounds" of post-war negotiations.

### A Counter-Attack

Publisher T. O. Thackrey of the afternoon **Post Home News** rocked the biggest newspaper union back on its

heels a few days ago. The C.I.O. Newspaper Guild, "white collar" union with 6,000 members on metropolitan dailies, was negotiating with him on its "fourth round" demands for an 18% increase including a minimum of \$130 a week for experienced reporters. Other Guild aims: \$175-a-month pensions at age 65 and \$200-a-month for members who become disabled.

Mr. Thackrey tossed back a proposal to trim a reported \$10,000 off the weekly payroll. To Guild members this was an unreasoning "fire-at-will" proposal, but to Publisher Thackrey it meant exercising a union contract clause which permits management to determine the size of the staff. Thackrey inherited a lot of employes as well as 100,000 new readers last winter when he merged his **Post** with the **Bronx Home News**, purchased two years before. "Today," he says, "we have 100 more employes than the total of the staffs of the two papers when we bought the **Home News**."

In protest, Guild members suspended work for 26 minutes during the busy morning hours while they huddled in a grievance meeting. They went back to work under a temporary truce. No firings will take place before February 18; management has allowed the Guild to call in an accountant to examine the **Post's** books before then and see just what is the financial health of the paper.

**Herald Tribune** Publisher Helen Rogers Reid turned down the Guild on demands brought up under a wage reopening clause. She explains: "Previous increases have more than compensated for the increased cost of living." The Guild obtained wage increases of 12½%, 20% and 10% in the first three rounds.

### Slow-Sellers Eliminated

The **New York World-Telegram**, star of the Scripps-Howard nationwide chain of 18 newspapers, has reorganized printing and delivery schedules to eliminate overtime—a \$200,000 annual item. One economy: Cutting out delivery of the late afternoon edition to slow-selling outlying newsstands; the rival **Sun** has followed suit.

Explains N. S. Macneish, **World-Telegram** business manager: "Since V-J Day, we've increased sale of advertising space by 33% and advertising rates 19%. That's on the income side. Against this, operating costs have climbed 62%. We had to put a stop to this sometime—and we think this is the time to do it."

Three publishers are jacking up advertising rates. The **News** and the **Mirror**, rival morning tabloids, have lifted the charges to the 14 big department stores and other retailers which pour in over 60% of all the advertising copy appearing in metropolitan dailies. The **News**, with about twice as many daily readers as the one million of the **Mirror**, second largest in the nation,

confidently hiked rates nearly 10% effective in March; the **Mirror** made a 4% daily and 10% Sunday boost this month. The **Times** left retail rates unchanged while lifting charges February 1 to other classes of Sunday and daily advertisers by as much as 6%.

Slipping circulations now add to worries. The **News** today has 125,000 fewer readers than the 2,300,000 daily average for the six months ended last September 30. Other publishers don't divulge current circulation figures, but news dealers say the trend is generally downward.

What's the reason? Some vendors say, "its television; folks can't read newspapers and watch a show." But President Flynn of the **News** declares, "We noticed our circulation started to fall last July when subway fares went up from a nickel to a dime; it seems likely some riders tried to make up the difference by cutting down on newspaper buying."

#### Against the Current

The **Post Home News** is bucking the downward circulation trend. It has picked up "several thousand" of the readers of the dead **Star**, which like the **Post**, hewed to the "liberal" editorial line. The **Star** claimed 140,000 readers when it expired.

The New York **Herald Tribune** has also reportedly added 15,000 readers over the past four or five months. Mrs. Reid, the publisher, gives a lot of credit to a new editorial approach. It stresses brighter handling of the news, briefer stories and columnists like Billy Rose. A three-month door-to-door selling campaign has helped, too.

The battle for readers shows up in high-priced serial features. The **Times** is running the second volume of Winston Churchill's war memoirs; the **Herald Tribune** is carrying "Inside Europe Today" by roving reporter John Gunther. The **News** has run off "I Flew for Israel," and has other circulation builders in store.

"We haven't done anything for about 10 years to introduce the **News** to new readers—particularly young people," says Publisher Flynn. "We have a couple of features up our sleeve which we will unveil shortly to remedy this situation."

#### Babel of Journalism

New York City is the hub of newspaperdom. Its five boroughs harbor 118 weekly and daily papers, running the gamut from 47 foreign journals (the daily **China News** and the weekly **Islaah**; **Al**—an Arabic publication) through community publications (the **East Side News**, the **Villager**, the much larger **Brooklyn Eagle**) to a welter of specialized papers (the **Daily Fruit Reporter**, the **Beverage Retailer Weekly**). Around the perimeter of the city are 46 suburban daily newspapers.

The day begins at 9 a.m. when the "afternoon" **Journal-American** hits the newsstands. Presses rumble 'round the clock until 5 a.m. when the last copies of the **News** roll to the metropolis' 12,000 sales "spots." The eight big papers disgorge a total of 5½ million copies.

Circulation tactics are especially important for the four afternoon papers—the **Journal-American**, **Post**, **Sun** and **World-Telegram**. Unlike readers of morning papers, who usually buy their papers at the same stand each morning in their bee-line dash to the office, the afternoon customer is hard to find. He follows the devious and leisurely routes going home. When the

weather is good, he is apt to buy at a street newsstand; storms turn him into a subway buyer.

Trying to anticipate his mood keeps phones humming between circulation managers and their field forces. In rapid-fire jargon, the manager shoots an order: "Better start shoving 'em down the hole; the weather is clouding up." He receives a communication: "Jones was five minutes late at the Canada point."

#### "Feel" and Phone

Route drivers are key players in the circulation game. They "feel" how their papers are selling and phone in orders for each succeeding edition. The circulation manager totals these up and sets the number of copies to be run off.

Relay trucks working out of the newspaper printing plants bring papers to the route trucks at meeting places, the "Canada points." When relay driver Jones was late at the "Canada point," the route man called in this information. Says one circulation manager: "When your paper is even a minute late getting to the newsstand, you can lose readers. A fellow who buys your competitor's paper once may keep on doing it."

#### How Profitable are New York City Newspapers?

A **New York Times** official states: "The **Times** has never been in the red under the present ownership." This ownership dates back to 1896 when the late Adolph S. Ochs bought the property for \$75,000. The **Times** doesn't disclose what it's worth now, but it's one of the most valuable newspaper properties in the world—and the most expensive to operate.

The **Times** has over 3,500 employees. Publisher Arthur Hays Sulzberger once disclosed the payroll for 1944 was \$170,000 a week for the 2,500 it then employed—the dollar figure is now believed to be more than doubled. Mr. Sulzberger also indicated the **Times** had an income that year of over \$21 million, and that has probably doubled, too.

Mrs. Reid, publisher of the **Herald Tribune**, owned by her family, asserts her newspaper "made some money last year." Publisher Flynn of the **News** declares: "Profits in 1948 approximated what we could consider a reasonable pre-war figure."

#### Two Lost Money: Three Are Mum

The **Post Home News** conceded that it lost money last year; so did one other paper which refused to be identified. The three other publishers among the big eight questioned refused to discuss profits.

It's the advertising dollars that determine whether a newspaper property is profitable—and evidence of a leveling off has publishers on edge.

Newspapers measure advertising in terms of lines one column wide, set in small "agate" type. Tabloid pages have 1,000 lines; full-size journals usually run 2,400 line to the page.

This January, lineage for the eight dailies totaled 11.8 million, up 12% from the comparable 1948 month. But the figures include a joker. There were five Sundays—one more than last year. And Sunday is the biggest advertising day.

The **Times** figures that, leaving aside the extra Sunday and the fact that it had two special turn-of-the-year business sections, it showed only a "slight gain" in a day-to-day comparison with 1948. The **Tribune**, on this basis, just about held its own.

The **World-Telegram** and **Sun**, afternoon papers which don't have Sunday editions, were both down in lineage from January, 1948. For the **Telegram**, the descent was a mild 2%, for the **Sun** a sizeable 9%. Most papers agreed retail lineage was slipping.

#### The Breakdown

About 160 million lines of advertising were placed last year in the eight big dailies and the **Eagle**, Brooklyn competitor, which always gets a good fraction of the overall business. Percentagewise the total broke down this way: **Times**, 22%; **News**, 20%; **Herald Tribune**, 14%; **Journal-American**, 10%; **World-Telegram**, 7%; **Post Home News**, 7%; **Sun**, 7%; **Eagle**, 7%; **Mirror**, 6%.

It's total lineage multiplied by rates charged for it that pay off. No figures on just how many advertising dollars roll into publishers' coffers are made public. However, it's believed that the total last year for the nine newspapers, including the **Eagle**, probably exceeded \$125 million. In 1947, the figure was believed to be somewhere between \$100 million and \$125 million.

The **News** estimates the dollar breakdown for 1947 was something like this: **Times**, 27.2%; **News**, 26.2%; **Herald Tribune**, 13.7%; **Journal-American**, 11.7%; **World-Telegram**, 6%; **Mirror**, 5.1%; **Sun**, 5.1%; **Eagle**, 2.7%; **Post**, 2.3%.

Lineage gains of over 10% made by the **News** and **Mirror** last year undoubtedly bettered their dollar standing; but the **Times**, with a 6% lineage increase, may have still clung to the top rung. The **Post Home News**, bettering its lineage a resounding 32% as a result of its merger operation, also undoubtedly went higher in the dollar and cents comparison.

But 1948 estimates won't be coming out of the **News** department research for some time; it's a four-month job of figuring the lineage for each paper against their multitudinous rates—for different classes of advertisers. Split runs (advertising which is carried for readers in some boroughs and not in others) also must be weighed in this monumental task.

#### The Stores Are Low

Local retail advertisers get bottom rates. On the **News**, for example, retailers pay as little as \$1.02 a line for full run on weekdays; the lowest rate for general (principally national) advertisers is \$2.52 a line. The comparative rates on the **World-Telegram** are 46 cents and \$1.05.

One reason for the disparity between rates is that local retailers' promotion presumably has less drawing power with out-of-town readers who shop in their own areas; national advertisers are assessed for the entire readership. But advertising managers claim this isn't the only explanation. Explains one: "We're afraid to raise the charges to the retailers. They'd raise a great squawk and they might even pull their ads out. It's too much to risk."

Laments a publisher whose paper is one of the leaders in retail lineage: "I doubt whether we made 1% on the millions of dollars of retail copy that we printed last year."

—Wall Street Journal, Feb. 14

## How Wages Have Climbed On New York City Dailies

The figures below show how wages for daytime work have increased since 1941 for the 7,000 members of nine so-called "mechanical" unions employed on New York City's eight major dailies. The first two columns give the weekly wages and hours for 1941; the second two columns provide comparative figures as of now. In the fifth column is the percentage hourly wage increase since 1941. Similar figures for night work would reflect a premium.

	—1941—		—1949—		Wage
	Pay	Hrs.	Pay	Hrs.	Rise
Deliverers .....	\$43.20	40	\$77.67	40	80%
Electricians .....	67.00	40	97.00	40	45%
Machinists .....	52.00	40	86.50	37½	77%
Mailers.....	42.00	40	78.40	40	87%
Paper Handlers.....	45.00	45	71.25	40	78%
Photo-Engravers.....	67.01	37½	106.00	36¼	64%
Pressmen .....	64.49	45	93.50	36¼	80%
Stereotypers .....	52.61	37½	84.50	37½	61%
Typographers .....	58.98	37½	99.00	36¼	74%

—Wall Street Journal, Feb. 14

## How Good Is Your History?

The questions below constitute a mid-term hour examination in an undergraduate course in American History at Harvard.

HARVARD UNIVERSITY  
HISTORY 61a

December 15, 1948

1. Take (a) or (b)
  - (a) "Tyler was a traitor to every party with which he was ever associated." Discuss.
  - (b) Write an account of the revival of sectional discord in the United States, 1854-1858.
2. Take (a) or (b)
  - (a) How do you account for the nature of the agreement which England made with the United States regarding the Oregon Country in 1846.
  - (b) Write on each of the following topics: the first flowering of American literature; the Maine boundary dispute and its settlement.
3. Locate five on the map: Willamette River; area embraced within the Kansas-Nebraska Act; boundaries of Texas as a Mexican province, 1830; the river valley in Kansas which became a center of northern settlements, 1854-60; strait of Juan de Fuca; Gila River.

Hour Examination.

## LETTERS

### A Criticism of Pearson and Myers Price-Level Predictions

Pearson and Myers of Cornell picked the winner, but for the wrong reasons. (*Prices and Presidential Predictions, Nieman Reports*, January, 1949)

They said: "Truman will win in November if the price level is stable at the present level or continues to rise."

Now look at the election map. In the eastern areas, where wages, prices, etc. were stable, Truman showed losses under 1944.

In the farm belt, where prices had dropped sharply, Truman showed surprising gains on 1944.

In fact, Truman won because the price level dropped in the farm belt, not because—as Pearson and Myers said—it was stable or continued to rise.

Now why? The Pearson-Myers theory is the traditional one. Voters give credit for prosperity to the party in power. Voters give curses for depression to the party in power.

The Pearson-Myers theory assumes (a) that prices would remain stable or rise and (b) that Truman would get the credit.

But in the east where prices did remain stable, Truman did worse than Roosevelt in 1944. In the corn and wheat belts,

where prices dropped, he gained.

What was wrong? Who did the voters think was "the party in power?"

It looks as if the voters thought the G.O.P., with control of both houses, was the party in power.

The Pearson-Myers theory was all right. Voters do blame the party in power for their troubles, praise it for good times.

But Pearson and Myers (and the editor of *Nieman Reports*) missed it on two counts:

1. Voters regarded the Republican Congress as the party in power.

2. The slump in farm prices caused resentment by farmers against the party in power (G.O.P.).

It was the drop in prices that elected Truman.

I should add that I was just as wrong as Pearson and Myers before the election. I knew there was farm irritation on falling prices, but I wasn't sure that farm resentment would be turned against Congress (and Dewey) instead of against the White House.

Donald R. Murphy,  
Editor, *Wallaces' Farmer*

and the Farm Belt voted for Truman, not against a G.O.P. Congress.

F. A. Pearson

### Pearson Stands On Price-Level Prediction

The original article dealt with the price level—a combination of agricultural and non-agricultural prices. Agricultural prices can fall due to forces that cause:

(a) a general decline in all prices. A general decline causes agricultural prices to decline regardless of the size of the crop. In that event, the farmers' income would decline with the decline in prices.

(b) a decline in agricultural prices only with no change in non-agricultural prices. This can be accounted for by an increase in production and no change in income. For instance, from 1947 to 1948 the nation's agricultural production rose and prices fell but income did not change in proportion to prices. Theoretically, the relationship was as follows:

	crop	prices	income
1947	80	120	96
1948	120	80	96

The farmers' income did not decline

weekly trade publication, *Confectionery-Ice Cream World*, which devotes a full page in every issue to editorials. I have enclosed the editorial page from our January 21st issue which might be pertinent to the discussions of editorials appearing in your past two or three issues.

A charter subscriber of the *Nieman Reports*, I find your magazine improving with each issue. Keep up the good work.

Alfred Feuer  
New York City

### 106 Subscriptions

We are desirous of having copies of *Nieman Reports* sent to the homes of various employes of the *Sun-Times*.

I am enclosing a list of 106 names and addresses, and you may accept this as an official order for a year's subscription for each employe named. We would like these subscriptions to begin with your April 1st issue.

W. Marvin McCarthy  
Managing Editor,  
*Chicago Sun-Times*

### Editorial Capacity

As a new subscriber to *Nieman Reports*, I have recently read the July 1948 issue. One of your articles caught my attention—"Editorial Writing Made Easy."

Until I became an editor myself, I had been admiring the editorials in a certain newspaper published in Boston. With the material constantly coming to my desk here, I soon recognized the source of the editorials I had been innocently admiring.

My own belief is that an editor incapable of writing editorials or of having ideas about which to write editorials is incapable of being an editor.

There is one idea, however, which I should like to offer as an addition to your comments as set forth in the article. I always look over the sheets that come in from E. Hofer and Son and from similar sources. While I recognize the interests back of these ideas that are being deliberately put forth, some of the expressions of ideas are good and worth using. In a few cases I have used them, but I always indicate the source and use it as a quotation. When an editor does this, I figure he is merely putting the stamp of his approval upon the idea expressed, at the same time showing where the writing came from.

You didn't mention this as a proper way of handling such material on occasion and I thought I would add the thought to your very good article.

Dorothy Worrell  
Editor, *Barnstable Patriot*,  
Hyannis, Mass.

### Ice Cream World

Newspaper people, as such, rarely give a thought to the fact that there are editorials written which are never seen nor read by consumers. I'm the editor of a

## The Broun Awards

A reporter who took a routine assignment on a Manchester (N. H.) weekly paper and followed it up to expose granting of \$700,000 in state contracts without bids and under questionable circumstances is the winner of the 1948 Broun Memorial Award.

The award, given annually by the American Newspaper Guild, is for the "most outstanding journalistic achievement in the spirit of Heywood Broun." It carries with it \$500 in cash and a Guild citation.

The winner is Elias A. McQuaid, for his work on the New Hampshire **News**. As a result of his searching stories, which rocked New Hampshire, two public officials have been indicted and the state is suing to recover \$250,000 from the former state comptroller for alleged overpayments to a contracting firm, and purchasing methods were revised.

The judges, unanimous in their decision, said McQuaid's stories "show how a conscientious reporter, following the tradition of Heywood Broun, can perform a service to his community and reflect credit on his profession."

At the same time, five additional awards were made through a fund provided by Robert S. Allen, Washington correspondent and author, who also served as alternate judge.

Three of the special Guild awards were for "examples of distinguished public service," going to:

**Theodore C. Link**, St. Louis **Post-Dispatch**, for his exposé of graft and corruption, vice and gambling in Illinois, which spotlighted Gov. George Green and Attorney General George Barrett as being responsible for the breakdown in law enforcement, and led to the defeat of the Green machine at the polls.

**Don Magnuson**, Seattle **Times**, for his painstaking work in following up a letter to the editor, to bring justice to a man wrongfully imprisoned for a murder he did not commit. After 13 years, Clarence G. Boggie, an innocent man, was freed.

**Drew Pearson**, Washington Merry-Go-Round (Bell Syndicate), for a series of columns charging payroll padding and kickbacks to Congressman J. Parnell Thomas (R., N. J.), former chairman of the house un-American activities committee. Thomas is facing trial on the charges.

Other special \$100 awards went to:

**Alan Barth**, Washington **Post** editorial writer, now a Nieman Fellow at Harvard, for distinguished editorial writing.

Fourteen editorials were submitted, discussing civil liberties problems raised by governmental attempts to deal with the communist threat to national security. While recognizing the reality of the communist danger, these comments focused attention on the importance of individual rights and the preservation of basic American values.

Barth also contributes to the Washington Round-up of the **Guild Reporter**.

**Walt Kelly**, cartoonist of the New York **Star**, for a series of cartoons during the presidential campaign, pointing up and dramatizing the issues.

No awards were given in the radio and Negro press classifications because, in the opinion of the judges, the few entries made them not sufficiently representative.

McQuaid, who won the Broun Award, broke the story in March, and left the Sunday news to become press attache for the US embassy in Paris in June. The **News** was absorbed by the Manchester **Union-Leader** in September.

The 1948 competition drew 73 nominations for a record. The annual award is in memory of Heywood Broun, liberal, crusading columnist and founder of the American Newspaper Guild.

Judges were Bert Andrews, winner of the 1947 award and chief of the New York **Herald Tribune** Washington bureau; Karin Walsh, Chicago **Sun-Times** city editor; Nathan Robertson, Washington writer; Herbert Block (Herblock), Washington **Post** cartoonist.

**Wade Franklin**, of the Chicago **Sun-Times**, was chairman of the Broun Award committee, and was named chairman again for 1950 by the Guild's international executive board.

The judges were impressed by the amount of outstanding material in the nominations for awards, and commended some of the nominees in particular:

**W. McNeil Lowry** of the Dayton **News** for his stories leading to the indictment of Roger Slaughter as an unregistered lobbyist and focusing attention on the activities of the grain lobby.

**Martin Agronsky** of the American Broadcasting Co. for his consistently high standard of his radio broadcasts, embracing conscientious reporting and unusually fair and forthright commentary.

**Carl Levin** of the New York **Herald Tribune** for his special work in stories contributing to the arousing of public indignation over the commutation of Ilse Koch's sentence.

**Lee Zito**, whose stories in **Billboard** resulted in the FCC investigation of station KMPC on charges of deliberately ordering slanting on the news.

**Carl Groat** for his editorial in the Cincinnati **Post** on Freedom Train ideals and local conditions.

**Leo Sonderegger** of the Providence **Bulletin** for his series on American medicine written in the interest of bringing better medical care to the American people.

**Edward O'Neill** and **Joseph Martin** for their campaign in the New York **Daily News** on housing.

**Richard C. Looman** for his stories in the San Diego **Journal** exposing quack psychologists and resulting in a clean-up of psychiatric charlatans in the San Diego area.

Broun Award competition is not limited to Guild members; it is open to anyone in Guild jurisdiction.

## Willkie Awards

The Wendell L. Willkie awards for Negro journalism in 1948 were announced March 2d.

The award for the best public service by a Negro newspaper went to the Norfolk **Journal and Guide**, "for the quality of its overall performance, based on a variety of entries submitted for the Willkie Award, and in particular for the consistently high calibre of its editorial page," under the direction of P. Bernard Young, Jr., editor.

The award for objective reporting went to Louis R. Lautier, Washington correspondent of the Atlanta **Daily World**, "for distinguished correspondence affording member newspapers of the NNPA clear, comprehensive and objective coverage of events significant to their readers."

The award for articles other than news went to Simeon Booker, Jr., of the Cleveland **Call-Post**, "for a searching series of feature articles exposing discriminatory conditions in Cleveland's public schools."

The judges were four Nieman Fellows: Alan Barth, editorial writer on the Washington **Post**; Grady E. Clay, Jr., reporter on the Louisville **Courier-Journal**; David B. Dreiman, science writer on the Minneapolis **Star**; and E. L. Holland, Jr., editorial writer on the Birmingham **News**, who served under the chairmanship of Louis M. Lyons, Curator of the Nieman Fellowships, at the request of the Willkie Awards Committee.

The awards were \$250 in cash to each winner, and a plaque to the Norfolk **Journal and Guide**.

## Clapper Award to Edson

The fifth annual Clapper Memorial Award went to Peter Edson, Washington columnist of the Newspaper Enterprise Association, for "the general excellence" of his political column. Edson, 53, has

been 21 years with NEA, was its editor-in-chief for nine years until he started his column in 1941. The judges were Thomas L. Stokes, a former Clapper Award winner himself, Barry Bingham, editor, Louisville Courier-Journal, Laurence L. Winship, managing editor, Boston Globe; Dean Hoffman, editor, Harrisburg News-Patriot.

County, including the city of Auburn, seat of Alabama Polytechnic Institute, "is in the midst of a rosy-hued prosperity such as it has never known in its history." Presumably Neil's excellent weekly paper is absorbing its share of this prosperity.

**Thomas Sancton**, Washington correspondent of *The Nation*, now has his office at 215 9th Street, S.W.

## NIEMAN NOTES

1939

Margaret Tolman Lyons  
August 6, 1896—January 30, 1949

**Osburn Zuber** joined the staff of the Birmingham Post in February, to do a political column.

1940

**J. Edward Allen**, chief, information section of the International Labor Office at Geneva, expects to come to the U. S. for the coal meetings in Pittsburgh April 26 and to do some visiting en route.

The Allens have an apartment at 12 Chemin Thury, Champel, Geneva, of which Ed writes:

"The apartment was supposed to be finished last April, but the proprietaire neglected to take into account the working habits of the Swiss.

"There were no strikes, but a perpetual slow-down. Feather-bedding in the States is a rank speed-up by comparison. Nothing goes swiftly except the bicyclists on their way to lunch. Everything moves by bicycle. Even the kitchen stove.

"The Swiss have a kind of Siesta which is called 'Snooky Time.' It starts at 12 o'clock and lasts till two. Everything shuts down, including some of the restaurants. Customers remaining in the department stores at noon are left to guard the goods and cash registers while the clerks scorch off like mad. Lucky is he who is not trampled in the rush. Gimbel's basement is relatively a tranquil place.

"The Misses Barbara and Abigail Allen are happy with the Ecole Internationale although they take a dim view of going to school on Saturday.

"The price of everything is high, but not as high as some of the alarmists make out. Meat, poultry and eggs are about fifty per cent higher than in New York. Fruit, vegetables and milk are much cheaper. A bottle of wine costs about as much as a large bottle of ginger ale. Gasoline is 60 cents a gallon and oil a dollar a quart. Coal is five times as high as in the States. Rents are about the same. Tips and cigars are cheaper."

**Volta Torrey** contributed an article on "Magazines and Nuclear Energy" to the

Nuclear Energy symposium of the January issue of the *Journal of Educational Sociology*. He is managing editor of *Popular Science Monthly*.

**Steven M. Spencer**, associate editor of the *Saturday Evening Post* was in England in February to study the British national health plan.

1941

**Charles Edmundson**, of the Washington bureau of the St. Louis Post-Dispatch, told the story of "How Kefauver Beat Crump" in *Harper's* for January.

**John Crider**, editor of the Boston Herald, delivered the lecture on "The Press and Social Action Today" in the Massachusetts University Extension lecture series on "Social Problems in Social Action" this winter. His article in this issue is from the lecture.

**Arthur D. Eggleston** has been working out plans to send 23 German editors and publishers to the U. S. for placement on leading newspapers to study American journalistic methods. He is consultant on German newspapers under the Military Government.

**Alexander Kendrick**, former Chicago Sun reporter in Russia, has been assigned as Columbia Broadcasting System correspondent in the Near East. He replaces George Polk, who was slain last May in Greece, but will make his headquarters at Ankara, instead of Athens. Kendrick has been serving CBS from Vienna. (*Editor & Publisher*, December 18, 1948)

1942

**Harry Ashmore**, executive editor of the *Arkansas Gazette*, served on one of the Pulitzer Award juries. On the same trip he spoke at a Nieman dinner, March 10, on current political issues in the South.

**Neil Davis' Lee County Bulletin** (Auburn, Alabama) came out with a "Progress Edition" of 24 pages plus 8 pages of comics on February 24. It reported that Lee

1943

The Louisville Courier-Journal started a new Farm Department edited by **Erwin W. Kieckhefer** January 24. The new department and the appointment of Kieckhefer were announced in a quarter page advertisement in the paper with a cut of "Kieck," former farm editor of the Minneapolis Star and Tribune, and founder of the Minneapolis Farm Forum.

**Edward J. Donohoe** became city editor of the Scranton Times in January. A long time staff writer and their labor expert, Ed has received recognition through various awards for his labor reporting.

**Harper's** for March had an article by Herbert Yahraes on "How To Keep Away from the Dentist."

1944

**Charles S. Jennings**, returning to this country after nearly five years overseas with government agencies, joined the staff of the Dallas News in February.

**Jacob S. Qualey** moved from the copy desk of the Chicago Sun-Times to that of the New York Daily News in January.

1945

**Houston Waring**, editor of the Littleton (Colo.) Independent, delivered the Eric W. Allen Memorial lectures at the University of Oregon February 18-21, the first time a small city editor had been invited for the Allen Lectures.

The **Grist Mill**, a weekly circulated outside Cleveland, which Robert Bordner of the Cleveland Press edited for ten years, suspended publication at the end of 1948. In a final statement, Bordner said:

"For ten years the Grist Mill has served the communities of northern Summit and southern Cuyahoga Counties.

"It has been a labor of love.

"Asking nothing for himself, its publisher has made up its financial deficit each year.

"Asking nothing for themselves, its correspondents have given their time, their talent, and a devotion to the common welfare.

"Our readers have been grateful. To-

## NIEMAN REPORTS

gether they and we have been able to accomplish many things for the good of our communities that otherwise would have been neglected or defeated through lack of information.

"We of the Grist Mill believe we leave this section of Ohio better off because of our newspaper.

**Nathan Robertson** served as one of the judges of the Broun Award for 1948. The judges this year were all former recipients of the Award.

## 1946

**Arthur Hepner** had an article on the Textron troubles in Nashua's mills in the February Harper's.

**Robert J. Manning** left the United Press UN staff to join the National Affairs Department of Time, Inc. in March.

## 1947

**Lee and Paul Evans** announced twin girls, Mary Paula and Marcia Lee, born February 11 in Mitchell, S. D., where their father continues as executive editor of the Mitchell Daily Republic.

**Jay G. Odell, Jr.**, managing editor, and **Richard E. Lauterbach**, feature editor, were two of the notable casualties of the New York Star.

**Henry Hornsby** edited the special Blue Grass issue of the Lexington Leader, published January 9, the biggest issue of the year, full of articles on Kentucky's horse

industry that represent months of preparation.

## 1948

To Rossie and **Charles W. Gilmore**: a daughter, Glynne, born February 20 in Toledo, where her father is on the Toledo Times.

**George Weller**, after a summer and autumn in the Pacific, spent Christmas in Boston, did a series on Canada in January, then flew to Europe, to make headquarters in Rome and cover the Middle East for the Chicago Daily News. His wife (Charlotte Ebener) followed by ship. Their forwarding address: 110 Charles Street, Boston.

**Robert M. Shaplen**, one of Fortune's new writers, was in Cambridge for background discussions on economics in February.

**Carl W. Larsen** was one of four Chicago Sun-Times men to receive Chicago Newspaper Guild "Stick of Type" awards for outstanding newspaper work in 1948. His award was for his stories on the troubles of the Tucker Corporation, an assignment on which he continued into 1949.

## 1949

To Rita and **Lawrence G. Weiss** of the Boston Herald: a son, Jonathan Lawrence, February 16; weight, 7 pounds, 14 ounces.

**Peter Lisagor** was one of five Chicago Daily News reporters to receive Chicago Newspaper Guild "Stick of Type" awards for outstanding newspaper work in 1945.

His award was for stories "exposing gyps among schools getting GI grants."

**Lisagor**, now on a Nieman Fellowship, had an article in Esquire for January, "The Fabulous Mr. Farrell," on the career of Joe Farrell, old-time Chicago press agent.

The January Harper's has an article on "The Vast Asiatic Front" by Christopher Rand, China correspondent of the New York Herald Tribune. Rand expects to return immediately to China at the completion of his Nieman Fellowship in June.

One of the Broun Awards for 1948 went to **Alan Barth** for his editorials on the Washington Post. A description of the award by Nathan Robertson, released by the American Newspaper Guild, said of Barth's work: "It was not a single brilliant editorial or series of editorials that won him the award, but a cross section of his year's work, which only lasted nine months because in the Fall, Barth went to Harvard as a Nieman Fellow. 'While recognizing the reality of the communist danger,' as the letter submitting Barth's editorials said, 'the editorials were designed to focus attention on the importance of individual rights and the preservation of basic American values.' The judges decided that Barth had done a very fair, yet forceful job in this difficult field involving the balance between protection of the national interests and protection of individual civil rights. It would have been easy to go over board in either direction, but Barth managed to fight aggressively for the essential liberty of the individual without overlooking the necessity for national security."

## Nieman Fellowships for 1949

**Deadline** for applications for Nieman Fellowships for this year is May 1. About a dozen Fellowships will be awarded for study at Harvard in the college year opening in September.

Requirements for an application are three years' newspaper experience, grant of a leave of absence from the paper, support of the application by the paper.

Stipends are adjusted to the salary relinquished during the leave of absence.

Studies may be in any department of Harvard University. Each Fellow follows such studies as he feels will prove most useful in his newspaper work. No degree is given. There is no scholastic requirement.

The Nieman Committee aims to make

Fellowship awards to the best newspapermen among the applicants, judged by their work and the endorsement by their papers of their capacity for future useful service in journalism.

Application forms and information can be had at the Nieman Foundation, 44 Holyoke House, Cambridge 38, Massachusetts.

## NIEMAN REPORTS

## Editorial Council

LAWRENCE A. FERNSWORTH, N.Y.C.  
WELDON JAMES, Louisville, Ky.  
ROBERT LASCH, Chicago, Ill.

JOHN McL. CLARK, Claremont, N. H.  
THOMAS H. GRIFFITH, New York City  
A. B. GUTHRIE, JR., Lexington, Ky.  
LOUIS M. LYONS, Cambridge, Mass., Chairman

WILLIAM J. MILLER, New York City  
PAUL L. EVANS, Mitchell, S. D.  
LEON SVIRSKY, New York City  
JUSTIN G. McCARTHY, Washington, D. C.