

# global issues

## Media & Ethics



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“America’s hometown papers,  
whether large or small, chronicle the daily life  
of our nation, of our people .... Put it all  
together, and community newspapers do not  
just tell the story of American freedom,  
(they) are that story.”

*Colin Powell, U.S. Secretary of State  
Speech to the American Newspaper Association,  
March 25, 2001*

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## *From the Editors*

*The United States' constitutional guarantees of free press and free expression have ensured a press largely without governmental regulation. This does not mean media without standards. In this journal, noted U.S. experts explore the central role of media ethics as the core values that shape the functioning of U.S. journalism.*

*In the American system, our free media is an essential source of the information that is at the heart of a free society. This critical role endows the media with its own power, which, when used irresponsibly, can threaten a free society. How, then, do we manage this challenge?*

*In many nations, the government takes on the role of primary regulator of the media. In the United States, our solution has been to rely on market forces, competition, responsibility, and a highly evolved set of self-controls that we call journalism ethics.*

*Journalism ethics provide a process by which individual mistakes and excesses are corrected without jeopardizing the ultimate objective of a free media—to provide a healthy check on centers of power in order to maintain a free and enlightened society.*

*Broadcast media and the Internet have created a new set of challenges that are on occasion addressed in the United States in a governmental regulatory framework, but always in the context of basic constitutional principles and protections of our free press.*

*Journalists everywhere have a vital role to provide the public with knowledge and understanding. But as they practice their craft in a world that is both technologically and geographically changing, systematic standards must guide their work. Only in that way will journalists serve their society in an ethically responsible and constructive fashion.*

# table of contents

## Media & Ethics

### focus

- Defining the Land of the Fourth Estate** .....6  
The First Amendment, economics, and a presumption against regulation play major roles in shaping press freedom in the United States.  
*By Nicholas Johnson, Visiting Professor of Law, University of Iowa College of Law*

### journalism in the united states today

- The Role of the Media in Building Community** .....9  
A new kind of journalism challenges citizens to get involved and help tackle problems in their communities.  
*By Jan Schaffer, Executive Director, Pew Center for Civic Journalism*
- Why Democracy Needs Investigative Journalism** .....14  
Investigative reporting remains one of the most important contributions that the press makes to democracy, but journalists in this field must constantly assess the ethics of their techniques. "  
*By Silvio Waisbord, Author of "Watchdog Journalism in South America: News, Accountability, and Democracy."*
- Journey Through the "Ethical Minefield"** .....18  
An investigative reporter is faced with an ethical dilemma in covering a story about the children of drug-addicted parents.  
*By Tran Ha, a reporter at The Poynter Institute*
- Understanding Media Watchdogs** .....20  
Media watchdog groups have motivations and biases of their own that must be evaluated to understand their criticism.  
*By Virginia Whitehouse, Associate Professor of Communication Studies, Whitworth College, Spokane, Washington*

<b>Journalism in the Era of the Web</b> .....	<b>24</b>
The speed and interactivity that make online journalism appealing may also be factors that undermine the traditional pursuit of accuracy, balance, and clarity.	
<i>By Bob Giles, Publisher of Nieman Reports, Nieman Foundation of Journalism, Harvard University</i>	
<b>News in the Age of Money</b> .....	<b>26</b>
Business journalists covering a surging economy face an ethical dilemma as they are tempted to skew their coverage to gain profit from rising markets.	
<i>By Diana B. Henriques, Financial Writer at The New York Times</i>	
<b>Media Ethics Codes and Beyond</b> .....	<b>29</b>
Two leading media ethicists analyze the codes of ethics followed by journalists at 33 U.S. newspapers, delving into everything from how to handle moral dilemmas to dealing with the impact of new technologies.	
<i>By Robert Steele and Jay Black</i>	

## additional resources

<b>Bibliography</b> .....	<b>34</b>
Books, documents, and articles on journalism issues.	
<b>Internet Sites</b> .....	<b>36</b>
A list of Internet sites offering further information on media organizations and journalist groups.	

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# focus

## Defining the Land of the Fourth Estate

By Nicholas Johnson

Visiting Professor of Law, University of Iowa College of Law

Author of *How to Talk Back to Your Television Set*

*The U.S. Constitution, the free market system, and a presumption against regulation shape press freedom in the United States.*

"Congress shall make no law...abridging the freedom of speech or of the press..." Amendment 1, Bill of Rights, U.S. Constitution, 1791.

These words enshrine freedom of the press in the U.S. Constitution, the document that forms the structure of government and undergirds U.S. law.

In constructing the framework for U.S. government, the Constitution establishes a balance of power between the legislature, the judiciary, and the executive (the president and his administration). Each branch is imbued with separate and distinct powers that establish a system of checks and balances. The Founding Fathers painstakingly designed this governmental architecture to create a system in which the distribution of power among the branches would contribute to stability.

By the early years of the republic when this system of checks and balances was devised, a daring journalistic community had already become established.

A bold and scrappy press was an influential force in denouncing the rule of an English king and leading Colonial America into its revolution against the British empire. With journalistic freedom protected in the 1791 Bill of Rights, the press became an assertive force during the first decades of nationhood. The U.S. media today is frequently known as the Fourth Estate, an appellation that suggests the press shares equal stature with the three branches of government created by the Constitution.

### **The Law**

The presumption against regulation of the press in U.S. law can be described in a few paragraphs, but volumes have been written about the sometimes bruising and bitter struggles waged to protect press freedoms and contain the excesses of irresponsible journalism. Through it all, the independent judiciary has been an essential partner in protecting freedom of the press.

Several critical court cases have been landmarks in establishing the rights of the press to pursue information and to publish government documents or derogatory information about public figures. For instance, the U.S. Supreme Court sided with the newspapers, rather than the government, in

permitting the publication of what came to be known as the Pentagon Papers. Newspapers printed these confidential Vietnam War documents, unofficially obtained, over the government's objections.

The U.S. Supreme Court also has held that the media should have some First Amendment protection from the laws of libel—lest fear of lawsuits and possible monetary damages might disincline media owners from fully reporting on public matters. In order for a public figure to win a defamation case against a media defendant, the plaintiff must show "actual malice," which the courts have defined as knowledge that the published statement was false or as "reckless disregard of whether it was false or not."

The genuine independence of U.S. federal judges is a key factor in the evolution of the legal protections enjoyed by the media. Federal judges are appointed by the president and approved by the Senate. Once in office, they remain for life, deliberately sheltered from outside pressure exerted by political interests or by executive or legislative branch officials. Judges' salaries cannot be reduced and it is virtually impossible to remove them.

Beyond these constitutionally-based principles, few, if any, laws or regulations govern the practice of journalism. The U.S. government does not license journalists or control supplies of newsprint and printers' ink. Journalists are, however, subject to the same laws generally applicable to all citizens. Newspapers, broadcast stations, and journalists must pay sales and income taxes like other businesses and citizens. Journalists are held accountable to laws regarding property trespass and highway safety just like any other citizens, no matter what their zeal to pursue a story.

### **The Market**

Economics plays a major role in shaping the information served up to the U.S. public in newspapers, on radio and television, and now on the Internet. The media are profit-driven enterprises. While nonprofit and advocacy organizations have significant voices in the U.S. media, most of the public's primary sources of information—major urban newspapers, the weekly news magazines, and

the broadcast and cable networks—are in business to make money.

The protections of the First Amendment are extended not directly to journalists who do the newsgathering, but to the owners of the media outlets through which this information is disseminated. Media owners may choose to give enormous freedom to their editors and reporters. They may consider it good business—and good journalism—to do so. But that is a matter of choice, not law. A newspaper's journalists have no more legally enforceable rights to have their stories printed than readers have rights to have their letters printed—or, for that matter, to buy space in the newspaper to promote a point of view the owner wishes to censor.

The First Amendment right to speak, the U.S. Supreme Court has ruled, includes the media owner's right to censor everyone else's speech in his or her medium. This is true even if it is the only newspaper, radio station, or TV station in town. The net effect is that the only citizens who have an absolutely unrestricted First Amendment right to disseminate their views in the press are those few who own media outlets.

Media companies are restrained from disseminating reports that reflect solely their own biases and agendas, however, by U.S. news consumers, who are capable of judging balance and accuracy in reporting among the array of journalistic products available in the information marketplace. These media-savvy citizens are quick to point out the biases and errors that appear in papers or in broadcast reports. So media owners who attempt to skew news coverage to reflect their own biases risk losing the audience, and if the audience is lost, so is the revenue from advertisers who want to reach that audience.

Newspapers, and some broadcasting networks, used to pride themselves on the "wall" between the advertising and news departments. Some critics charge that wall has been crumbling. In part this is the result of the merger of increasing numbers and varieties of media into fewer and fewer corporate hands. Detractors of this corporate consolidation fear that a network news division will no longer be accepted as a financial loss that compensates for its

cost with the prestige it provides. Today, corporate boards of directors may view news as just one more "profit center," with a contributory impact on the "bottom line" and the stock price.

Balancing the cost of high quality journalism against corporate profits is one of the significant challenges in U.S. journalism today. When businesses threaten to sue over critical investigative journalism pieces or to cancel advertising, an editor or news director must decide whether to use a provocative story, even if it risks the loss of revenue or the loss of his or her own job. Thus self-censorship resulting from this dilemma, and others, may be the most prevalent form of censorship influencing the content of U.S. media today.

### **The Airwaves**

Print and broadcast media share the same journalistic freedoms guaranteed by the First Amendment. For the privilege of using the public airwaves, however, broadcasters are subject to government regulations not imposed on their print colleagues. The Radio Act of 1927, the first law governing the broadcast medium, reflects the physical limitations of the broadcast band. Not everyone who wants to broadcast can do so because signals would interfere with one another and no service could be provided to the audience.

When national policies were being formed the United States, unlike most countries, did not choose to have stations owned and operated by a government agency or government-funded public corporation. Instead, it chose a hybrid system for the new medium. A station's equipment would be privately owned, but its right to broadcast would be regulated by government and limited by license.

The Federal Communications Commission (FCC), established in 1934, is the U.S. regulatory agency responsible for issuing broadcast licenses and for monitoring whether licensees serve "in the public convenience, interest, and necessity." In the early years, winning the privilege to hold that license required the station owner to limit the quantity of advertising and to carry a range of programming—including a large dose of news and public affairs. But aside from that, there was little, if any, interference in the content.

For the past 30 years, there has been a movement toward deregulation of broadcast media. Today the FCC imposes essentially no meaningful programming standards regarding quality or quantity. The agency has lifted earlier regulations that limited the number of stations that one owner could control in any one city, and individual corporations, which have largely replaced individual humans as the licensees, may hold licenses to hundreds of radio and television stations.

Critics allege that fewer licensees results in less diversity in broadcast programming. As corporations buy up chains of radio stations, for instance, they tend to homogenize their sound, offering less programming targeted to local audiences.

### **The Watchdogs**

Given the central role of independent journalism in a democratic society and the absence of a constant regulator, citizens, interest groups, and journalistic associations have launched independent, nongovernmental efforts to monitor and report on media quality. None of them, of course, has any meaningful enforcement power, but they are effective in re-enforcing the principles of fairness, truth, and accuracy in reporting.

Moreover, many publications have found it useful to create the position of ombudsman—a semi-independent employee to whom readers can go with their complaints about the publication and the quality of its news coverage. The ombudsman may report on those complaints and how they were resolved in the pages of the publication.

Few institutions are more important to a democratic society than a free and independent media. Such freedom requires the public, elected officials, and civic organizations to support truth, fairness, and balance in reporting and to insist that media outlets honor the principles that empower them.

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# journalism in the united states today

## The Role of the Media in Building Community

By Jan Schaffer

Executive Director, Pew Center for Civic Journalism

*The author advocates a new kind of journalism, challenging people to get involved, get engaged, and take ownership of community problems.*

Civic journalism has come a long way in the six years since the Pew Center for Civic Journalism was created. Two things we now know:

1. When the media does its job differently, citizens do their jobs differently.
2. When you seed innovation in newsrooms, you get new ideas.

We live in an era today in which both journalists and the public in the United States are struggling to reach a consensus on what constitutes good journalism.

It's no longer enough for journalists themselves to think they are doing a good job. For journalism to continue to receive constitutional protection—and continue to attract readers and viewers—readers and viewers have to agree that journalism plays an essential role in our democratic society.

Recently, though, there have been disturbing data that this is not the case. National surveys document a reservoir of resentment toward the American press and its practices. Arrogant, insensitive, biased, inaccurate, and sensational are the words the public uses to characterize the media.

There appears to be a growing consensus that “news” is broken. Now the big question is: do journalists know how to fix it?

Newspaper circulation is flat or falling. Although people are reading more, they're not reading newspapers. And TV news viewership is plummeting.

The Freedom Forum, a nonpartisan, international foundation, recently conducted a survey on the state of the First Amendment. Overall, the press held its First Amendment rights in higher esteem than did the general public.

- More than half of the respondents—53 percent—said they believe the press has too much freedom. This is an increase of 15 percentage points from a similar survey in 1997.
- Only 45 percent said they believe the media protect democracy, down from 54 percent in

1985. And 38 percent said the media actually hurt democracy.

- Some 65 percent said newspapers should not be able to publish freely.
- Disturbing numbers of people said the press should not be allowed to endorse or criticize political candidates, should not be able to use hidden cameras for newsgathering, and should not be able to publish government secrets.

### **What Can We Do?**

This is troubling news if you're a journalist. I would also like to think that it is troubling news if you are a member of the public.

What can we do about all of this? One thing we are doing at the Pew Center is trying to go beyond simply diagnosing the problem; we are actually coming up with some prescriptions for solutions. In truth, many journalists are more comfortable with diagnoses than prescriptions, but feedback from the research is so overwhelming that even hard-bitten editors are starting to say "enough." But before we can fix things, we have to figure out what we seek to be. What is our role in building community?

Older models of journalism, especially in community and regional newspapers, were often tagged as "lapdog"—under the control of publishers out to play civic booster and woo advertising dollars.

"Attack dog" is the model that now frequently comes to mind in the aftermath of some of the coverage of the Clinton presidency and from visions of photojournalists hiding in the bushes of the Kennedy family compound following the death of John F. Kennedy, Jr.

Then there's the "watchdog" model that journalists pay great lip service to. This is a role that is still valued by the community. But the public increasingly has misgivings about that role, and even journalists agree that the press is often doing more than simply covering stories—they are often driving controversies, especially in looking at the personal and ethical behavior of public figures.

Some of the latest research shows that the press

values its watchdog role more than the public does. Only 10 percent of the news media believe that press criticism of political leaders keeps these officials from doing their jobs—but 31 percent of the public believes that it interferes with leaders doing their jobs.

Today some new models are being tested. One is that of "guide dog." Can there be a journalism that not only gives the people news and information but also helps them do their jobs as citizens? That doesn't just deliver the civic freak show of the day, but actually challenges people to get involved, get engaged, and take ownership of problems? That doesn't position them as spectators, but as participants?

This is where civic journalism has fostered numerous experiments. Civic journalism does not advocate abandoning the watchdog role, but rather adding further responsibilities to it.

### **The Pew Center for Civic Journalism**

When the Pew Charitable Trusts decided to create the Pew Center for Civic Journalism, it was not concerned about journalism; it was focused on civic engagement. The Trusts feared that democracy was broken—that citizens were not voting, not volunteering, and not participating actively in civic life; that people were not stepping forward to help tackle problems in their communities.

And they wondered if journalism might be a part of the problem. Were the media treating people in news stories as spectators at some civic freak show rather than as active participants of a self-governing society?

And they put forth a simple hypothesis: if journalists did their jobs differently, would citizens do their jobs differently? Could we nourish some experiments in newsrooms to see if there could be different models, models that still adhere to the core values of journalism—accuracy, objectivity, independence, fairness—but are also useful to citizens?

Civic journalism is now a broad label put on efforts by editors and news directors to try to do their jobs

as journalists in ways that help to overcome people's sense of powerlessness and alienation. It aims to educate citizens about issues and current events so they can make civic decisions, engage in civic dialogue and action, and, generally, exercise their responsibilities in a democracy.

Civic journalists believe that it is possible to create news coverage that motivates people to think and even to act, rather than simply enticing them to watch. And they believe it's their responsibility to do so.

I caution, however, that civic journalists don't want to tell readers and viewers what to think or how to act. They are simply creating a neutral zone of empowerment, arming citizens with information and sometimes with methods to shoulder some responsibility and offer some imagination or solutions for fixing a problem.

Civic journalists believe you can be a guide dog without relinquishing your watchdog role. And they are all too happy to abandon the attack-dog role.

Now, depending on your point of view, this is either a return to the fundamentals of good journalism or a revolutionary new approach to reporting the news. I personally believe it's more than just good journalism, at least the kind of journalism that I practiced for 22 years at the *Philadelphia Inquirer*.

It employs all the tools of good journalism, but it's not afraid to get more involved with the community—in listening, in being a catalyst for activity, in helping the community build its own capacity. And it's not afraid to say: if the old journalism is not working, let's re-invent it.

### **What Is News?**

One way that civic journalists try to do "different journalism" is to seek new definitions of news. Most journalists define news as conflict: incumbent vs. challenger, winner vs. loser, pro vs. con.

Civic journalism seeks to expand that definition. It seeks to go beyond covering an event, a meeting, or a controversy. It tries to convey knowledge, not just news developments. It's about covering consensus as well as conflict, success stories as well as failures—

stories that may help other communities deal with difficult issues.

Civic journalism is trying to come up with some new models of reporting that might be more in tune with new models of governance. Many local governing scenarios are moving away from a win-lose paradigm to a more consensus-based, win-win approach to solving local problems.

How can journalism be equipped to deal with that? We do a great job of covering the conflict, stalking, and keeping score of the winners and losers. But send a reporter out to cover a meeting in which everyone agrees on something, and he or she is likely to come back and tell the editor that "nothing happened." There's no story.

Civic journalists seek to examine where community players agree on something as well as where they disagree. That's new.

One of the Pew Center's more ambitious experiments was undertaken in Spokane, Washington, in 1999 when the *Spokesman-Review* newspaper used civic journalism "mapping" tools to chart the key moments in the lives of young people that determine whether they will succeed or fail in adulthood and possibly end up in prison. They came up with some interesting moments—like the first day of fourth grade is when you will know whether a child is going to like school or not. Or the first day of seventh grade is when it's determined whether you're going to be a "nerd" or part of the "in" crowd.

The idea was not only to cover this subject, but also to uncover some intervention points for social service agencies in the community. This is a very different definition of "news."

Civic journalism is about reframing stories to make them more relevant to readers.

The *Orange County Register* in California experimented with a new narrative technique to tell the story of "Motel Children"—achingly poor kids living in residential motels literally across the street from the Disneyland theme park. The story was told in dialogue, using the childrens' own words.

The response was overwhelming. It included \$200,000 in donations, 50 tons of food, 8,000 toys, and thousands of volunteer hours devoted to helping "Motel Children." The county directed \$1 million for a housing program to get families out of motels. A nonprofit agency launched a \$5-million campaign to treat drug abuse among motel families.

Reporter Laura Saari said afterward that what amazed her was how everyone was working together toward a solution. "A similar story, told in a conventional way, would have put government agencies on the defensive. But because of the writing approach, no one felt like they were being blamed. So instead of wasting energy defending themselves, they've hit the street."

Civic journalism is about redefining balance.

Journalists report two sides of a story and believe it's fair and balanced. Civic journalists suggest that a better term is bipolar, not balanced, coverage. Balance is in the middle, not at the extremes. Civic journalists try to ensure that all the people affected by the issue have a voice in the story, not just the proponents of the most extreme viewpoints who send us their press releases. And civic journalists are not afraid to report on ambiguity, when people are still working out how they feel.

Finally, civic journalism is about providing entry points to involve people and encouraging interactivity between journalists and citizens. It seeks to create two-way conversations with readers, in contrast to a one-way downloading of information—dumping a lot of facts on the public—as is seen so frequently in traditional journalism.

This interaction can happen in the news pages, on the air, in cyberspace, and sometimes in real space—at forums and town hall meetings.

In 1999, the Pew Center supported a program at New Hampshire Public Radio (WHPR) for an On-Line Tax Calculator. The courts had ordered this tax-free state to come up with a tax to fund public schools.

WHPR's Tax Challenge Web site had educational information, discussion space, and a nifty capacity that allowed people to enter the value of their

home, their income, and the name of town they lived in, and actually calculate what three different tax reform proposals would cost them.

This was a very different, customized, individualized, and useful journalism that empowered people to play a role in a public policy choice. The Pew Center recently funded WHPR to develop a Utility Bill Estimator as a way to make the issue of utility deregulation more accessible to people.

### **The Bottom Line**

So what's civic journalism's bottom line?

For the community:

- We see quality journalism that also improves a community's capacity for dealing with problems.
- We see that when you provide readers with the means to act, they will act.
- We have seen in research that civic journalism efforts have measurably increased readers' knowledge of a particular subject.
- We have seen that civic journalism efforts have positively influenced people's perceptions of the media.
- We have seen other community groups adopt the model of civic engagement (through study circles and action teams, for example) that they learned from news organization involvement with civic journalism efforts.
- And we are starting to see people running for elective office who never aspired to office until they became involved in a civic journalism initiative.

For journalism:

- We see in-depth reporting that has resonated more authentically with the community, rather than journalism that parrots just two sides of an issue.
- We see journalists rediscovering their communities—and cracking some old stereotypes.

- We see all kinds of innovations in newsrooms. New pages, new jobs, new criteria, new mission statements. A new vocabulary. At the Virginian Pilot in Norfolk, the mission statement of its reporters covering the state capital in Richmond, Virginia, promises to cover state government and elections "as an exercise in civic problem solving."

- Finally, civic journalism has produced an environment that has allowed editors to take new risks.

I don't think civic journalism has all the answers to what ails the media. But it can take a big slice of credit for coming up with some remedies. And we believe, as St. Paul advised in one of his letters, that we need to "try all things and hold fast to all that is good."

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*The Pew Center promotes civic journalism experiments that enable organizations to create and refine better ways of reporting the news to re-engage people in public life.*

# Why Democracy Needs Investigative Journalism

By Silvio Waisbord

Author "Watchdog Journalism in South America: News, Accountability, and Democracy"

*Although today's business pressures and the threat of expensive lawsuits make some news companies nervous about supporting investigative reporting, it remains a strong force in U.S. and Latin American journalism—and one of the most important contributions that the press makes to democracy.*

In the 1970s, reporters played critical roles in revealing what became the most serious U.S. political scandal in the post-World War II period. Washington journalists pursued the clues left at a petty burglary in the Watergate office building, following them all the way to the White House. The reportage led to congressional investigations and the ultimate resignation of President Richard Nixon.

The performance of the press during Watergate was held as the mirror that reflected the best that journalism could offer to democracy: holding power accountable. It became a trend in American newsrooms. The profession enjoyed high credibility in the years that followed, and a remarkable increase in journalism school enrollment occurred.

Almost three decades later, the situation has changed. Investigative journalism does not seem to be the brightest star in the firmament of American news. If the tone of the press was self-congratulatory in the post-Watergate years, pessimism about the state of American journalism is currently widespread. Observers have often argued that increasing media ownership concentration and the drive to sensationalize news coverage have sapped the vigor that investigative reporting requires. Business pressures also deter investigative reporting. Its demands for a great deal of time, human and

financial resources frequently conflict with profit expectations and production cost controls. Also, the fact that stories might result in expensive lawsuits makes news companies nervous about supporting investigations.

Notwithstanding these factors, there has been no shortage of investigative stories produced in the past decade. Major urban newspapers in the United States have produced articles that have revealed corruption, injustice, and environmental mismanagement. Local and network television news frequently produce investigative stories, which generally focus on diverse types of consumer fraud, in areas such as health care, social services, and home mortgages.

## **What Is Investigative Journalism?**

Investigative reporting is distinctive in that it publicizes information about wrongdoing that affects the public interest. Denunciations result from the work of reporters rather than from information leaked to newsrooms.

While investigative journalism used to be associated with lone reporters working on their own with little, if any, support from their news organizations, recent examples attest that teamwork is fundamental. Differing kinds of expertise are needed to produce well-documented and comprehensive stories. Reporters, editors, legal specialists, statistical analysts, librarians, and news researchers are needed to collaborate on investigations. Knowledge of public information access laws is crucial to find what information is potentially available under "freedom of information" laws, and what legal problems might arise when damaging

information is published. New technologies are extremely valuable to find facts and to make reporters familiar with the complexities of any given story. Thanks to the computerization of government records and the availability of extraordinary amounts of information online, computer-assisted reporting (CAR) is of great assistance.

### **Democracy and Investigative Journalism**

Investigative journalism matters because of its many contributions to democratic governance. Its role can be understood in keeping with the Fourth Estate model of the press. According to this model, the press should make government accountable by publishing information about matters of public interest even if such information reveals abuses or crimes perpetrated by those in authority. From this perspective, investigative reporting is one of the most important contributions that the press makes to democracy. It is linked to the logic of checks and balances in democratic systems. It provides a valuable mechanism for monitoring the performance of democratic institutions as they are most broadly defined to include governmental bodies, civic organizations and publicly held corporations.

The centrality of the media in contemporary democracies makes political elites sensitive to news, particularly to "bad" news that often causes a public commotion. The publication of news about political and economic wrongdoing can trigger congressional and judicial investigations.

In cases when government institutions fail to conduct further inquiries, or investigations are plagued with problems and suspicions, journalism can contribute to accountability by monitoring the functioning of these institutions. It can examine how well these institutions actually fulfill their constitutional mandate to govern responsibly in the face of press reports that reveal dysfunction, dishonesty, or wrongdoing in government and society. At minimum, investigative reporting retains important agenda-setting powers to remind citizens and political elites about the existence of certain issues. There are no guarantees, however, that continuous press attention will result in congressional and judicial actions to investigate and prosecute

those responsible for wrongdoing.

Investigative journalism also contributes to democracy by nurturing an informed citizenry. Information is a vital resource to empower a vigilant public that ultimately holds government accountable through voting and participation. With the ascent of media-centered politics in contemporary democracies, the media have eclipsed other social institutions as the main source of information about issues and processes that affect citizens' lives.

### **Public access**

Access to public records and laws ensuring that public business will be conducted in open sessions are indispensable to the work of an investigative journalist. When prior censorship or defamation laws loom on the horizon, news organizations are unlikely to take up controversial subjects because of potentially expensive lawsuits. Consequently, democracies must meet certain requirements for investigative journalism to be effective and to provide diverse and comprehensive information.

### **The Ethics of Investigative Journalism**

Every team of investigative reporters pursues a story under different circumstances, so creating an all-purpose ethical rulebook is problematic, though certain standards have become generally accepted. The legal implications of reporters' actions are, by far, more clear-cut than ethical issues. Ethics, instead, deals with how to distinguish between right and wrong, with philosophical principles used to justify a particular course of action. Any decision can be judged ethical, depending on what ethical framework is used to justify it, and what values are prioritized. What journalists and editors need to determine is who will benefit as a result of the reporting.

If journalism is committed to democratic accountability, then the question that needs to be asked is whether the public benefits as a result of investigative reports. Whose interest does investigative journalism serve by publishing a given story? Does the press fulfill its social responsibility in revealing wrongdoing? Whose interests are being

affected? Whose rights are being invaded? Is the issue at stake a matter of legitimate public interest? Or is individual privacy being invaded when no crucial public issue is at stake?

Most discussions about ethics in investigative journalism have focused on methodology, namely, is any method valid to reveal wrongdoing? Is deception legitimate when journalists aim to tell the truth? Is any method justifiable no matter the working conditions and the difficulties in getting information? Can television reporters use hidden cameras to get a story? Can journalists use false identities to gain access to information?

On this point, an important factor to consider is that the public seems less willing than journalists to accept any method to reveal wrongdoing. Surveys show that the public is suspicious of invasion of privacy, no matter the public relevance of a story. The public generally seems less inclined to accept that journalists should use any method to get a story. Such an attitude is significantly revealing in times when, in many countries, the credibility of the press is low. The press needs to be trustworthy in the eyes of the public. That is its main capital, but too often its actions further undermine its credibility. Therefore, the fact that citizens generally believe that journalists would get any story at any cost needs to be an important consideration. Exposés that rely on questionable methods to get information can further diminish the legitimacy and public standing of the reporting and the journalists.

Ethical issues are not limited to methods. Corruption is also another important ethical issue in investigative journalism. Corruption includes a variety of practices, ranging from journalists who accept bribes, or quash exposés, or pay sources for information. The harm to private citizens that might result from what's reported also needs to be considered. Issues of privacy usually come to the forefront, as investigative journalism often walks a fine line between the right to privacy and the public's right to know.

There are no easy, ready-made answers to ethical issues. Codes of ethics, despite some merits, do not offer clear-cut solutions that can be applied in all cases. Most analysts agree that journalists must remain sensitive to issues such as fairness, balance,

and accuracy. Reporters continuously need to ask ethical questions throughout different stages of the investigations, and be ready to justify their decisions to their editors, colleagues, and the public. They need to be sensitive to whose interests are being affected, and operate according to professional standards. (*Editor's note: see following article*)

### **Investigative Reporting in Latin America**

Contemporary Latin America offers a variety of examples why democracy needs investigative journalism, and how the latter contributes to democratic governance. Without exception, investigative journalism has gained strength in all countries as democracy became consolidated throughout the region in the last two decades. Relegated to partisan and marginal publications in the past, it has lately gained acceptance in the mainstream press. Many reasons account for the affirmation of investigative reporting, particularly the consolidation of democratic governments, substantial transformations in media economics, the existence of publications committed to revealing specific abuses, and confrontations between some news organizations and some administrations.

As in other regions of the world, the main value of investigative journalism for Latin American democracies is that it contributes to increasing political accountability. This is particularly important considering that the weakness of accountability mechanisms has been identified as one of the most serious problems that the democracies in the region are confronting. Institutional lethargy, ineffectiveness, and lack of responsiveness to legitimate public needs have often been cited as major weaknesses. The existence of news organizations committed to investigative reporting has become extremely important. Even when other institutions have failed to follow up press exposés or conduct their own investigations, the press has kept allegations of illegal or unethical conduct alive and, in some case, eventually forced legislative and judicial bodies to take action.

Investigative journalism has an unmatched power to link officials to certain crimes, but it may also create a mistaken public perception about the existence of



wrongdoing. This is a double-edged sword. Reporting wrongdoing brings public attention to presumed crimes, but it can lead to rushed judgments about the responsibility of individuals, without intervention from institutions constitutionally designed to investigate and reach legal verdicts. Here ethical responsibility is, again, extremely important. Unsubstantiated accusations made by the press can have damaging effects on the reputation of individuals and institutions.

Government corruption has been the central focus of press investigations in Latin American democracies. Other subjects (e.g. corporate venality, and illegal labor practices) have attracted significantly less attention. Numerous polls indicating that corruption consistently ranks among the highest three concerns in the population

throughout the region may suggest the impact of investigative journalism in turning government wrongdoing into a priority issue.

The Latin American case suggests, then, that the existence of investigative journalism is important in its own right. The extent and balance of the investigative agenda is also relevant. The press directs the attention of citizens and lawmakers to specific issues. Many social and governmental arenas need attention in contemporary democracies. Investigative journalism is most effective when it casts a wide net on a variety of issues.

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# Journey Through the “Ethical Minefield”

By Tran Ha

A Reporter at The Poynter Institute

*An investigative reporter discovers mistreatment of children, but encounters ethical criticism for not acting rapidly to better their lives.*

The story: Life for children with drug and alcohol-addicted parents.

The purpose: Use a few children’s experiences to tell the story of others and bring attention to a nationwide problem.

The dilemma: In reporting the story, the reporter finds the children are neglected, malnourished, and mistreated.

As a reporter, what would you do?

This scenario was on the minds of journalists following an ethics discussion at The Poynter Institute, a non-profit school for journalism. The case study was “Orphans of Addiction,” a two-part series chronicling children and their drug and alcohol-addicted parents. The series, which appeared in the *Los Angeles Times* more than two years ago, raised ethical concerns nationwide with its disturbing depictions of the lives of child subjects.

One concern that sprang from the discussion was whether the children were left in a vulnerable situation much longer than they should have been.

The reporter, *Times* urban affairs writer Sonia Nazario, spent five months reporting on the children and two months writing the story. What could have been done during that time to minimize the harm to these children?

Terence Oliver, *Akron Beacon Journal* art director, said he thought Nazario did not need to spend as long as five months reporting on the children.

“I think the power was up front,” Oliver said. “Just the subject matter itself was powerful. How much ammunition do you need?”

Oliver, who adopted a child from a situation similar to those of the children in the story, knows firsthand about the physical and emotional scars that result from neglect and mistreatment.

Other journalists echoed Oliver’s concern about the amount of time it took for the story to be published.

“I thought it was a remarkable piece of journalism,” said Mike Wendland, a Poynter Fellow, “but to take that amount of time to get the job done is unacceptable.”

In hindsight, Nazario said the amount of time spent on writing the series was “one of the most legitimate criticisms I got. I think if you’re going to do a story like this you’d better get it out fairly quickly.”

For Laurie Nikolski, an associate editor for *The Journal News*, in White Plains, New York, the biggest lesson that came out of the discussion was the importance of front-end, ethical decision-making.

“The newspaper should have and could have been better prepared for the reaction they were going to get,” Nikolski said. “I felt that the reporter was left adrift in the process. I think she needed more support from editors from the beginning.”

Nazario said she agrees and thinks there is generally not enough ethical discussion between reporters

and editors in newsrooms.

"I don't think editors bring it up often and I don't think reporters bring it up often," she said. "If I had discussed the story more at the beginning, it might have saved me some of this criticism. I don't think it would've saved me all of it, but some."

The most important thing to keep in mind is that if Nazario was able to find these children, so should child protection services, said Tena Ezzadine, an investigative reporter for WBNS-TV in Columbus, Ohio.

"Stories like this one—stories that capture society in its rawest form—need to be told," Ezzadine said. "I think the worst thing we can do as journalists is to back away from stories like this from fear of negative publicity."

"It's impossible to do some of these stories without doing any harm." Nazario said. "The question is how much you observe and how you balance that

with showing what is going on and the good that might come with showing what's going on."

It was a reminder that sometimes great journalism doesn't end with a tidy, comfortable ending, said Al Tompkins, broadcast group leader at The Poynter Institute. A lot of the story's power lies in the fact that it was not conveniently resolved, he said.

"I thought in the end it was a very powerful piece of reporting and she served the topic and the people involved and the public well," said Nikolski. "I think very often when you follow children's issues, the individual child either becomes lost or becomes just something to hang the issue on. Sonia brought the children to life."

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# Understanding Media Watchdogs

By Virginia Whitehouse, Ph.D.  
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*Watchdog groups that oversee the ethical decisions and practices of journalists and media organizations are often driven by values and agendas of their own that must be evaluated in order to understand their criticisms.*

## Introduction

The role of journalism in American democracy has evolved to include its function as a watchdog of the government, meaning that journalists are expected to investigate when elected officials abuse the rights and freedoms of average people.

"To journalists, it is self-evident that investigative reporting informs the public, exposes corruption, and rights wrongs," Jane E. Kirtley, professor of media ethics and law at the University of Minnesota, said in an article published in the *Columbia Journalism Review* last October.

However, American journalists routinely come under fire for doing their jobs in a way that causes more harm than benefit. If journalists are to be watchdogs, who then watches the watchdog? There are many volunteers for the job of media watchdog; however, the motivations and biases of these watchdogs must be evaluated in order to understand and analyze their criticism.

Freedom of the press in the United States belongs to the person who owns the press (or television station or magazine or newsletter). Some national media, including mainstream newspapers, cable networks, and news broadcasts, tend to make objectivity or fairness the ultimate news value because that's what their audiences expect. Magazines, newsletters, and other media may have different news values—advocacy of an idea, such as human rights or family

values, or the promotion of an industry, such as fashion or automobiles. The media owner decides what the news values will be.

Those criticizing the media have values and agendas as well. Knowing the critic's values helps the reader understand the perspectives, interpretations, and even "spin" (meaning interpretation) that the critic takes in analyzing the media. Some of the toughest critics may be those inside the profession, who may be most aware of the ethical decisions and practices of their colleagues, but even they base their criticism on values reflected in the news industry.

## Watchdog Groups Outside the Industry

The headlines in articles and mission statements can provide some clues as to the political agenda of a media watchdog group, even if the name of the group appears to be that of a neutral observer. For example, the name of Media Research Center (MRC) (<http://www.mediaresearch.org/>) sounds neutral, but MRC clearly explains in its statement of purpose that it is not neutral. The MRC news division reports that, since 1987, it has "worked to bring political balance to the nation's news media by documenting and countering liberal bias from television network news shows and major print publications." The New York-based MRC says it is "the nation's largest and most respected conservative media watchdog organization." MRC commentators appear routinely on network and cable news programs to criticize the media, and their positions favor conservative agendas. Recent headlines include: "20 years of Liberal Spin From Gunga Dan" and "Talking heads Talk Trash About Tax Cuts." (<http://www.mediaresearch.org/news/reality/2001/Faxrep.html>)

Other watchdog groups focus criticism on the expanding wealth and influence of corporate conglomerates. Again, their names sound neutral, but their agendas are clearly stated. The Media Channel (<http://www.mediachannel.org/>) reports in its mission statement, "More than ever before, we are living in a media age and a media world. Nine transnational conglomerates dominate the global media; multibillion-dollar deals are concentrating this power even further. Yet we are also experiencing a technological revolution...The vitality of our political and cultural discourse relies on a free and diverse media that offers access to everybody."

Fairness and Accuracy in Reporting (FAIR) (<http://www.fair.org/index.html>) seeks out evidence of censorship by corporate owners, overall corporate bias, and a lack of diversity in news coverage. A March 8, 2001, FAIR article (<http://www.fair.org/activism/aids-africa-abc.html>) argued that ABC's "World News Tonight" only provided the perspectives and interpretations of the pharmaceutical companies and their supporters in a story on patents for AIDS drugs in Africa.

Information provided by these types of watchdog groups and the analysis offered may be helpful in interpreting media coverage, but readers must be aware of underlying assumptions and biases in story selection and criticism.

### **Criticism from Inside the Media Industry**

Journalism reviews act as media watchdogs inside the industry. These reviews are primarily written by media professionals for media professionals, are housed at universities, and do not claim to hold a particular perspective on the news or a specific agenda for its transformation. Executive Editor Mike Hoyt believes his publication, the *Columbia Journalism Review* (CJR) (<http://www.cjr.org/>), helps journalists do a difficult job better.

"In this country the press is the oxygen of democracy," Hoyt said in an interview. "To the extent that the press is vigilant, that's how well society works. We see our job as encouraging and inspiring the press to do its important work well."

In the past year, CJR has investigated and reported on the volume of national news produced in New York City, thus giving the nation a very New York perspective; the use of lobbyists by media corporate heads to wield influence in Washington, D.C.; and how attorneys are influencing editorial decisions.

CJR was the only national media criticism journal of its kind when it was founded in 1961 by Columbia University's Graduate School of Journalism. Now, other national reviews are available, including the *American Journalism Review* (<http://ajr.newslink.org/>), published by the University of Maryland Foundation, as well as local publications, such as the *St. Louis Journalism Review* (<http://www.webster.edu/~review/>), which recently celebrated its 30th anniversary at Webster University.

These commentators provide an inside perspective and interpretation that reflects the values of the mainstream industry—First Amendment protection, truth and accuracy, and balanced reporting. Media professionals in the United States are more likely to take criticism from a journalism review to heart than from media watchdogs with political agendas, Hoyt said, because the review offers an "outsider's" perspective from industry insiders.

"It's pretty easy to blast people. We want to be tough, but we want to understand the position of the journalist," Hoyt said. "There is a lot of criticism out there. There is a tendency to close your ears to it unless it's well done and comes at you from one of your own."

### **Criticism from News Councils**

Numerous journalists and journalism organizations have attempted or at least actively considered setting up news councils to arbitrate disputes between journalists and the people they cover. The National News Council, modeled after its English cousin the British News Council, lasted just a little more than a decade, closing down in 1984. The Minnesota News Council (<http://www.mtn.org/~newsncnl/>), however has successfully maintained such a forum since 1971. In handling disputes, council members attempt first to bring news managers and those who believe they have been harmed by news stories together for

discussion. Often this resolves the conflict. Fewer than 8 percent of those filing complaints ultimately request a hearing before the 12-member council, comprising six journalists and six citizens at large.

The Minnesota News Council has made more than 100 rulings in its history, but that simply means the council publicly stated whether the journalist or the news organization had acted ethically in the case in question. The News Council has no other power.

"We have noticed that when members of the public go through our process, their respect for the news media is greater at the end than it was in the beginning," Bob Shaw, a founding member, writes in the Minnesota council's Web site. "They see that our council, composed equally of media and public members, is no slick public-relations ploy, but an exercise in fundamental fairness."

But news councils also stir their share of controversy. Some believe forming such councils threatens First Amendment freedoms by centralizing journalistic standards, while others want to avoid interpreting a colleague's motives. Minneapolis' KSTP-TV and its parent company, Hubbard Broadcasting, have never participated in the council.

"If somebody feels we've done something wrong, they can talk to us directly, or they have recourse in the courts," Stanley Hubbard, chief executive officer, told the *Minneapolis Star Tribune* in 1996 "I don't want to be in a situation where a panel of people are sitting in judgment on our judgment."

Other councils have faced similar criticism. The two-year-old, Seattle-based Washington News Council has been charged with being nothing more than self-appointed busybodies who are really just on the side of media-bashing. That council also came under fire for receiving its primary funding from the Bill and Melinda Gates Foundation, the charity operated by the founder of Microsoft and his wife, thus creating a potential conflict of interest and ethical dilemma within a group designed to address media ethics.

Despite these concerns, news councils offer a much-needed opportunity for the public to interact with and offer criticism of the media, Geneva

Overholser, former Washington Post ombudsman now on faculty at the University of Missouri, said in a *Columbia Journalism Review* article last February. "We can ill afford to pass up any decent opportunity to hold ourselves accountable, and to help the public understand all that we do to uphold our principles and to get our facts straight," Overholser said.

### **Criticism from Professional Organizations**

Professional organizations assist journalists in improving skills and in making legal challenges when their First Amendment rights are in question. The Radio and Television News Directors Association publicly applauded the U.S. Court of Appeals decision to allow live audio of oral arguments in the case of United States versus Microsoft (<http://www.rtna.org/news/2001/microsoft.shtml>). Officers of the Society of Professional Journalists (SPJ) regularly speak out against government intervention into the daily work of journalists. The value that these organizations place on journalistic freedom is evident in the criticism, praise, and even financial support they supply.

These same organizations also may create codes of ethics that help guide journalists' professional practice. When journalists break the codes, the organizations may occasionally state opposition to the violation. The SPJ Ethics Committee accused Fox, ABC, CBS, NBC, CNN, and the Associated Press of breaking the SPJ Code (<http://www.spj.org/ethics/code.htm>) by not "acting independently." All these major news agencies had contracted with Voter News Service for November 2000 presidential election returns, then relied on the service's inaccurate report that then-Vice President Al Gore had won Florida's electoral votes ([http://www.spj.org/news/112100\\_pressrelease.htm](http://www.spj.org/news/112100_pressrelease.htm)). This criticism is based on the assumption that news organizations should autonomously seek out and verify information rather than rely on contracted services. The value of acting independently provides a foundation for challenging the news judgments of journalists.

However, direct investigations and condemnations of inadequate reporting by industry insider organizations are rare. "If this (poor professional

practice) were happening in any other profession or power center in American life, the media would be all over the story, holding the offending institution up to a probing light," Pulitzer Prize winning journalist Sydney H. Schanberg wrote in a 1999 *Washington Post* editorial. "When law firms breach ethical canons, Wall Street brokerages cheat clients, or managed-care companies deny crucial care to patients, we journalists consider it news and frequently put it on the front page. But when our own profession is the offender, we go soft.

"No newspaper is eager to acknowledge its own deficiencies—or expose those of its peers (who might return the favor). Everyone has dirty linen," Schanberg added.

Meanwhile, the American public believes the media are not sufficiently self-critical and do not consistently demonstrate respect for the communities they claim to serve, according to studies by the American Society of Newspaper Editors (<http://www.asne.org/kiosk/reports/99reports/1999examiningourcredibility/>).

In response to this research, the Associated Press Managing Editors (APME) has taken a different approach in encouraging criticism by bringing readers and those directly impacted by the news into roundtable discussions with local newspaper editors and publishers. With support from the Ford Foundation, the APME-sponsored sessions examine journalistic credibility in newsrooms in all 50 states, said *Birmingham News* Managing Editor and Project Coordinator Carol Nunnelley. These forums allow external criticism to be brought inside newsrooms.

The *Spokesman Review* in Spokane, Washington, held its roundtable in January 2001, the first in the series. City council members, real estate developers, academics, and community activists held a two-hour discussion with newspaper editors and reporters. They considered the potential conflicts of interest for the newspaper's publisher, whose family developed a downtown mall and parking garage that became embroiled in controversy.

"This (dialogue) let the people who are stakeholders get together with the real journalists, and no filter in between there," said Chris Peck, APME president and *Spokesman Review* editor. "It required both sides to be more honest. It didn't allow people to rant and rave. If you were very distrustful of media or arrogant for the media, then someone would call you on it."

### Conclusion

Retired *Washington Post* correspondent Murrey Marder declared at the 1998 Nieman Watchdog Journalism Conference, "Fear of the abuse of power was the galvanizing force in the American Revolution and continues to be the strongest justification for a challenging and thoroughly independent press." Yet in the same speech, Marder said Americans don't trust their media because the media are far too secretive about the way journalism works. There is a tension amongst these variables: encouraging a watchdog press, encouraging criticism of that press while not stifling it, and maintaining freedoms for the press and its critics.

Some believe that that the watchdog role is best performed by outside groups, even if those groups have their own agendas. Others believe that those inside the media industry are best equipped to levy criticism, particularly because they are the most likely to be respected by journalists. In one way or another, however, all these watchdogs contribute to the on-going conversation of what it means to have a free press in a free society.

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# Journalism in the Era of the Web

By Bob Giles

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*Online journalism is feisty and combative, but its style and round-the-clock news cycle raise questions about how cyber-journalism can offer reporting compatible with journalism's highest standards.*

Mainstream news organizations are struggling to apply old-fashioned news standards to the Web, but are discovering it is not easy to translate the virtues of accuracy, balance, and clarity to a medium where the advantages of speed and timeliness prevail.

Web technology has strengthened the traditional watchdog functions of journalism by giving reporters efficient ways to probe more deeply for information. The capacity to search documents, compile background and historical context, and identify authoritative sources has expanded the reporter's toolbox. It also has introduced a fundamentally different culture built on interactivity, fewer rules, and fewer limits.

Speed and timeliness once were the strength of newspapers. The wire services built their reputations on being first with the big stories, which people typically found in their local papers. The immediacy of television took that edge from the printed press. Now the Web has established its own advantages of speed and timeliness, and in doing so it has enabled newspapers to come full circle by posting breaking news and extending their brand identities through such innovations as online afternoon editions.

At the intersection of traditional journalism and the Web, attempts to apply the standards of the traditional newsroom encounter such other values as freedom, irreverence, advocacy, and attitude. Web journalists argue that the Olympian tones of

the traditional press don't work online. They liken their new medium to the true spirit of the First Amendment to the U.S. Constitution, assuring freedoms of speech, press, and assembly. Online scribes observe that their new medium is reminiscent of a time when newspapers were feisty and combative. Ann Compton of ABCNews.com describes the essential difference between her online staff and the network's television journalists: "We write more brightly. We throw in more slang. There is a richness to the dot-com coverage that you really can't do on television." Similar comparisons can be made between the Web and daily newspapers.

Is such "richness" compatible with the highest standards of journalism? Can the freewheeling, provocative, irreverent nature of the Web adapt to a culture whose traditions have been shaped by a more sober, structured medium?

The process of establishing standards online is moving along, influenced by three developments. First is the reality that the dominant news Web sites will be run by the old media—the traditional news organizations such as daily newspapers, news-magazines, and network and major cable television outlets. What makes this a reality is the influence of the marketplace, which has been especially harsh to upstart dot-coms. Those with insufficient capital or marginal journalistic reputations or weak marketing strategies are being weeded out. Among the survivors are the mainstream news organizations that have the resources to build powerful Web sites and to insure that these platforms reflect the rigorous standards by which their print publications are written and edited.

Second are efforts by online journalists to craft standards for the Web. The Online News



Association is beginning a project to develop strong guidelines, including recommendations for how they can be applied and monitored. A grant from the John S. and James L. Knight Foundation will enable the Online News Association to hire a project director and meet a deadline of October 2001 for the guidelines it recommends.

Rich Jaroslovsky, president of the Online News Association and managing editor of The Wall Street Journal Interactive, says there is "a lot of steam behind the project." Too many online news decisions are being made "by the seat of the pants," Jaroslovsky says, "rather than having a reason for the decision. We hope to develop a document that doesn't direct but persuades," not just journalists but also those who are working in other online cultures and making distinctions between news and commerce.

The third and perhaps the most far-reaching influence on journalistic standards is the interactivity that results when journalists put their e-mail addresses on the Web. E-mail can bring instant feedback to a story just posted as well as to one that is read in the newspaper over coffee in the morning. Some reporters are constructing barriers to such

engagement with readers, preferring instead to not have e-mail or to be shielded by a filter that lets through only the messages they think they want to have.

E-mail enables reporters and editors to hear from people who may know something about the story and who can share an authoritative perspective, provide additional sources, or raise the possibility that the story may be unbalanced or unfair. The potential for such interactivity is that it can contribute to raising the level of journalistic performance.

Jon Katz, a Web commentator who writes for Slashdot.com, says, "The surprising thing to me is the degree to which I am held accountable by readers for what I am doing. Whatever you are writing, your column makes its way to the most knowledgeable people on the subject .... What you learn is your column is not the last word, it's the first word."

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# News in the Age of Money

By Diana B. Henriques  
Financial Writer at the *New York Times*

*Beginning in the early 1980s, the U.S. economy began to surge in harmony with the markets, churning out jobs and wealth. The author explores how well journalists have covered this age of money and dealt with its age-old temptations.*

In 1980, I was working in New Jersey as an investigative reporter at *The Trenton Times*, trying to unravel the local angles of the FBI's wacky "Abscam" sting, in which members of Congress were secretly filmed accepting bribes from undercover agents posing as aides to an Arab sheik. By the end of 1982, I was a business reporter, covering the Latin American debt crisis for *The Philadelphia Inquirer*. The media monitor Dean Rotbart estimates there were only a few thousand business journalists in 1980. When his newsletter, *TJFR Business News Reporter*, first counted noses in 1988, there were about 4,200 of us in the top fifty newspaper markets and at national business publications in the United States.

Trained on political news beats, we were utterly unprepared to cover the economic legacy of the 1970s. Before we had memorized all the members of OPEC, the next "war" was upon us—Federal Reserve Chairman Paul Volcker's campaign to curb inflation. This demanded something new: a vocabulary capable of explaining the deadly mismatch between the borrowing and lending rates at banks and savings and loans (S&Ls), a grasp of the relationship between risk and reward, and at least a rudimentary idea of who regulated banks, S&Ls, money market funds, and insurance annuities. It was not our finest hour, to say the least.

The bright side of this frantic, learn-on-the-fly journey has been that each working day brought a

new opportunity to stretch and grow. A less satisfying consequence of our odyssey is that we have been constantly climbing the steep slope of the learning curve. Our early ignorance made skepticism and independent analysis difficult. And too often, before we could get around to producing the lucid, profoundly informed pieces that are the joy of the learning curve's summit, we were once again in unfamiliar territory.

Technology, most of all, is rocking the boat from which we are trying to cover it. No longer mere journalists, some of us are now "multi-media content providers." In 1980, searching the archives meant leafing through fat envelopes of fragile clippings; today, everybody's old stories are a double-click away. Back then, the only way I could file a story from outside the newsroom was to dictate it over a public telephone to some rewrite person. Today, I dictate my stories to the voice-recognition software installed on my laptop computer and file them by e-mail, checking in on my cellular phone later to see if the copy desk has questions.

On good days, I believe that this remarkable twenty-year boom in business news has produced a financial press corps of unparalleled depth and breadth, and that today's technology is simply empowering us to do more, better, faster. But if today's best and brightest are far more savvy about the modern machinery of business journalism, they seem far more naïve about its age-old temptations. Those covering the "new economy" for the "new media" seem especially mystified about why it's such a big deal if they invest directly in industries they cover, or accept cheap insider stock in some industry pal's IPO (initial public offering), or do consulting work on the side for technology companies.

Janelle Brown, writing thoughtfully in *Salon* in mid-1999, suggested that we need fresh ethical rules "flexible enough to anticipate new issues that will surely arise in this fast-paced industry, where the lives of journalists are increasingly entwined with the people whom they write about and companies that they cover. Or must all technology journalists simply accept that by joining the writer corps they are taking an oath to disavow the temptations of technology riches?"

Well, yes. At least those riches that raise questions about the independence and credibility of their reporting. A technology journalist can avoid unseemly conflicts simply by investing only in broad-based mutual funds. (Of course, those funds may own some technology stocks, silly. But somebody besides you will be deciding which stocks to own and for how long. And yes, those who work for Internet news organizations have a personal stake in the sector whether they own shares or not—but it's fully disclosed on your business card, for heaven's sake.)

These are not, after all, "new economy" issues. Selling out has been a temptation for journalists since the Republic was a pup. The Congressional investigation of the 1929 stock market crash turned up evidence that market manipulators had paid New York newspaper reporters to tout stocks on demand. Ronald Steel noted, in his magnificent biography of Walter Lippmann, that the legendary pre-war journalist Arthur Krock, while at the *New York World Telegram*, actually moonlighted as a public relations adviser to the Wall Street firm of Dillon, Read. Maintaining an undisclosed personal stake in any arena that you are supposed to be covering independently and objectively—whether it's a political movement, a Broadway play, or an Internet stock—violates pre-Cambrian concepts of journalistic ethics. And in every generation, there have been sincere but misguided journalists who believed that, in their case, it was different.

One of them was, like me, an émigré from local journalism in Trenton. In 1981, he went to work at the Dow Jones News Service and in July 1982, he was hired by *The Wall Street Journal* to help write the paper's influential "Heard on the Street" column.

His name was R. Foster Winans.

Like today's young technology journalists, Winans found that his life soon became "entwined" with the rich, clever people he covered. He, too, was disgruntled over the stinginess of journalism paychecks. He, likewise, was certain he could invest on the side without "letting my investment alter my judgment at work in any way." Soon after he arrived at the *Journal*, Winans secretly bought 400 shares in a small, illiquid company, American Surgery Centers, and then wrote positively about the company in his column.

"I knew what I was doing was technically unethical for a journalist," he wrote in his memoir, *Trading Secrets: Seduction and Scandal at The Wall Street Journal*, published by St. Martin's Press in 1986. But he somehow reasoned that "the ethical question was purely one of appearances .... If no one ever found out, no one would perceive a potential conflict and, therefore, I would not have done anything unethical. It was slightly circular reasoning but it got me past the big hurdle."

Soon, Winans had agreed to tip a broker in advance about stocks that would be mentioned in his "Heard on the Street" columns, in exchange for a share of the profits. He made about \$30,000 on the deal, more than he made in a year at the *Journal*. The outraged *Journal* reported on March 29, 1984, that regulators were investigating the scheme. In June 1985, Winans was convicted of various federal mail and wire fraud charges; he was later sentenced to eighteen months in jail. In 1987 the U.S. Supreme Court upheld his conviction.

Although Winans insisted to the end that he had not violated any laws, he knew what he had done to his fellow journalists. He had "confirmed the suspicions of many investors about stock market writers—that they take personal advantage of the information they gather. Realizing this hit me pretty hard."

Looking back after 16 years, I still feel that the Winans affair put all the fearsome temptations of modern business journalism into razor-sharp relief for me. How could anyone mistake these for fuzzy-edged issues? But Matt Welch, a trenchant young media critic for the *Online Journalism Review*, told me recently that he is convinced that Winans's sins, if committed today, would not provoke one-tenth the

media outrage expressed in 1984. When a Silicon Valley gossip columnist accepted cheap pre-IPO shares from a local technology mogul, he noted, many supposedly sensible professionals wondered aloud whether she had done anything wrong. "Journalists see all these people getting rich—including other journalists, back when online content was worth something," Welch says. "And a lot have really lost their bearings."

I can only hope that he is wrong. If he isn't, no matter how rich today's young journalists become in this great business-news bazaar, journalism itself will be poorer beyond measure.

But let's assume, under the influence of some persuasive Chardonnay, that most of us will attain the rocky promontory of intelligent skepticism and dig in there for the duration, regularly producing lucid, hard-headed business coverage. And let's further predict—yes, please, just another splash of that wine—that most of us will do so with our honor and reputations intact. We would still just be talking about what kind of people we are. And ultimately, this boom in business journalism is not really about us. Rather, it is about our relationship with those we're trying to reach—whether we call them readers, viewers, or (heaven help us!) "eyeballs."

Most new business writers back in 1980 instinctively and perhaps wrong-headedly approached local business news from the perspective of the workers involved—after all, we were workers ourselves, with a healthy mistrust of what passed for management in the

newspaper business. As the 1980s rocketed along, our "readers" became "consumers." As the 1990s unfolded, those "consumers" morphed into "investors." And today, some of us are speaking only to investors who also own computer modems.

A sad thing has happened along the way: as our intended audience has gotten narrower, so have we. Business news today rarely sounds the sonorous chords or heart-lifting themes of great journalism. Most of it simply buzzes and squeaks, a reedy clarinet against a rhythm section of cash registers and ticker tape. The men and women who scrambled to explain the economic turmoil of the 1970s—the gas lines and the shuttered factories and the apparent erosion of American competence—were not writing for consumers or investors. They were writing for citizens, for people who cared deeply about how this nation turned out. They assumed an audience whose concerns stretched far beyond the performance of their 401(k) and the leasing arrangements on their Jeep Grand Cherokee.

I don't know about you, but I'd rather be writing for those people again. I suspect that nothing we achieve in terms of competence and integrity as business journalists in the years to come will matter very much, unless we do.

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*Diana B. Henriques is the author of two business histories. Reprinted from Columbia Journalism Review. November/December 2000.*

# Media Ethics Codes and Beyond

By Robert Steele and Jay Black

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*Codes of ethics can help newsroom staffers make sound decisions and build journalism credibility about the many ethical problems they may encounter in their work. The American Society of Newspaper Editors (ASNE) asked two leading media ethicists to analyze 33 current codes of ethics assembled by its Ethics and Values Committee. The goal was to highlight the most common and useful aspects of these documents to help editors evaluate their own code of ethics, if they have one, or help them create one, if they choose.*

The recent flurry of code writing suggests that editors and news staffs are taking issues of ethics seriously. The process of drafting and redrafting and debating and implementing the codes has good therapeutic value in and of itself. Even better, newspapers with clearly enunciated principles and stated values, combined with strong ethical decision-making skills, can better serve their readers and the public interest. Therein lies an essential connection to credibility.

It is no surprise that the 33 codes of ethics offered by ASNE member newspapers include a wide range of approaches for handling moral dilemmas. Some are heavy on time-honored tradition, and others venture into the impact of the new technologies at the turn of the new century.

Most of the codes are long lists of "do's and don'ts," salted with an occasional element on the decision-making process. Some take a decidedly user-friendly stance, reading like conversations between

colleagues who respect one another's quests for excellence. Others are much more negative in tone, loaded with "thou shalt-not's" and infused with a paternalistic tone implying that staffers are inclined to get away with anything not specifically forbidden by the codes.

The most popular subject in these codes is conflict of interest, which includes issues ranging from accepting gifts and travel junkets to political involvement and community activity. About half of the codes we examined deal with the subjects of sources and matters of manipulation of photographs. Fewer deal with corrections and plagiarism.

Missing from many codes are standards or discussion of privacy, deception, identification of juvenile suspects, and racial stereotyping. Fewer than one in five codes address the subject of tensions between the editorial and advertising departments. Many codes ignore the subject of enforcement.

These 33 codes also vary greatly in length. *The Daily Press* of Newport News, Virginia, weighs in with some 8,000 words, while *The Arizona Republic*, in Phoenix, among others, is a comparatively pithy 500 words.

This was not a random sample, since these were voluntary submissions to a general call. However, these codes reflect the various ways American newspapers address matters of ethics.

In looking at these 33 codes, we found that newspaper codes of ethics, like those of most professional institutions, try to serve at least two important functions: public relations and education. A good newspaper code promotes ethical thought

and behavior within the newspaper, showing newcomers where the landmines are and reminding veterans of the newsroom's values and norms. It also justifies journalists' activities to the public at large, especially during times of diminished credibility and intensified public scrutiny. These functions are often reflected in the codes' preambles. Following are some excerpts and examples from the 33 codes submitted for our review.

### **Public Relations**

Good examples of codes sensitive to public relations are the following:

The code of *The News & Observer*, Raleigh, North Carolina, states:

For *The News & Observer* to be the area's primary source for news and information, we must have the trust and confidence of our readers. Readers must know that the newspaper that arrives on their doorstep every morning is there to serve them not politicians of a certain stripe, not special interest groups. That puts the burden on us editors, reporters, copy editors, news researchers, photographers, designers, graphic artists, and support personnel to avoid conflicts of interest or even the appearance of such conflicts.

A newspaper code that eloquently seeks to remind its staffers of ethical decision-making, with an eye on public image, is Florida's *Orlando Sentinel* which states:

We stand for the journalistic values of truth, honesty, courage, fairness, compassion, balance, independence, credibility, and diversity.

We seek the truth and report it as fully as possible under deadline pressures, striving for clean, concise, complete reporting.

We seek out and disseminate competing perspectives without being unduly influenced by those who would use their power or position.

We seek to give a voice to the voiceless.

We seek to treat sources, subjects, and colleagues as people deserving our respect, not merely as a means to our journalistic ends.

We seek to inform our readers and to reflect fairly the breadth of our community.

Our first obligation is to our credibility—that is, to the public at large and not to any other person, business, or special interest. Employees should avoid any activity that would impair their integrity or jeopardize readers' trust in us.

### **Conflict of Interest**

As noted earlier, conflict of interest, including matters of independence and personal behavior, is the most popular element of the codes we examined.

Only one of the 33 newspapers did not address this issue—one-fourth of the codes deal exclusively with issues of conflict of interest with no attention paid to any other issue. *The San Francisco Chronicle* (California) deals with many newsgathering issues in its 2,000-word statement on "Ethical News Gathering," but doesn't address conflict of interest.

The second-most common element of the codes we examined is news sources. Of the 33 codes, 18 deal with matters of source-reporter relationships and confidentiality agreements in some fashion. Some papers handle this issue in a few sentences, and others devote several pages of their policy to this matter.

Interestingly, the issue of manipulation and alteration of photos is included in about half of these 33 codes. One would not have found this matter addressed in most newspaper codes a decade ago.

Perhaps surprisingly, fewer than half of the 33 codes we examined address the issue of corrections. Only 13 of the 33 codes include anything on plagiarism.

Matters of deception and misrepresentation are included even less often. Only 11 of the 33 codes pay any attention to this matter. While several of the codes deal extensively with issues of privacy and

set forth guidelines for newsgathering, only one-fourth of the codes address the issue at all. About the same percentage of codes address matters of handling quotes and issues of fabrication of characters or conversation. Only four of the codes include any guidelines on one of the tough issues newspapers face these days: identification of suspects, and juvenile suspects in particular.

### **Timeless Values**

To be sure, these codes include considerable attention to journalism's foundational principles and the timeless values. Here are some of the better examples.

*The Journal News* of White Plains, New York, (formerly Gannett Suburban Newspapers) includes this in the section on fairness:

Allegations against an individual often require a response. If the person cannot be reached, say so—but only after a serious effort to get to the person has been made. Consider delaying publication, if possible, to reach the other side; if that is not possible, consider continuing to try to get to the person for an insert for later editions or for a follow-up story. If publication of a story has been delayed, additional efforts to get to persons unavailable at the time of writing should be considered.

### **New Technology**

*The Journal Gazette* (Fort Wayne, Indiana) is one of the few papers to even address matters of the Internet in its ethics policy:

Apply our high standards for accuracy and attribution to anything you find using electronic services. Make certain a communication is genuine and information accurate before using it in a story.

Raleigh's *News & Observer* also addresses matters of ethics in the use of the Internet. Its section on plagiarism reads:

Don't present other people's ideas or writing and pass them off as your own. With the explosion of the Internet, we have more access

to more information from more sources, but we have to resist the temptation to use it without attribution. This policy is simple, and it's safe: Don't do it.

### **Sources and Reporters**

*The San Francisco Chronicle's* code offers one of the clearest treatments on the always-thorny matter of dealing with sources that want confidentiality. It reads in part:

A reporter who pledges confidentiality to a source must not violate that pledge. If the reporter is asked by an editor for the identity of a source, the reporter should advise the source of the editor's request. If the source wishes to withhold his or her identity from the editor, then the reporter and editor must decide whether or not to use the information even though the source's identity remains known only to the reporter.

### **Editorial Independence**

*The Kansas City Star* (Missouri) is one of the few papers in our survey to address possible tensions between the roles of the editorial and business sides of the paper. In its conflicts of interest section of the code of ethics, the policy reads:

Maintain a clear line between advertising and news. We are especially inviting as targets of threats to remove advertising if we don't write positive stories. In cases of special sections produced by the editorial department, editors will exercise sole judgment over content.

The newsroom ethics policy of the *Statesman Journal* in Salem, Oregon, has something to say about journalistic independence in an era of new approaches to reporting and community connections:

Take care when cooperating with government and other institutions on public journalism projects. Often, these efforts are worthwhile and in the readers' interest. But they can also compromise our independence.

## **Diversity Issues and Racial Identification**

One of the most challenging issues faced by newspapers is dealing with matters of diversity, including the use of race as an identifier in stories and matters of racial stereotyping. Only five of the 33 papers address this issue in their codes.

White Plains' *Journal News* takes a more detailed approach in its "Standards of Professional Conduct" for news employees:

Do not describe a person by race, religion, or ethnic background unless it is pertinent to the story. Do not quote racial, ethnic, or religious jokes or slurs unless essential to the story (they rarely will be).

In descriptions of crime suspects, do not use racial or ethnic characterizations unless they are part of a fairly complete description of a fugitive suspect that could reasonably assist the public in helping police.

Be especially sensitive to nuances of using any references that may be offensive to a minority group. If there are inoffensive alternatives, use them.

Stories, illustrations, and photographs should be mainstreamed; that is, an effort should be made to include minority representation in routine ways so that our news coverage more accurately reflects the makeup of the communities we cover.

Be wary of racial stereotyping in photographs.

## **Enforcement**

Of the 33 codes we examined, many do not address enforcement. Of those that do, the treatment is usually brief and general. Many of the codes contain some reference to the fact that no code can anticipate all problems, suggesting the need for consultation with supervisors whenever a potential problem arises. However, few spell out a systematic process for airing a grievance or resolving a conflict.

The code of ethics of *The Dallas Morning News* (Texas)

merely states that "violating some guidelines could result in disciplinary action or termination."

*The News Journal* in Wilmington, Delaware, is the most expansive in its treatment of enforcement of its code. It includes seven specific points, one of which speaks to an honor code concept: "It is the obligation of staff members to bring any violation of this code to the attention of the supervisor or the editor."

## **Codes and Credibility**

While all 33 codes we examined address specific standards of individual behavior generally in negative "thou shalt not" terms, only about half of them use positive terms to clearly enunciate journalists' roles, moral obligations, and professional responsibilities.

That red light tone emphasizing restrictions, as opposed to a green light tone emphasizing duties and responsibilities, may protect the paper in some ways, only to leave it vulnerable in others. We can only infer, from reading the codes, how many newsrooms have a well-oiled process for decision-making. But if our reading is correct, it seems that in most of these newsrooms and at least on the issues addressed in these codes, the solution to ethical dilemmas lies much more in deference to a rule book and the official voice of supervisors and less in critical thinking, discussion with peers, and effective protocols for decision-making.

Ethicists are fond of saying that reliance upon codes is the halfway point between visceral devotion to gut instincts and the application of ethical reflection and reasoning. Indeed, blind obedience to codified rules is about on a par with blind obedience to authority or to unquestioned tradition. At best, codes move us away from dogmatic behaviors and toward reasoned behaviors based on wisdom of the ages. Codes are not the panacea for all the ethical dilemmas in the news or any other business, nor are they the solution to the credibility crisis.

As we wrote in *Quill*, the official magazine of the Society of Professional Journalists (SPJ), after SPJ revised its code in 1996: "Carefully written codes highlight and anticipate ethical dilemmas so we don't all have to reinvent a decision-making process



each time we face a new dilemma; they inspire us about our unique roles and responsibilities; they make each of us custodians of our profession's values and behaviors, and inspire us to emulate the best of our profession; they promote front end, proactive decision-making, before our decisions 'go public.'"

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# additional resources

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# Selected Internet Resources

## **American Society of Newspaper Editors**

ASNE is the leading organization of daily newspaper editors in the Americas.

<http://www.asne.org>

## **The Committee to Protect Journalists**

CPJ is a nonprofit, nonpartisan organization dedicated to the global defense of press freedom.

<http://www.cpj.org>

## **Facsnet**

Facsnet is devoted to improving the quality of information reaching the public through the news, and providing educational programs, publications, and online resources.

<http://www.facsnet.org>

## **The Freedom Forum**

The Freedom Forum is an international, nonpartisan foundation dedicated to freedoms of press and speech.

<http://www.freedomforum.org>

## **The International Press Institute**

The International Press Institute is a global network of journalists, editors, and media executives, dedicated to freedom of the press and improving the standards and practices of journalism.

<http://www.freemedia.at/index1.html>

## **Investigative Reporters and Editors, Inc.**

IRE works to maintain high professional standards and provides educational services to reporters, editors and others interested in investigative journalism.

<http://www.ire.org>

## **Newspaper Association of America**

An Internet gateway to a wide range of World Wide Web sites for North American and international newspapers, news weeklies, business publications, and alternative news sources.

<http://www.naa.org/hotlinks>

## **The Organization of News Ombudsmen**

ONO is a nonprofit, international corporation devoted to maintaining contact with news ombudsmen worldwide.

<http://www.infi.net/ono>

## **The Pew Center for Civic Journalism**

A center for innovative journalistic endeavors striving to create and refine better ways of reporting the news in order to engage citizens in community life.

<http://www.pewcenter.org>

## **The Pew Research Center for the People and the Press**

An independent opinion research group, sponsored by the Pew Charitable Trusts, that studies public attitudes toward the press, politics and public policy issues.

<http://www.people-press.org>

## **The Poynter Institute**

The Poynter Institute is a school for journalists, dedicated to the promotion of excellence and integrity in the craft and leadership of successful journalistic enterprises.

<http://www.poynter.org>

## **Radio-Television News Directors Association**

RTNDA is an association for electronic journalists. In cooperation with the Radio-Television News Directors

Foundation, RTNDA promotes excellence in electronic journalism through research, education and training for news professionals and journalism students.

*<http://www.rtna.org>*

**The Reporters Committee for Freedom of the Press**

A nonprofit organization dedicated to providing free legal help to journalists and news organizations.

*<http://www.rcfp.org>*

**The Society of Professional Journalists**

The Society of Professional Journalists is the largest and most broad-based U.S. journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior.

*<http://www.spj.org>*

