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The Evolution- and Devolution- of Journalistic Ethics

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With undergraduate and law degrees from Brigham Young University, Dr. Jennings has written six textbooks, and more than 130 articles. Her column in the *Arizona Republic* has been reprinted

by the *Wall Street Journal*, the *Chicago Tribune*, and other newspapers nationwide. A collection of her essays, *Nobody Fixes Real Carrot Sticks Anymore*, was published in 1994. ♣

Journalists are the eyes and ears of society. They gather, sift, and communicate millions of pieces of information. But as Marianne Jennings warns, some journalists believe that the facts are less important than a story that "sells" or that promotes a cause.

Professor Jennings delivered her remarks at the February 1999 Center for Constructive Alternatives seminar, "The Fourth Estate: A History of Journalism," which was co-hosted by Hillsdale's newly established Herbert H. Dow II Program in American Journalism.

A lawyer by training and a newspaper columnist by avocation, I teach ethics at a business school. People tell me that's four oxymorons in one sentence.

My unusual career choices have made me realize that lawyers, businessmen, and journalists wrestle with the same ethical concerns. But journalists face the greatest challenge. They not only have to decide whether to follow a code of ethics personally but also whether that code should apply to the stories and the subjects they cover professionally.

There's an old joke about journalism that bears repeating: Imagine that the Lord has just given Moses the Ten Commandments, which are the core of the ethical systems of Judaism, Christianity, and Islam. As the old Hebrew prophet descends from the mountain, the reporters crowd around him for the inevitable press conference. Then they report breathlessly to their television and radio audiences: "Ladies and Gentlemen, Moses has just returned from Mount

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Sinai with Ten Commandments from God, the two most important of which are”

Unfortunately, journalists often regard ideas about right and wrong as old-fashioned and outmoded. And they often fail to live up to high ethical standards. Consider this real-life admission by a famous reporter:

Tales of lawsuits no court had ever seen involving names no city directory had ever known, poured from me. Tales of prodigals returned, hoboes come into fortune, families driven mad by ghosts, vendettas that ended in love feasts, and all of them full of exotic plot turns involving parrots, chickens, goldfish, serpents, epigrams, and second-act curtains. I made them all up.

Was it *New Republic* associate editor Stephen Glass? He was fired in May 1998 for making up out of whole cloth half a dozen articles and fabricating portions of more than 20 others. Or was it *Boston Globe* columnists Patricia Smith and Mike Barnicle? It was revealed in June 1998 that they were allowed to keep on writing for years after their editors suspected that they were making up people and events. Or was it CNN’s star producer April Oliver? Oliver was booted from the network in July 1998 after airing a false story claiming that the U.S. military used nerve gas in Laos.

Actually, it was Ben Hecht, the legendary newspaperman who began his career at the *Chicago Journal*. In 1910, as a cub reporter, Hecht confessed to making up news stories and was suspended for a week. He was never again to write fiction as a journalist—but he did go on to do so as a highly successful novelist and Hollywood screenwriter. You may remember seeing the original or one of the many remakes of his most famous screenplay, *Front Page*, a 1928 comedy about—what else?—reporters caught up in their own lies.

Journalists are tempted to fiddle with the truth because they need to write sensational stories that will sell newspapers. The “scoop” was everything back in 1910, and it still is today.

Freedom of the Press

In 1947, Henry Luce, the founder of *Time*, *Life*, and *Fortune* magazines, commissioned a report which concluded that the press:

- wields enormous power for its own ends;
- propagates its own opinions at the expense of opposing views;
- allows advertisers to dictate editorial content;

- resists social change;
- prefers the superficial and sensational;
- endangers public morals;
- invades privacy;
- is dominated by one socioeconomic class;
- interferes with the open marketplace of ideas.

Luce was livid when he read this report. He feared that Congress would step in and take control. Fortunately, Congress refrained, and we still have freedom of the press as outlined in the First Amendment.

A newspaper publisher was once confronted by a prominent businessman who complained, “I don’t like what your reporters and editors have been saying about my company.” The publisher wisely replied, “I’m sorry, but I can’t control these people.” We should not want to control “these people” through government regulation. But we should expect them to deal honestly and fairly with their subjects, and we should hold them responsible in the courts and in the marketplace.

Rights Without Responsibilities

The 18th-century British conservative statesman Edmund Burke called the press the “fourth estate,” implying that it was as important and as influential as the three estates, or branches, of government. His contemporary and ideological foe, the French philosopher Voltaire came up with what (as it was later paraphrased) became the rallying cry of the press: “I disapprove of what you say, but I will defend to the death your right to say it.” Both men would have agreed with former U.S. President John Adams when he wrote in 1815:

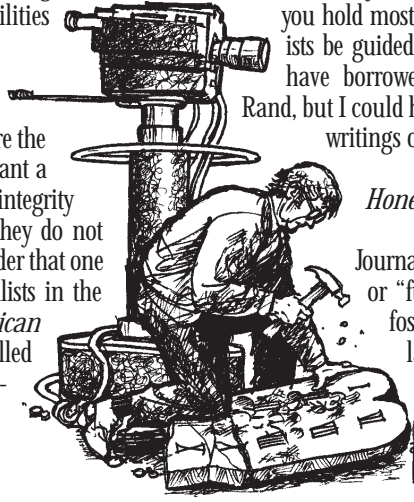
If there is ever to be an amelioration of the condition of mankind, philosophers, theologians, legislators, politicians, and moralists will find that regulation of the press is the most difficult, dangerous, and important problem that they have to resolve. Mankind cannot be governed without it, nor at present with it.

A free press is necessary for the effective functioning of our republic. But it is also an invitation to abuse.

Given all the scandals that have occurred recently, journalists have been trying to agree upon a professional code of ethics. The American Society of Newspaper Editors and the Society of Professional Journalists have each published their own version. I have read them with interest. They

are well crafted and feature many sound ideas. But they err gravely by focusing less on journalists' conduct than on the "public's right to know." In other words, they say a lot about the rights and very little about the responsibilities of the press.

As an ethics professor, I have also found that those who rely most on written codes of conduct are the most unethical among us. They want a fancy document certifying their integrity that they can wave around, but they do not want to be bound by it. It is no wonder that one of America's most popular journalists in the early to mid-20th century, *American Mercury* founder H.L. Mencken, called ethical codes for journalists "flap-doodlish and unenforceable."



This student, like a number of ethically-challenged journalists today, doesn't seem to realize the importance of value-based decisionmaking. First and foremost, you should define the values that you hold most dear. I propose that journalists be guided by five important values. (I have borrowed them from novelist Ayn Rand, but I could have easily found them in the writings of many thinkers.)

Honesty

The first value is honesty. Journalists should not invent stories or "fudge" facts. Nor should they foster false impressions. This last provision may be the most critical. My son Sam would never tell an outright lie, but he is willing to tell less than the whole truth. His second grade teacher put his name on the chalkboard if he failed to follow the rules. My husband and I asked him every day after school, "Did you get your name on the board?" and he would answer truthfully. When he was in the third grade, we asked the same question, and the answer was always "No." We were thrilled that his conduct had been so exemplary.

Then we learned from his teacher that she had changed the policy; names were no longer written on the chalkboard but on index cards. We went home from parent-teacher conferences to confront our son: "Sam, you lied to us. You told us that you were good." Sam replied earnestly, "No, I did not lie to you. You asked me if I got my name on the board, and the answer was always 'no.'"

My husband looked at me and sighed. "Dear," he said, "we are raising a president."

Likewise, it is wrong to exaggerate the truth. In 1992, NBC's *Dateline* presented an investigative report on GM trucks. There is no question that there was a problem with the gas tanks. But the show's producers secretly detonated incendiary devices in a staged crash. The editor of a popular car magazine exposed the scandal, but it was not until GM spent \$2 million on a full-scale investigation that NBC admitted any wrongdoing, and even then President Michael Gartner insisted that the segment was "fair and accurate."

This is deeply troubling, especially since television news is the primary source of news in the world today. As syndicated columnist Richard Reeves says, it is a form of mass media that is fraught with ethical problems since millions of viewers believe the camera doesn't lie.

Value-Based Decisionmaking

Many journalists are content to practice what I call "Jurassic Park ethics." Have you seen *Jurassic Park*? You should, if for no other reason than because a lawyer is eaten alive. In this movie, a wealthy businessman finds a way to genetically engineer DNA so as to revive extinct species. He uses this ingenious process to create a theme park full of live dinosaurs. He stands to make untold millions, but his lawyers are afraid that the park is unsafe. To allay their fears, the developer invites a team of scientists to investigate. One, a mathematician, states his doubts, which go far beyond the question of safety. He basically says, "The problem that I have with what you have done here is that you spent so much time asking whether you could do this that you forgot to ask whether you *should* do this."

Unless journalists grapple with the "should" question, written codes of ethics are meaningless.

Let me explain further by relating an incident that happened recently in my classroom. A student asked me, "Would you embezzle one million dollars from your employer if your mother needed it to pay for a lifesaving operation?" My response was an emphatic "No!" He was upset and cried, "Why, you heartless wench! No wonder I'm getting a C in this class." It never occurred to him that there were other ways to phrase the question. If he were to say, "Would you raise the money for your mother's operation?" my answer would be "Yes!" If he were to say, "Would you pledge everything you owned for your mother's operation?" my answer would again be "Yes!"

Independence

The second value is independence. Journalists should avoid conflicts of interest. One such conflict occurred in 1998, when the Walt Disney Company, which owns Capital Cities/ABC Inc., killed an ABC television news magazine series on lax security and pedophilia in amusement parks. Another conflict occurred when ABC anchor and celebrity interviewer Barbara Walters ran a flattering profile of composer Andrew Lloyd Webber just before *Sunset Boulevard* opened in 1997. What Ms. Walters failed to disclose and what the *New York Post* revealed the following week was that she had invested \$100,000 in the new Broadway musical. Ironically, Ms. Walters responded like the typical businessman who is so often the target of *20/20* ambush interviews. She said, in effect, "How could you ever think that I would compromise my integrity for money?"

Fairness

The third value is fairness. While it could be argued that the truth by definition is fair, the 19th-century British poet William Blake was right:

A truth told with bad intent
Beats all the lies you can invent.

The "truth" in the January 25, 1999 issue of *People* profile of Chief Justice William Rehnquist was meant to wound: "Among the controversies [surrounding Rehnquist] were reports that covenants on his house in Phoenix and a vacation home in Vermont prohibited their resale to racial or ethnic minorities." A parenthetical note followed: "(Rehnquist claimed he had been unaware of the covenants.)"

The obvious implication is that the Supreme Court is led by a closet racist.

Now, one of my books is a real estate law text (in its fifth edition), and I can assure you that there are very few properties in the United States that don't have racial covenants hidden somewhere in their history. Such covenants were declared unconstitutional in the 1950s, but to require property owners or clerks to physically strike them from all the land records in the nation would be an undertaking greater than trying to prepare for Y2K. We don't have the resources, we don't have the funds, and it is plain silly since the covenants have been declared invalid. Furthermore, covenants often appear only in chains of title and not in the deeds. So property owners are not likely to know that they even exist.

Fairness is also endangered by personal bias. A journalist may agree with the individuals, organizations, and causes he is covering, so it may be hard for him to report anything negative.

Similarly, he may disagree and find it hard to say anything positive. Scan any newspaper for stories about, say, the environment, and you will quickly discover that many journalists are predisposed to consider environmental activists the "good guys" and oil company presidents and loggers the "bad guys." Or watch all the junk science television news specials about pesticides, food additives, breast implants, nuclear power, and global warming. Reporters are reputed to be natural-born skeptics, but they almost never challenge the alarmists on these important issues.

Productiveness

The fourth value is productiveness. Journalists should do their own homework. The secret of success in any field is plain hard work, but in journalism it is also the key to getting the story right. Some of the best reporters are often referred to sneeringly as "junkyard journalists," but that's because they go where no one else is willing to go and they check up on the little leads that appear to be dead ends.

Doing your work means that you do not accept the word of somebody else; you check the facts yourself. That's what Rod Decker, a local KUTV reporter, did in Salt Lake City in 1998. He broke one of the biggest stories of the year when he discovered that bribery and widespread corruption influences the way Olympic sites are chosen. Although most members of the community were uncomfortable with his revelations and some became hostile, Decker persisted.

Then there is the enterprising, diligent, and courageous reporting of *Newsweek* veteran Michael Isikoff. As one source admits, "Years from now, when we look back on the Clinton impeachment scandal, Michael Isikoff's name will be stamped on the story." Despite his editors' strong disapproval, he painstakingly investigated allegations of sexual misconduct on the part of the president. He did so as a serious reporter, not a tabloid sleazehound, yet he is now branded as such by Clinton supporters.

Isikoff has no regrets. He states that he is glad that he pursued the truth. This puts me in mind of an old adage that his critics would do well to heed: "The truth is violated by falsehood but outraged by silence."

Pride

The fifth value is pride. Permit me once again to use an example from my own life. Years ago when I was working in the U. S. Attorney's Office, we did not have word processors. One of the secretaries finished making final copies of a 75-page brief for an appellate case. At the last minute, I discovered a typographical error. I went to the senior attorney and said, "This is not my fault. I corrected the typo

on the last draft, but the secretary missed it.”

He looked at me and said, “Does it have your name on it?” When I replied that it did, he said matter-of-factly, “Then it is *your* mistake.”

It doesn’t matter how many people help a journalist on a story. When it appears in print or on the air with his name on it, he has to take responsibility for it. This is a hard lesson that even veteran journalists have difficulty learning. Remember the dishonest CNN report I mentioned earlier about alleged use of nerve gas in Laos? The “star reporter” who presented that report to the

American public was Peter Arnett. Arnett was not fired. He was reprimanded by the network after insisting that he hadn’t really done any real reporting at all; he had just read the script that was handed to him. But he allowed his name to appear in the credits for a story that turned out to be false. Shouldn’t he have held himself accountable?

Clearly, value-based decisionmaking is lacking in the modern media. As consumers of the news, we ought to do everything in our power to remind journalists that it should be paramount. ▲

Television News: Information or Infotainment?

Michael Medved
Film Critic, Radio Host

Longtime co-host of the LPBS series *Sneak Previews* and chief film critic for the *New York Post*, Michael Medved now hosts a daily three-hour radio talk show syndicated in more than 100 cities throughout the United States and serves as a member of the Board of Contributors for *USA Today*.



An honors graduate of Yale and a Hillsdale College Life Associate, he is the author of eight nonfiction books, including the best-sellers *What Really Happened to the Class of '65*, *The Shadow Presidents*, *Hospital*, and *Hollywood vs. America*. His latest book, *Saving Childhood: Protecting Our Children from the National Assault on Innocence*, was written with his wife Diane Medved, who is a clinical psychologist and best-selling author. ▲

At Hillsdale College's February 1999 CCA, film critic and radio host Michael Medved argued that the "line between news and entertainment has been obliterated in our television-obsessed culture" and that this is because of the nature of the medium.

A recent Gallup poll reveals that *Hustler* publisher Larry Flynt enjoys a higher personal approval rating (42 percent) than House Judiciary Committee chairman Henry Hyde (30 percent). I can't think of a better or more disturbing example of the tremendous power of television news.

Newscasters and correspondents seldom if ever identify Flynt as a hard-core pornographer. Instead, he is politely referred to as a “controversial defender” of the First Amendment and freedom of the press. Even when the White House brazenly misidentified Flynt (one of Clinton’s staunchest allies) as a publisher of a “news magazine,” it provoked merely titters rather than indignation. Is this because Tom Brokaw and Peter Jennings consider Flynt a colleague? Even if Flynt owned a gold-plated press pass and a trunk full of Pulitzer Prizes, I doubt that they would want to be professionally associated with him.

They don’t call him by his true name (“Pornographer General,” as dubbed by Wes Pruden of the *Washington Times*) because the line between news and entertainment has been obliterated in our television-obsessed culture. Flynt is not just a sick sideshow figure anymore; he is a newsmaker. And he is not the only one to benefit from this unfortunate situation. In 1997, for example, Geraldo Rivera struck a \$40 million deal with NBC News; Rivera wanted to shed his image as a sleazy

talk show host, and the network wanted a top celebrity for its news division.

It isn't just that the news tilts toward entertainment and entertainers. Entertainment *is* the news. When the hit television series *Seinfeld* went off the air in 1998, all the major networks ran lengthy stories. The Hollywood press conference that announces the nominees for the Academy Awards receives coverage comparable to the president's "State of the Union" address. And the box office tallies of the sequels to *Jurassic Park* and *Star Wars* become major network news stories.

In this day and age of giant conglomerates, a number of networks are now owned and operated by film studios, but there is no grand media conspiracy. There are plenty of independent news sources that provide competition. So who is responsible for the triumph of "infotainment" over information? It is us, the consumers of the news. We allow television to be our main source of news, and this leads to three critical distortions in our lives.

Self-Pity

Televison news encourages self-pity. TV spokesmen talk a lot about the importance of the "news business," but what they really mean is the "bad news business." Except in small doses, good news simply doesn't make for good television. The tube inevitably emphasizes violence, mayhem, death, destruction—it doesn't matter if we are talking about battles, riots, train wrecks, or hurricanes—as long as it is visual, dramatic, and compelling. That is why news producers love wars and natural disasters.

Bad news is not only the lifeblood of the major networks but also local news stations across the nation. A *USA Today* survey indicates that 73 percent of the lead stories they air are devoted to coverage of some kind of natural disaster or violence.

Bad news literally drives out good news. To understand why this happens, try putting yourself in the position of a television news director. How do you make your show gripping? Do you show a computerized graph on the declining national crime rate or live footage of an elementary school shooting? Do you interview a small business owner who has created 100 new jobs in the plumbing industry or an environmental activist who claims to have proof of a deadly new toxic threat?

Do you run a lead story about a Detroit janitor who moonlights as a cab driver so he can send his

five children to a Christian school? Do you tell your cameramen to zoom in when he arrives home late at night, kisses his sons and daughters as they lay sleeping, and asks God's blessing on them? Sure, this is an American story. It happens every night in Detroit, Cleveland, Saint Louis, Los Angeles, and New York. But is it news? Never!

What if the same janitor arrives home and something snaps? He gets a pistol from the closet, shoots his children, and then shoots himself. You don't have to think about whether to run this story. Your decision is automatic: "If it bleeds, it leads."

"Television guru Marshall McLuhan once remarked, 'The medium is the message.' But the medium is also the problem."

Shortened Attention Span

Televison news encourages a short attention span and a lack of perspective. Forget about nuclear weapons and germ warfare. The most destructive invention of the 20th century is the remote control. *Channels* magazine notes that the average adult male (who wins the gender and age battle over possession of the remote in most American households) changes stations every 19 minutes. If this keeps up, "channel surfing" will soon be an Olympic sport.

Imagine once again that you are a news director. You know that most guys are incapable of watching a half-hour program. How do you respond? By changing the entire nature of television in a desperate bid to keep viewers riveted. In the 1950s, a typical camera shot lasted 35-50 seconds. In the 1990s, it lasts five seconds. Commercials are even more frenetic, often switching images after only one second. Television sound bites have also been reduced to the point of absurdity. Forget about the interview subject who tells you what he thinks about the state of the economy or the defense budget in 25 words or less—you have to find someone who can do it in three words—and they better be pretty titillating, or they won't make it onto the evening news.

Titillation is the new and ultimate entitlement of television viewers. We want to be excited by what we watch. It doesn't matter if topics are presented in a thoughtful and thorough manner, just as long as we aren't bored.

Who among us would tune into a broadcast of the Lincoln-Douglas debates today? We ought to

Turn Off and Tune In

Self-pity, lack of focus, superficiality, subjectivity—how do we deal with these? Do we try to improve the quality of television news, to make the medium work for us instead of against us? Certainly, that is an important and worthwhile effort. It isn't the ultimate solution, however, because the fundamental problem isn't a lack of quality programming.

We now sit in front of the "boob tube" 28 hours a week. We spend more time watching television than we do pursuing our careers, since we don't retire or take vacations, sick days, or weekends off from our favorite programs. We also spend more time watching television than we do reading to ourselves or to our children.

Best-selling novelist Larry Woiwode is right: Television is the "Cyclops who eats books." When it comes to the news, this one-eyed monster also has an insatiable appetite for newspapers and maga-

zines. But Cyclops is not all-powerful. We can defeat him. Unlike the Greeks, we don't need clever tricks or deception. Armed only with our remote controls, we can turn off his giant, glowing eye.

Nearly all Americans say they want to cut down their TV viewing. Where is the best place to begin? By eliminating the time you spend on television news. Most material on the tube doesn't pretend to reflect reality, but news broadcasts do, so they are particularly, potently poisonous.

The hour you spend each night watching local and network news could easily be redirected to reviewing not one but two newspapers in their entirety. Sure, print journalism has its own biases, but because of the way we read and comprehend it, we are more capable of compensating.

Reinvesting your time in this way may not instantly change the world, but it can change *your* world and the way you respond to reality. And like any wisely planned, reasoned investment it can pay long-term dividends. ▲

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