

COLUMBIA JOURNALISM REVIEW

JULY/AUGUST 1978
NATIONAL MEDIA MONITOR/PRESS • RADIO • TV

**IN HIS IMAGE':
Science Reporting
or Sci-Fi?**

Back to Vietnam

**Carter's Sun Day
Razzle Dazzle**

**One Paper's
Conflicts
of Interest**



look into this package you'll find a lot more than peas

This package weighs one-half ounce. It contains ten ounces of frozen peas ready to be cooked—no pods, no cleaning, no waste.

The pods are left behind where the peas were grown and processed to be efficiently converted into cattle feed and fertilizer. The frozen peas can be stored for long periods and shipped around the world. A very efficient utilization of our valuable food resources.

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As well as peas, or corn, or carrots, or lima beans or . . .

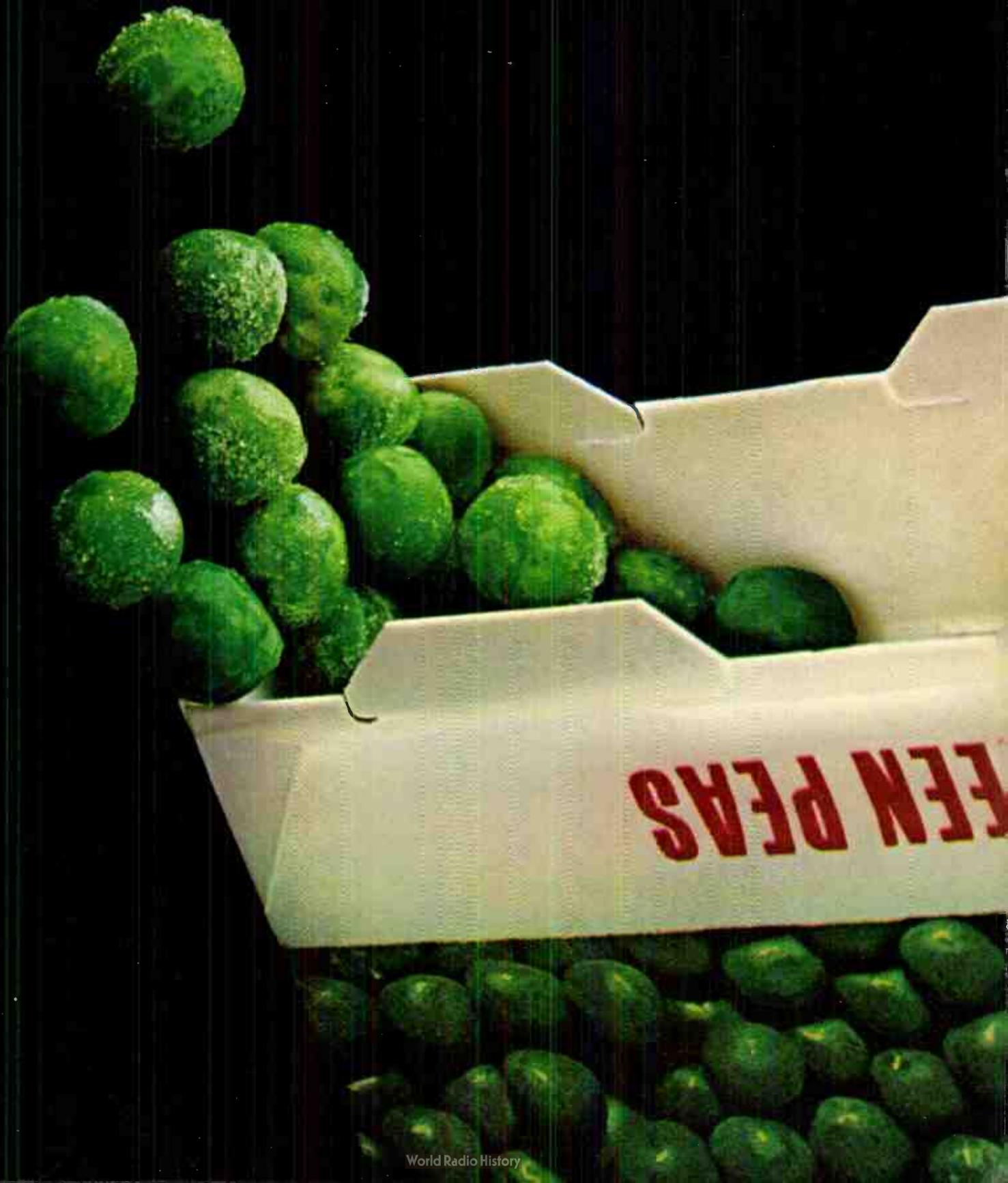
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Container Corporation of America

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EEN PEAS

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AND HOW TO BE SURE YOU DON'T PAY FOR MORE SERVICE THAN YOU NEED.

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Or take distributor points and condensers. They never need replacing with GM's new high energy ignition system. It doesn't have any points or condensers.

If you do have trouble with your car, just fix what needs fixing. When you take your car in for service, tell the mechanic exactly what's happening. If it's hard to start "hot," but starts okay when it's "cold," say so. If it doesn't perform the way you expected, describe just how and where it doesn't live up to your expectations. Then it'll be easier for the mechanic to pinpoint what's wrong, and he won't have to make unnecessary repairs. That can save you time and money.

Some things have to be watched more carefully, depending on how and where you drive your car. For example, if you do a lot of driving on dry, dusty roads, you may need to change the air cleaner and oil filter more often than the maintenance schedule indicates. Remember, the maintenance schedule that comes with your car is based on average driving conditions.

If you have an older car that still needs an annual tune-up, what should it include? There are some basic things to be checked: spark plugs, points, condensers, idling speed, and drive belts.

It can't hurt to check the air cleaner and fuel filter, tire pressure, and brake fluid, either. And when you do take your car in for a tune-up, don't be shy. Find out exactly what you need and what you're getting for your money.

We're trying to make GM cars easier and more economical to service. We've been able to stretch out the maintenance intervals for new GM cars, which should reduce the cost of routine maintenance; and we're working on engineering improvements that should reduce the amount of required maintenance even further. We want to be sure our cars perform well for their entire lifetime, without costing you a lot of time and money in maintenance. That's better for you and better for us.

This advertisement is part of our continuing effort to give customers useful information about their cars and trucks and the company that builds them.

General Motors

People building transportation
to serve people

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● To assess the performance of journalism in all its forms, to call attention to its shortcomings and strengths, and to help define — or redefine — standards of honest, responsible service . . . to help stimulate continuing improvement in the profession and to speak out for what is right, fair, and decent ●

—Excerpt from the Review's founding editorial, Autumn 1961

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These giant carbon electrodes weigh more than seven tons each. They're used to carry heavy electrical current in the production of silicon metal and phosphorus. Other electrodes, smaller than a thumbnail, carry the current that scientists use to perform spectroscopic analyses.

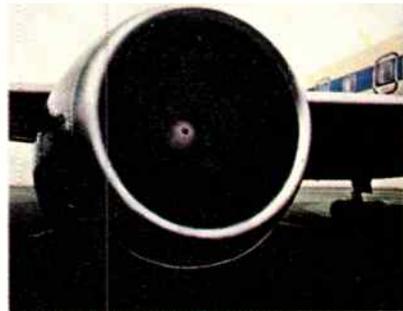


LIGHT WHEN THE LIGHTS GO OUT.

Virtually all Eveready® primary batteries use carbon to improve the flow of electricity. That includes not only carbon-zinc, but also standard and miniature alkaline batteries. So whether they're for flashlights or for radios, calculators, watches or toys, Union Carbide's Eveready batteries deliver power when you need it — because of carbon.

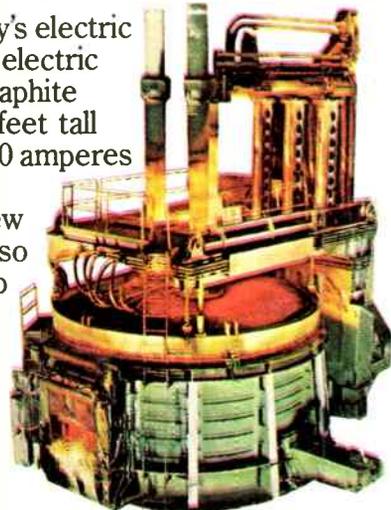
PRECISION PERFORMANCE THAT THRIVES ON HEAT, COLD AND STRATOSPHERIC SPEED.

Inside those sleek jet engines, carbon seals keep superheated gases away from the oil that lubricates spinning parts. The seals have to perform perfectly up to 9000 rpm; Union Carbide's Ucar® seals keep the engines turning.



MORE STEEL FROM LESS ENERGY.

The steel industry's electric arc furnaces feed electric power through graphite electrodes eight feet tall that handle 80,000 amperes of current. These furnaces make new steel from scrap, so they help clean up the countryside, cut pollution and save energy.





MORE...

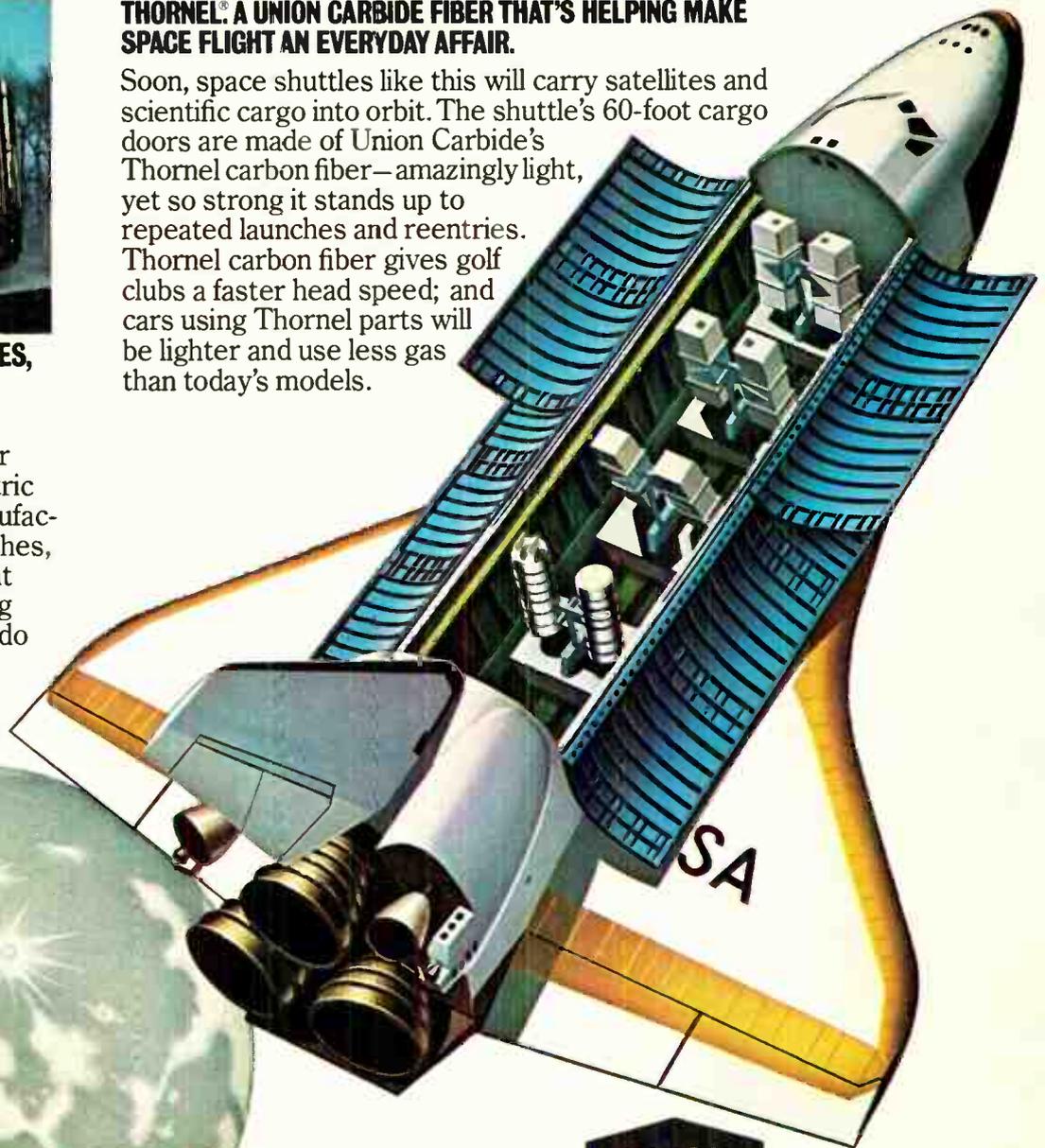


THE SECRET OF MIXING CAKES, OR MOVING TRAINS, WITH ELECTRIC POWER.

Inside your electric mixer and this giant diesel electric engine are pieces of manufactured carbon, called brushes, that carry electric current from stationary to moving parts. No substitute can do the job as well.

THORNEL® A UNION CARBIDE FIBER THAT'S HELPING MAKE SPACE FLIGHT AN EVERYDAY AFFAIR.

Soon, space shuttles like this will carry satellites and scientific cargo into orbit. The shuttle's 60-foot cargo doors are made of Union Carbide's Thornel carbon fiber—amazingly light, yet so strong it stands up to repeated launches and reentries. Thornel carbon fiber gives golf clubs a faster head speed; and cars using Thornel parts will be lighter and use less gas than today's models.



**WORKING WITH NATURE TODAY,
FOR THE RESOURCES WE'LL NEED TOMORROW.**

Union Carbide Corporation • 270 Park Avenue • New York, N.Y. 10017

CHRONICLE

INNOVATIONS

New business

The sectionalizing of newspapers continues apace with the addition of new business-news packages by two major dailies. On April 19, the *Chicago Tribune*, which had added a Monday food section and a Friday sports section recently, weighed in with "Midweek Business Report." Three May issues averaged eighteen pages each, with half a dozen pages or so of news copy, as well as stock tables and advertising. Most of the copy is written by *Tribune* staffers, and it covers not only business developments but executive recreation, health, clothing, and reading matter. The tone is serious but informal.

The *New York Times* started its "Business Day" section on May 17. Unlike the weekly sections that have previously augmented the *Times*, this one runs five days — Monday through Friday — as the paper's fourth section and on Saturday in its second section. Early issues revealed a more conservative graphic approach than that offered in the "Living," "Home," and "Weekend" sections, and a use of indexed and tabular material reminiscent of that in *The Wall Street Journal*. Did "Business Day," as promised by management, provide expanded coverage? On the evidence of the shift from the old-style business pages on May 16 to the new section on May 17, the answer is yes — an increase of about 30 percent in space and of more than 60 percent in news and features, when market tables are excluded from the equation. The chief planner for "Business Day," and its editor, is John M. Lee, *Times* business and financial news editor.

Alternative monthly biweekly weekly

The goal of closing the gap between its frequency of publication and its name has proved elusive for *Seven Days*, the self-styled "opposition news magazine." *Seven Days* started in March 1975 with a series of ten monthly preview issues, hoping to create what one of the founding editors, former Chicago Seven defendant Dave Dellinger, called a "full-scale, mass circulation alternative" to the established newsweeklies.

After continuing as an on-again, off-again

monthly through last year, the magazine's small staff started in 1978 with an announced plan to put out five biweekly issues and then go to weekly production beginning in mid-April. But in early April the staff, which is organized as a collective, backpedaled and decided to keep *Seven Days* to its twice-a-month schedule indefinitely.

Another difficult decision — to begin taking display advertising — was announced in the May 19 issue, though not without the caution that "between the advertising we don't want and the advertisers who don't want us, we will not make a fortune."

Seven Days's format, style, and coverage are closely although not slavishly patterned on those of *Time* and *Newsweek*, but its viewpoint is openly on the radical, non-sectarian left. Dellinger, a former editor of the now-suspended *Liberation*, says *Seven Days* aims to be a "clear, well-written, un-rhetorical" source of news "for those who don't believe they are getting the whole story from the established media."

With more than 40,000 subscribers, many of them inherited from *Ramparts* after it folded in 1975, *Seven Days* is now 90 percent reader-supported, according to Elizabeth Hess, another founding editor. A New York-based staff of twenty-four writes about a third of the magazine, drawing on material from ten news services ranging from Agence France-Presse to Liberation News Service. The rest comes from free-lancers in the United States and abroad who are part of the magazine's growing network of correspondents.

Judging from the issues produced so far this year, the staff, which has elected coordinators to make final decisions, has succeeded in developing a workable and coherent formula and is keeping articles factual, brief, and free of leftist jargon — but not of occasional mechanical errors and opaque sentences.

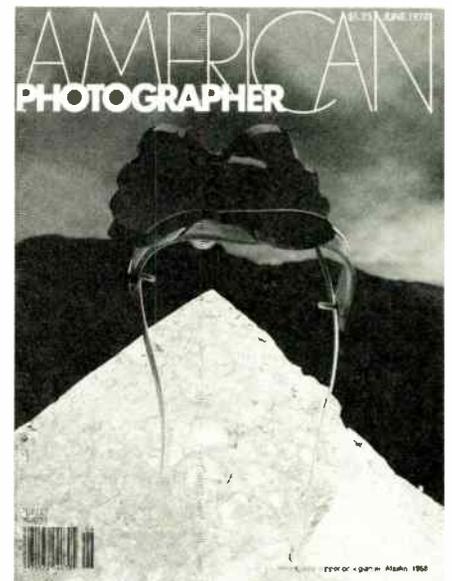
The magazine's most striking cover story so far appeared in the December 1977 issue, when it printed the complete text of Barbara Walters's interview with Fidel Castro in Cuba last year. The brief parts of Castro's answers selected by ABC News for broadcast on American television were printed in bold-face, along with Walters's voice-overs.

Seven Days is published by the Institute for New Communications, a not-for-profit, tax-exempt organization made up of Dellinger, Hess, Peter Biskind, Richard Gilpin, Marian McCue, and Jon Steinberg. Editorial offices are at 206 Fifth Ave., New York, N.Y. 10010; a single copy costs \$1 and a 26-issue subscription \$15.60. *Guy Baehr*

Not a camera magazine

Positioned between the austerity of *Aperture* and the gadgetry of *Popular Photography*, *American Photographer* attempts to reach the broad public for which photography has become an important aspect of culture. The first issue (June 1978; \$1.75) features an article on women as photographers; a profile on the director of photography of the Museum of Modern Art; an essay on nineteenth-century American photographer H. H. Bennett; a stunning portfolio of contemporary objects in unlikely landscapes; and an essay (on women in a mental institution) that integrates photographs and words. Departments, which touch on books, fashion, advertising, travel, portraiture, equipment, and exhibitions, together with reports from correspondents in Paris and Los Angeles, also reflect the frankly eclectic intentions of the magazine. Edited by Sean Callahan (former

American Photographer's first issue

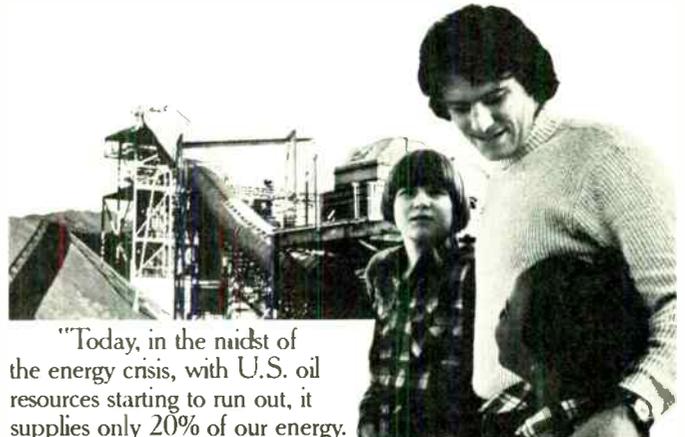


“What fuel could supply America’s electricity for about 250 years?”

—David G. Roberts, Scientist

“Coal. America has one trillion tons of coal reserves in the ground. Enough energy to equal the oil reserves of the whole world.

“Coal is a tested, proven energy resource, and only a generation ago it was supplying 48% of our energy.



“Today, in the midst of the energy crisis, with U.S. oil resources starting to run out, it supplies only 20% of our energy.

“By tapping our vast reserves of coal, we can lessen our dependence on imported oil—a move that’s in the best interest of all of us.

Electric companies are converting to coal.

“So, wherever feasible, electric companies are converting plants that run on oil and natural gas to coal. In this way, these precious fuels will last as long as possible—not only for transportation and heating, but for fertilizers, pharmaceuticals, and other useful applications.



“To meet the nation’s rising power requirements, we will need 825 million tons of coal annually by 1985, as compared to half of that amount in 1975. Billions of dollars will be needed to get that coal out of the ground, to transport it, to create anti-pollution controls.

Coal can’t do the job alone—we still need nuclear energy as a major source of electricity.

“Nuclear energy is the other proven source of electricity. For many sections of the country, it’s the best and most economical source of power.

“But remember that in some sections of the country our electric power capacity is stretching thin.”

The time to build power plants is now.

By 1988 America will need 40% more electricity just to supply all the new people and their jobs. New power plants—both coal and nuclear—are urgently needed and must be started at once to be ready in time. For facts on your energy options, just send in the coupon.

**Edison Electric Institute
for the electric companies**

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Please send me free information about coal and the energy crisis.

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Address _____ Phone _____

City _____ State _____ Zip _____



The longest lasting light under the sun.



Imagine a light bulb with a life expectancy of from 20 to over 100 years of continuous operation. One that ran on 1/10 the energy of a regular light bulb and virtually never needed replacement.

Light-Emitting Diodes

Such a light actually exists. It's called a light-emitting diode (LED) and in the last few years, these tiny lights have become an important part of your phone system.

Western Electric started manufacturing LED's in 1972. And since then, working with Bell Labs, we've discovered hundreds of new uses for them that have saved Bell telephone users millions of dollars.

Practical Applications

Take Western Electric's Trimline* telephones. To light the dial in our new models, we replaced the old incandescent bulbs with longer-lasting LED's. And since LED's may last up to 50 times longer, telephone companies' installation and maintenance costs have been reduced significantly.

Another way LED's save money is by saving energy. They consume about 1/10 the energy of incandescent bulbs.

And LED's can withstand the inevitable bumps and bruises that telephones always seem to receive.

LED's have also played a vital role in the development of new features and services in some of Western Electric's most

sophisticated telephone equipment.

The Dimension* PBX console, for example, contains heat-sensitive solid-state equipment. A lot of these circuits could not stand up to the high temperatures of incandescent bulbs.

LED's, on the other hand, operate at temperatures low enough so as not to damage the nearby circuitry.

These advantages, along with long life, give product designers more flexibility. And that permits us to build more features and services into the equipment we produce for Bell System customers.

Continuing Innovation

Today, over 300 different types of Bell System equipment utilize LED's.

Innovations like this are the result of close collaboration between Western Electric, Bell Labs and your local Bell telephone company.

Working together to keep your phone system the best in the world.



Western Electric

deputy director of photography at *Life*) and designed by William Hopkins (former art director of *Look*), the magazine is intelligent, lively, and handsome. The magazine intends to include photojournalists in its constituency and will publish each month a selection of photographs from the winners of the monthly contest sponsored by the National Press Photographers Association. C.V.R.

Leaving the inner city

One of American journalism's more tradition-laden institutions, the ninety-year-old *International Herald Tribune* of Paris, made the leap into both the suburban and electronic ages over a wrenching weekend this spring. The English-language daily, founded in 1887 by James Gordon Bennett the younger and now owned by John Hay Whitney, The New York Times Company, and the Washington Post Company, moved out of its 1930s-style headquarters at 21 Rue de Berri, between the Etoile and the Elysée Palace, into a shiny new glass-and-steel office building at 181 Avenue Charles de Gaulle in Neuilly, a suburb south of Paris. The switch, on March 25 and 26, also saw the paper's Linotype machines and basement presses replaced by VDTs, computers, and a contract printer. Art Buchwald, who worked at the paper from 1949 to 1962, wrote a retrospective column for the last Paris edition. An unreconstructed traditionalist (he refuses to call the newspaper anything but its pre-1966 name, the *Paris Herald Tribune*), Buchwald commented, "The *Paris Herald Tribune* is still alive and well in Neuilly. For those of us who worked in the vineyards of the Rue de Berri it is a painful thought. How can you put out a paper in the French suburbs, after you've seen *Paree*?" Guy Baehr

DEALS

Gannett's biggest gulp

In 1976, S. I. Newhouse completed his acquisition of Booth Newspapers for \$305 million — a transaction that Ben Bagdikian described (CJR, March/April 1977) as "the single biggest newspaper deal in history." On May 8, 1978, the Gannett Company announced an even larger deal, but one not confined to newspapers. For an exchange of

stock valued at the time of the agreement at \$370 million, Gannett prepared to acquire Combined Communications Corporation of Phoenix, and with it the *Oakland Tribune* and the *Cincinnati Enquirer*, seven television stations (of which one, in Rochester, may be sold), thirteen radio stations (of which two, in Phoenix may be sold), and Eller Outdoor Advertising, the original basis of Combined. Both companies had undergone rapid expansion since offering stock publicly, Gannett in 1967, Combined in 1969.

The merged corporations immediately create a new presence among media giants. The two newspapers, Gannett's seventy-eighth and seventy-ninth, would lift the company from fourth to second place in daily circulation, at 3.4 million, behind only Knight-Ridder. At the same time, the merger converts Gannett from a newspaper chain into a multi-media enterprise, with potential revenues (based on 1977 totals) of more than three quarters of a billion dollars, second only to the Times Mirror Company of Los Angeles, the only billion-dollar media corporation.

The participants in the deal were notably enthusiastic. *Broadcasting* (May 15, 1978) quoted Allen H. Neuharth, Gannett president, as calling the merger "a marriage made in heaven"; Karl Eller, founder and president of Combined, called it "the superdeal of all time." Paul Miller, Gannett chairman, added that the way was clear for Gannett to set its sights on owning a hundred papers.

The announcement recalled a previous superdeal, the proposed merger in the 1960s of the American Broadcasting Company and International Telephone and Telegraph, a transaction whose potential value rose to \$661 million before it was canceled under government pressure. The first response to the Gannett-Combined merger by the Justice Department and other federal agencies appeared mild, almost indifferent. Representative Morris Udall of Arizona, who has been leading public debate on monopolies, observed that it was a case of "a whale swallowing a whale" and "an alarming development." He did not propose specific action, however. Completion of the deal is expected to take up to a year.

Low-budget merger

In May, The States News Service of Washington announced that it had acquired its major competitor, Capitol Hill News Service, for \$1,300. The two services, started within six months of each other in 1973, have been providing coverage of local aspects of federal government for a total of seventy-seven papers. But C.H.N.S., founded by Peter Gruenstein on a grant from Ralph Nader, had been running a deficit on a budget of \$150,000 a year (see John Rosenberg's "Imperiled Experiment: Capitol Hill News Service," CJR September/October 1977). The survivor, States, is under the direction of Leland Schwartz, one of its founders. He will be in charge of a staff of fifteen reporters, most of them young, eager, and skimpily paid. For the new service, as for its two predecessors, the problem will remain that of charging just enough for coverage to cover costs without losing customers.

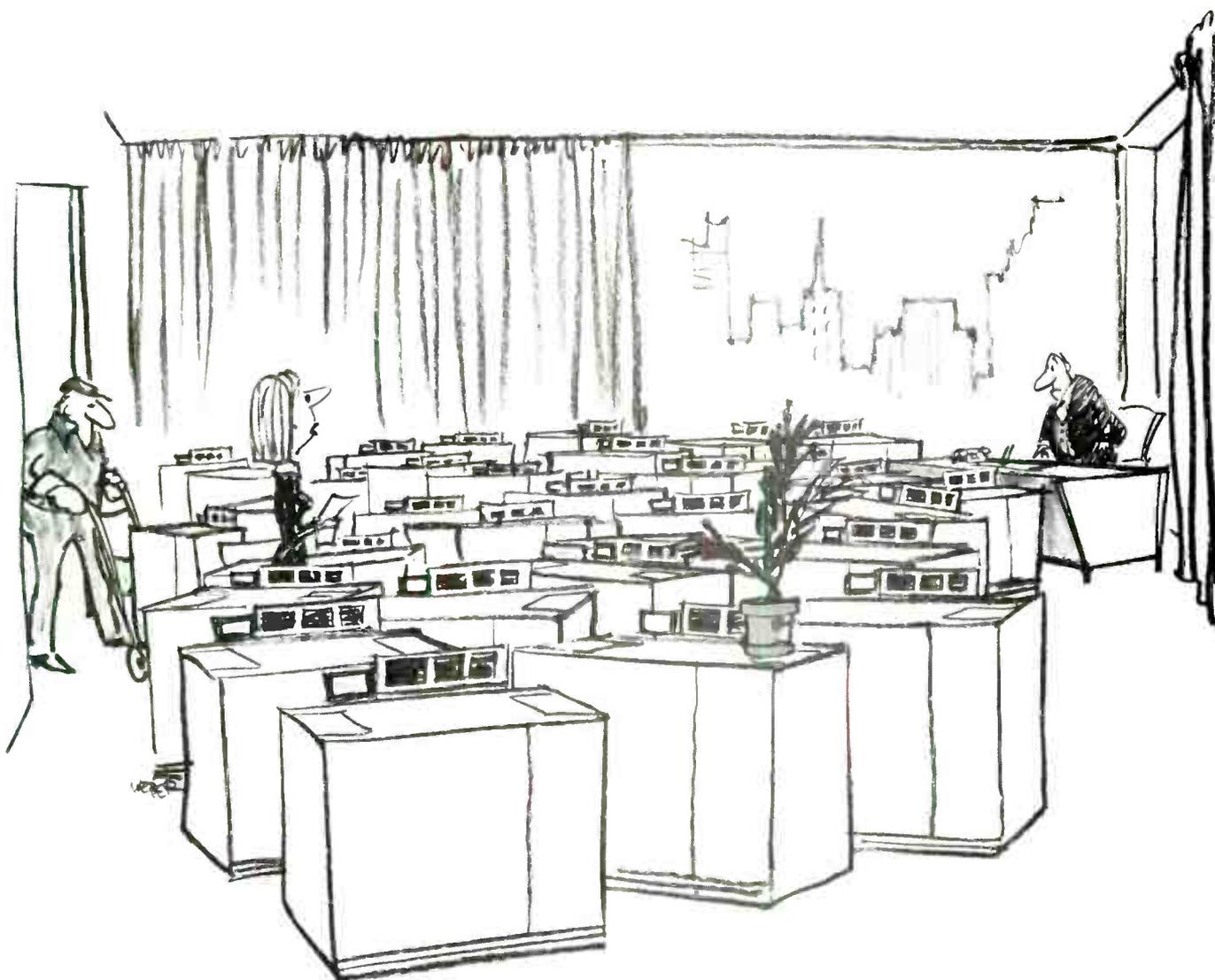
Wilkes-Barre purchase

A contract signed on May 15 provided for the sale of the all-day Wilkes-Barre *Times-Leader*, *Evening News*, *Wilkes-Barre Record* to Capital Cities Communications Inc. of New York, owner of radio, television, and newspaper properties — among them the dailies in Fort Worth and Kansas City. The price for the Wilkes-Barre paper, which has a circulation of 70,000, was \$9 million. In turning over the newspaper to CapCities, A. DeWitt Smith, vice-president of the Wilkes-Barre Publishing Company, expressed "gratification that we are passing on our ownership to one of the most highly respected media companies in the nation."

Challengers win

On its evening news show for April 19, 1978, the news staff of WNAC-TV, channel 7, Boston, was able to go on the air with a story confirmed by a reluctant source — the station's owners, the RKO General Corporation subsidiary of the General Tire & Rubber Company. The news: that the station had been sold for the modest price of \$59 million to New England Television Corporation, a joint entity of two companies that had been challenging WNAC's license for years.

continued on page 12



"But Mr. Carruthers, you said you needed forty Xeroxes."

Mr. Carruthers used our name incorrectly. That's why he got 40 Xerox copiers, when what he really wanted was 40 copies made on his Xerox copier.

He didn't know that Xerox, as a trademark of Xerox Corporation, should be followed by the descriptive word for the particular product, such

as "Xerox duplicator" or "Xerox copier."

And should only be used as a noun when referring to the corporation itself.

If Mr. Carruthers had asked for 40 copies or 40 photocopies made on his Xerox copier, he would have gotten exactly what he wanted.

And if you use Xerox properly, you'll get exactly what you want, too.

P.S. You're welcome to make 40 copies or 40 photocopies of this ad. Preferably on your Xerox copier.

XEROX

Community Broadcasting of Boston, headed by a thirty-eight-year-old multimillionaire, David Mugar, had begun its effort back in 1969. A second challenger, Dudley Station Corporation, was organized by Bertram M. Lee, head of a consulting firm, and had seven blacks, including Lee, among its thirty shareholders.

In 1974, a Federal Communications Commission hearing officer ruled that RKO General remained fit to operate the station. This action inspired, rather than subdued, Mugar, who hired Terry Lenzner, a veteran of the Watergate investigation, to look into the corporate ethics of RKO's parent company. His presentation late in 1975 of General Tire's record of using funds for corrupt purposes at home and abroad shook RKO's confidence. In 1977, a further damaging report on General Tire was issued by a team designated under a Securities and Exchange Commission consent decree. In the months following, the two challengers agreed to merge and to offer to relieve RKO of the station. The new company, New England Television, had Mugar as president, Lee as senior vice-president, and Melvin B. Miller, founder and publisher of the black *Bay State Banner*, as vice-president.

With the purchase Boston is set to become the second city in the United States to have a major television station with significant black ownership (the other is Detroit). Just as significantly, WNAC-TV becomes the second Boston station to be pried loose by challengers, only six years after the F.C.C. had turned over the Boston *Herald-Traveler's* channel 5 to a local group. Boston also becomes unusual in having two of its three major channels controlled by local ownership; the third station, WBZ-TV, is owned by Westinghouse Broadcasting. A full account of the challenge and a profile of Mugar, both by Stephen Kinzer, appeared in *The Boston Phoenix*, April 25, 1978.

WORKING LIFE

Employment report

The Newspaper Fund, the Dow Jones foundation, issued a report in May on what had happened to 8,000 of the previous spring's journalism graduates:

Daily and weekly newspaper and wire services gave jobs to 29.6 percent, or 2,500, as a result of perhaps 50,000 applications; those who found daily newspaper jobs had filed an average of twenty applications each. Broadcasting, public relations, advertising, and other media-related occupations provided work for 32.7 percent, or about 2,800. About 23 percent, or just under 2,000, went

into non-media jobs. And as of January 1978 those not working comprised 7.9 percent — 700.

The fund also found that the median starting salary for those in newspaper or wire-service work was only about \$8,000 a year, while the median for all the graduates was a little more than \$9,000.

The freeze

United Press International members of the Wire Service Guild narrowly overrode the recommendations of their own negotiators in May and accepted a new contract that contained a wage freeze lasting to the end of 1978. Thereafter stepwise increases will raise top editors' and reporters' weekly pay to \$427.07 at the start of 1980, three-and-a-half months before the expiration of the contract. The agreement followed three months of negotiations that had opened with a plea from U.P.I. for the freeze because of "substantial operating losses" in recent years, laid in part to the deaths of afternoon dailies that had been big U.P.I. customers. The negotiators said at the end: "The company has asked its employees to share its financial burden, and they have agreed by a narrow margin."

Leveling off

A survey released by the Radio Television News Directors Association in May showed that salaries of broadcast journalists, which had escalated in the early 1970s, had started to reach a plateau by fall 1977. The report, prepared by Dr. Vernon Stone of the University of Georgia, came from responses by nearly 900 radio and television stations. Although pay was still high in the largest cities, the average levels were more modest: News directors were making \$350 a week in television and \$200 in radio; others with five years' experience were earning \$250 a week in TV, \$200 in radio. (One comparative figure is that of the average top minimum in Newspaper Guild contracts, which stood at \$337 in October 1977.)

A.P. accused

The federal Equal Employment Opportunity Commission issued a letter of determination on April 14, 1978, asserting that the Associated Press had failed to hire blacks as reporters and editors, had failed to recruit and hire Hispanics as reporters and editors, and had failed to recruit, hire, and promote women as reporters and editors. It did not find that the A.P. had discriminated in recruiting blacks or in paying female and male clerks, as charged. The E.E.O.C. investiga-

tion had risen from a complaint filed by the Wire Service Guild in 1973. The E.E.O.C. had originally intended to issue a letter of determination early in 1977, but waited while the A.P. and the union conducted talks, which broke off in midyear.

According to figures supplied by the Guild, the A.P. employed, as of December 31, 1977, 960 "newspeople," of which 149 (15.5 percent) were women and twenty-two (2.3 percent) were blacks; among its bureau chiefs and assistant bureau chiefs, forty-five of forty-six were white men and the one other a white woman; among seventy correspondents, two were white women and the remainder white men; among forty-five news editors, four were white women and the rest men. The percentages for jobs held by Hispanics were slightly higher than those for blacks, because of a concentration of Hispanics in the A.P.'s World Services and Latin American departments.

The letter of determination has no direct legal effect. The E.E.O.C. has called a conciliation conference; if it fails, says the Guild, it will file a federal court suit.

HONORS

Pulitzer flurries

The peculiar two-level system for determining the Pulitzer Prizes led to a full quota of controversy this year, as the superstar Advisory Board, which makes the final recommendation, overturned the judgments of the lower-level juries in five of the eleven journalism categories. In addition, a new winner had to be named in one category, and the authenticity of work in another was challenged. The 1978 journalism prizes, as announced at the Graduate School of Journalism, Columbia University, were:

□ *Public service: The Philadelphia Inquirer*, for articles by Jonathan Neumann and William K. Marimow on abuses of power by Philadelphia police.

□ *General local reporting: Richard Whitt, Louisville Courier-Journal*, for coverage of the Beverly Hills Supper Club fire and subsequent investigation.

□ *Special local reporting: Anthony R. Dolan, Stamford, Connecticut, Advocate*, for his series on municipal corruption.

□ *National reporting: Gaylord D. Shaw, Los Angeles Times*, for a series on unsafe conditions in major dams. Shaw was the jury's second choice, the first being Richard Scheer of the *Los Angeles Times* for a series on the television industry.

□ *International reporting: Henry Kamm of The New York Times* for articles on the refugee "boat people" of Indochina, overturn-

You Don't Have To Join The Union.

It took nearly seven years, over \$150,000, the courage of two prominent American commentators and the expertise of a national legal defense foundation. But an all-important fact was permanently established in a U.S. court last January.

You don't have to be a member of the American Federation of Television and Radio Artists (AFTRA) to hold a job in the broadcasting industry.

So ended the historic legal battle between broadcast commentators William F. Buckley, Jr. and M. Stanton Evans and AFTRA. It did not end easily.

AFTRA first dictated that if

Buckley and Evans wished to continue broadcasting, they would have to remain members of the union. Much later in court, AFTRA conceded that it could legally require only fees and not membership. But it continued in the marketplace to compel companies with AFTRA contracts to employ only persons who are members of AFTRA "in good standing."

Finally, on January 16, 1978, AFTRA grudgingly promised to send a notice to all of its Code signatories regarding TV and radio performers that "under prevailing law such persons were not obligated to accept membership in AFTRA."

It was a significant victory for Buckley and Evans (who immediately resigned from AFTRA), for the National Right to Work Legal Defense Foundation, which provided the funds and the legal expertise, and for rights guaranteed by the First Amendment of the U.S. Constitution—freedom of speech and association.

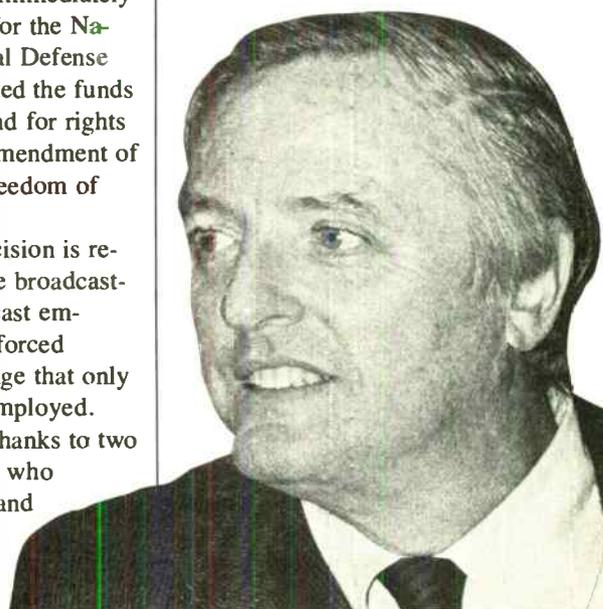
The Buckley-Evans decision is reverberating throughout the broadcasting industry. Most broadcast employers had rigorously enforced AFTRA's contract language that only union *members* may be employed.

Now the truth is out—thanks to two determined commentators who took a stand for freedom and the legal defense foundation that supported them all the way.

The National Right to Work Legal Defense Foundation is helping everyone it can. It is currently assisting individual workers in more than 75 cases involving academic freedom, political freedom, freedom from union violence, and the right to work for government without paying a private organization for that privilege.

If you'd like to help prevent such abuses and protect the rights of American workers across the country, write:

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DC-10s serve 160 cities on six continents. Take one on your next trip. You'll be pleased—and so will we.

Building jetliners and spacecraft and fighter planes occupies much of our time, but it also creates a healthy climate for creativity that can yield surprising results. For example, the space age technology that insulated and contained liquid hydrogen on Saturn moon rockets is now being applied in an improved method for ocean shipment of super-cold liquid natural gas (LNG). The insulation being produced by our



Astronautics Company provides added safety for the shipment of the fuel, offers increased cargo loads for existing ship designs, or permits greater capacity in new small ships. We can't do it alone. Our insulation material must be joined with a metal barrier designed by Gaz-Transport of France, and of course, a ship to carry it. But if you have tankers, or build them, ask us about insulation. We'll know what you mean.

Our engineers, once concerned with the health of astronauts, were encouraged to turn their wits to broader problems of health care. The result—an automatic system for identifying infectious organisms in patient samples, such as urine. The system also identifies, for attending physicians, the antibiotics most likely to counter the malady.



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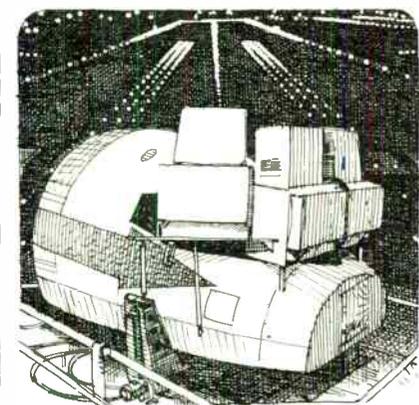
...but would you expect us to keep natural gas super-cold, help train pilots and make electricity from the sun?



eliminates many repetitive tasks now performed manually, freeing technicians for more useful work.

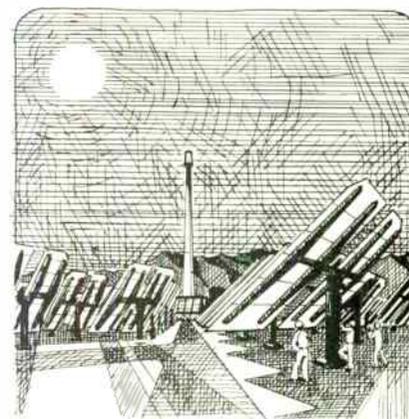
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Fuel conservation is becoming a necessity to airlines with soaring fuel costs. Our Electronics division uses digital computers to create scenes through the windshield for pilot-training simulators. They're so realistic that Federal regulators now permit



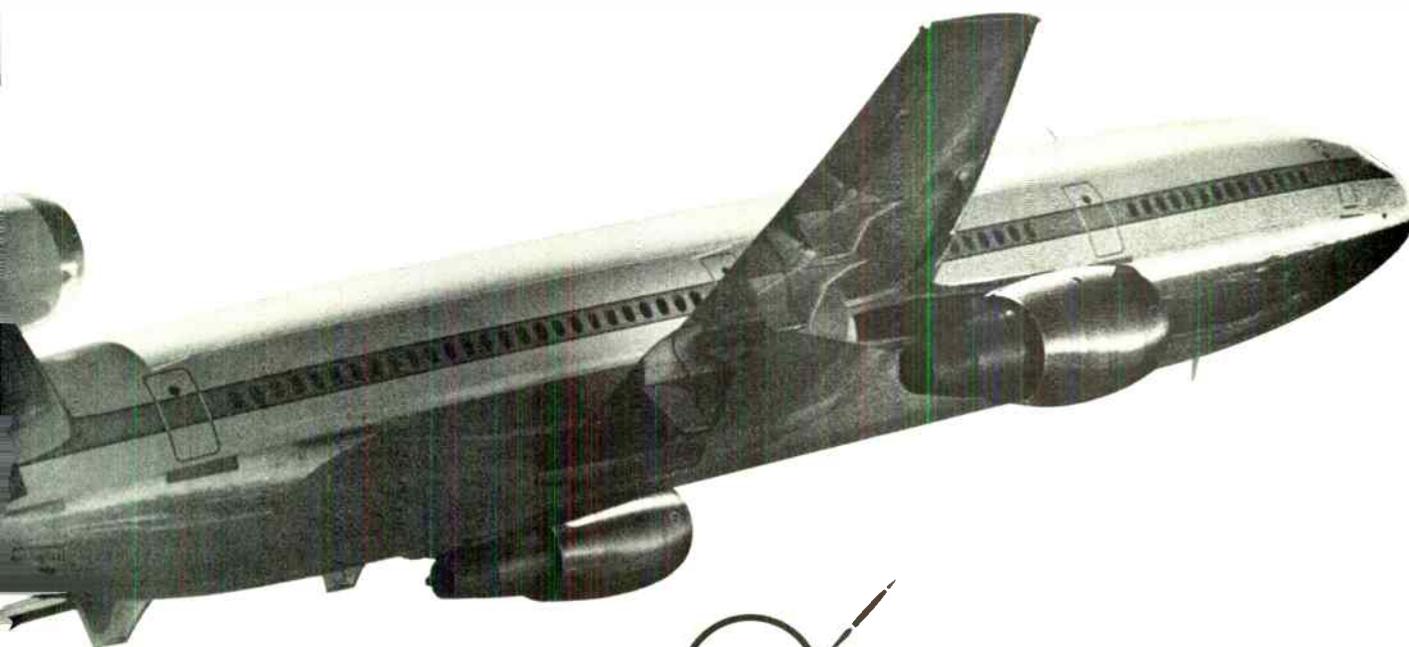
ground training for a dozen pilot training maneuvers that once required costly training flights. One airline, using several of our VITAL systems, claims fuel savings of 4 million gallons a year. Systems are now being introduced for military pilots to let them train for formation flying, carrier landings, air refuelling, even fly combat, all without leaving the ground. Money is saved, time is saved, and safety is enhanced. Early units permitted night training only. Daylight systems are now being demonstrated. For those who are pilots, or who train pilots, it's amazing. For the rest of us, the fuel saved is a godsend.

Someday your Yellow Pages may list among services, "Solar Mirror Cleaners." Should they do so, recall that it started with the Department of Energy's (then ERDA) announcement August 24, 1977 of the nation's first solar electric generating plant. The design selected was created by a team led by our Astronautics Company. A field of computer-driven heliostate mirrors follows the sun across the sky, reflecting its energy onto a tower-mounted boiler to generate steam. The steam passes through a conventional turbine— presto— electricity. Excess heat is

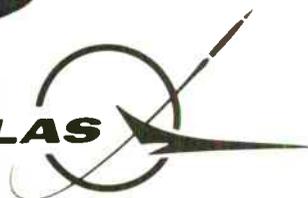


channeled to an oil-rock heat storage system where it's available to generate steam, and electricity, long after the sun has set.

Working long after the sun has set is not uncommon. Making the sun work after sunset is. So when you think of McDonnell Douglas, think of us as an uncommon company. Uncommonly successful. Not only in aerospace but in the application of technology to the needs of people. For more information about the surprising applications of technology taking place at McDonnell Douglas, write: McDonnell Douglas, Box 14526, St. Louis, MO 63178.



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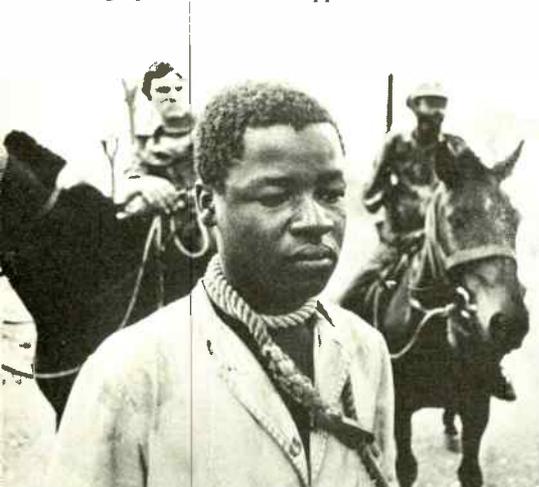
ing the jury's first choice of Les Payne, *Newsday*, for his series on South Africa.

□ *Editorial writing*: Meg Greenfield, *The Washington Post*, for selected examples of her work. The jury's first choice had been Paul Greenberg of the Pine Bluff, Arkansas, *Commercial*, previously a winner in 1969.

□ *Editorial cartooning*: Jeffrey K. MacNelly, *Richmond News Leader*, one of the jury's top choices but not first choice.

□ *Spot news photography* Through a misidentification, originally awarded to Jim Schweiker, United Press International, for a photo of an Indianapolis broker being held at gunpoint; four days later awarded to John W. Blair, a free-lance photographer working for U.P.I. on special assignment.

□ *Feature photography*: J. Ross Baughman, a free lance working for the Associated Press, for three photographs of captured guerrillas in Rhodesia, obtained by joining a Rhodesian army unit on patrol. The photographs were later dropped from an Overseas



Prize-winning photo of Rhodesian captive

Press Club competition on the ground that their authenticity was doubtful; however, Keith Fuller, general manager of the A.P., defended the pictures' authenticity while deploring Baughman's stratagem of becoming a Rhodesian soldier *pro tem*.

□ *Commentary*: William Safire, columnist for *The New York Times*, for writing on the Bert Lance affair; he was not one of the jury's finalists.

□ *Criticism*: Walter Kerr, a drama critic for *The New York Times*, for articles in 1977 and throughout his career.

The Advisory Board also gave a special citation to Richard Lee Strout, for distinguished commentary from Washington as staff correspondent of the *Christian Science Monitor* for fifty-six years and writer of the "T.R.B." column in *The New Republic* for more than twenty.

In the prizes for letters and drama, the Advisory Board gave a special citation to E. B. White, associated with *The New Yorker* for more than fifty years, for his essays and other writings. White commented: "I guess they're trying to catch up on things. They think time is running out."

Awards season

Other major prizes presented this past spring:

Sigma Delta Chi Awards for distinguished service in journalism: General reporting: Fredric Tulsy and David Phelps, Jackson, Mississippi, *Clarion-Ledger*, for exposing police harassment of blacks; editorial writing: Desmond Stone, Rochester, New York, *Democrat & Chronicle*, for editorials on violence in society; Washington correspondence: Gaylord Shaw, *Los Angeles Times*, for his series on dam hazards; foreign correspondence: Robert Toth, *Los Angeles Times*, for reporting on human rights from the Soviet Union; news photography: Eddie Adams, the A.P., for his series on the "boat people" of Vietnam; editorial cartooning: Don Wright, *The Miami News*; public service in newspaper journalism: *The Philadelphia Inquirer* for its police coverage; magazine reporting: John Conroy, for his series on South Chicago, in *Chicago* magazine; public service in magazine journalism: *Mother Jones*, for the article, "Pinto Madness," by Mark Dowie; radio reporting: Paul McGonigle, KOY, Phoenix, for daylong coverage of a bank robbery-hostage situation; public service in radio journalism: WSGN-AM News, Birmingham, for investigating the takeover of an insurance company; radio editorials: Jay Lewis, Alabama Information Network, for a series on misuse of state-owned vehicles; television reporting: KPIX-TV Eyewitness News Team, San Francisco, for coverage of the eviction of elderly residents from a Chinatown hotel; public service in television journalism: KOOL-TV, Phoenix, for a documentary on water supply; television editorials: Rich Adams, WTOP-TV, Washington, on treatment of the elderly; research in journalism: Peter Braestrup for his study of news in the Tet offensive, *Big Story*. A special award for distinguished service went to Investigative Reporters and Editors, for the Arizona Project, which exposed statewide corruption following the murder of a reporter, Don Bolles.

The Scripps-Howard Foundation presented five awards on April 18: the Edward Willis Scripps Award for outstanding public service in the cause of a free press to the Sun Enterprise Newspapers of Monmouth, Oregon, for defying the local city council and

upholding the state's open-meetings law; Roy W. Howard Public Service Award to the *Philadelphia Inquirer* (for reporting by Jan Schaffer, William K. Marimow, and Jonathan Neumann) and KOY, Phoenix, for its radio broadcasts drawn from the I.R.E. investigative series; Ernie Pyle Memorial Award to Stephen Smith, *The Boston Globe*, for a series on a Vermont town; the Walker Stone Award for Editorial Writing to Michael Pakenham, *Philadelphia Inquirer*, for writing on issues of police brutality and criminal justice; and the Edward J. Meeman Conservation Award to Bruce Ingersoll, *Chicago Sun-Times*, for an investigative series on nuclear-waste programs.

Magazines cited

The National Magazine Awards, administered at the Columbia University Graduate School of Journalism under a grant from the Magazine Publishers Association, were presented on April 12 as follows:

Visual excellence: to *Architectural Digest* "for consistent elegance in design and production quality."

Essays and criticism: to Michael Herr and *Esquire* for "High on War," one of Herr's dispatches from Vietnam.

Public service: to *Mother Jones*, for Mark Dowie's "Pinto Madness."

Service to the individual: to *Newsweek* for "The Graying of America," a report on the demographic impact of aging.

Fiction: to *The New Yorker*, for publishing "quality" stories, as exemplified by Peter Taylor's "In the Miro District" and Mavis Gallant's "Potter."

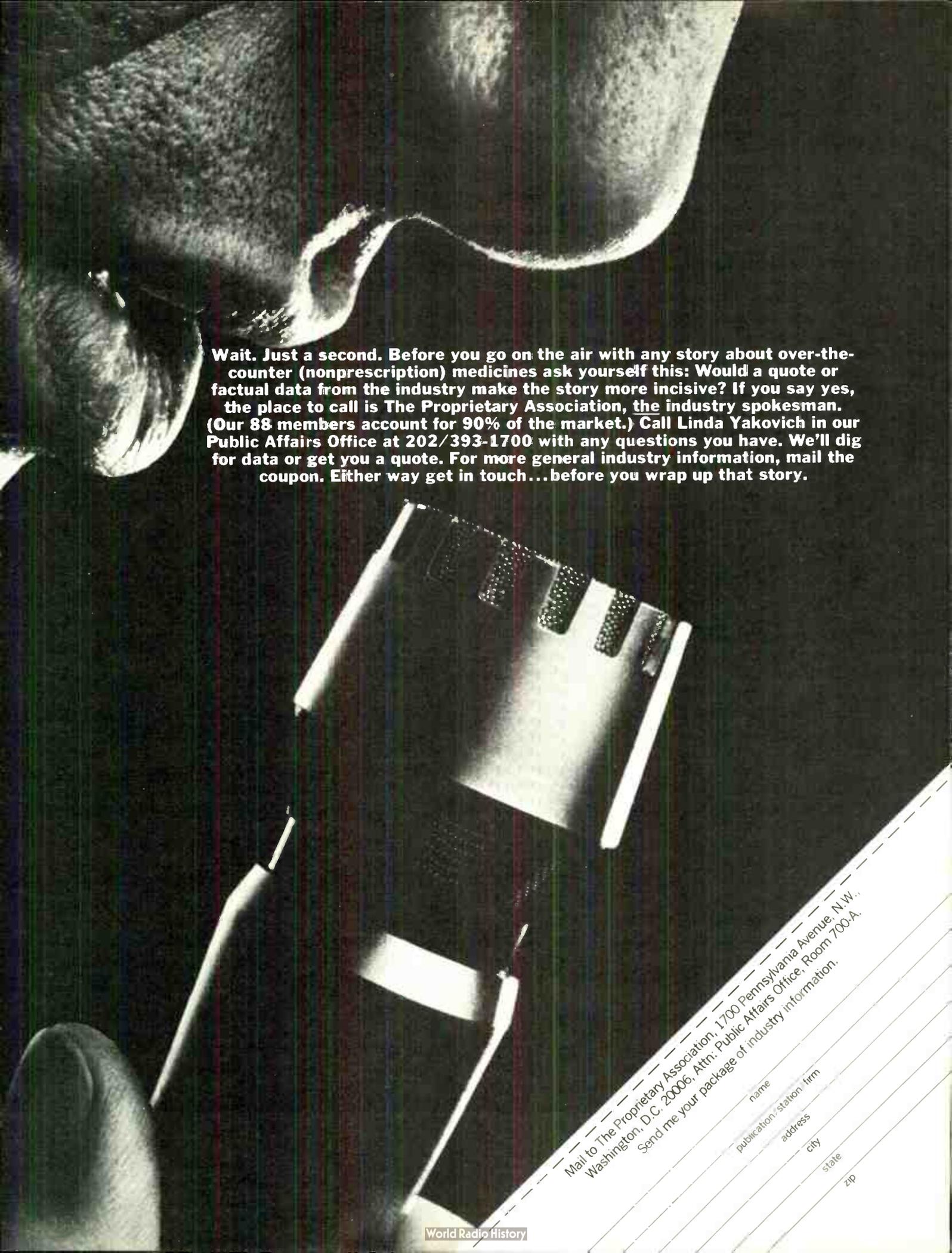
Reporting excellence: to *The New Yorker* for the six-part series by John McPhee on Alaska, "Coming into the Country."

Specialized journalism: to *Scientific American*, for its special issue on micro-electronics or "memory chips."

CLOSING

End of *Politicks*

Politicks & Other Human Interests, a biweekly that started with its issue of October 25, 1977 (see "Chronicle," January/February 1978), closed with its issue of May 9, 1978, for lack of capital. Thomas B. Morgan, editor-in-chief, announced that the journal's subscriptions would be turned over to *Inquiry*, a San Francisco biweekly started about a month after *Politicks*. Morgan was quoted in *New Times* as saying of the magazine's theme — citizen involvement — that it "may be a terrific political idea, but it's not necessarily a terrific idea for a commercial magazine."



Wait. Just a second. Before you go on the air with any story about over-the-counter (nonprescription) medicines ask yourself this: Would a quote or factual data from the industry make the story more incisive? If you say yes, the place to call is The Proprietary Association, the industry spokesman. (Our 88 members account for 90% of the market.) Call Linda Yakovich in our Public Affairs Office at 202/393-1700 with any questions you have. We'll dig for data or get you a quote. For more general industry information, mail the coupon. Either way get in touch...before you wrap up that story.

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AT ISSUE

Freer political speech for corporations

In overturning a Massachusetts high-court decision, the U.S. Supreme Court in April held unconstitutional, by a 5-4 vote, a state statute that prohibited corporations from contributing to campaigns on referenda in which they had no direct financial interests. Specifically, five institutions sought to campaign against a referendum that, if passed, would have allowed the Massachusetts legislature to enact a new personal income tax. Despite the focus of *First National Bank of Boston v. Bellotti* on referenda, Justice Lewis F. Powell, Jr.'s majority opinion for the Court has broad implications for all kinds of political activity by corporations. If the majority view is now that all corporations have the same First Amendment rights as individuals, it follows that corporations can fund what Justice Byron R. White calls "ideological crusades" on a variety of issues and, more important, candidates for public office.

The Powell opinion frames the issue as "whether the state statute abridged expression that the First Amendment was meant to protect." Begging a key question, Powell assumes that under the First Amendment corporations and individuals have equal status as speakers. He stresses the constitutional goal of promoting discussion and "the type of speech indispensable to decisionmaking in a democracy." He writes: "The inherent worth of the speech in terms of its capacity for informing the public does not depend upon the identity of its source, whether corporation, association, union, or individual."

Justices White and William H. Rehnquist filed separate dissents. White emphasizes that corporate economic might, when applied to the political process, can unduly influence resolution of major

public issues. Rehnquist states a more fundamental disagreement with the majority. He contends that the Massachusetts statute was a valid exercise of state power over the corporation. To him the First Amendment does not alter that fact.

Take the last point first. "A corporation is an artificial being," in the words of the third Chief Justice, John Marshall; "it possesses only those properties which the charter of creation confers upon it." Over time, corporations, as "artificial persons," have been endowed with benefits, such as due-process protection, to carry out their purposes. Yet no blanket constitutional mandate has required government or its judicial branch to treat corporations as persons under all aspects of the law. In particular, the Bill of Rights, which includes the First Amendment, has been selectively applied to the corporation. It has, for example, been denied the Fifth Amendment privilege against self-incrimination.

That the First Amendment need not protect corporate expression, or at least the expression under scrutiny, makes sense in practical ways — which leads back to White's argument. White argues that since a corporation is an artificial entity, it does not speak or present its "own" ideas in discussion; therefore, it plays no role that the people who work for it could not assume as individuals in the process the First Amendment is designed to defend. Further, when corporate managers use "the corporate treasury to propagate views having no connection with the corporate business," as White puts it, they use other people's money to express ideas that they could and should express on their own. It is one thing for a business to promote points in an argument that bears on its prosperity; it is another when resolution of a dispute will not have direct economic effect on the

enterprise, so its slant on the debate is ideological.

To White and Rehnquist, the Massachusetts legislature was in the best position to decide, as have thirty other states, to curtail corporate political expenditures. White challenges the majority's application of constitutional abstractions. The history and language of the First Amendment's speech and press clause provide the foundation, to White, for a more realistic interpretation than Powell's of the amendment's central and sometimes competing principles. White sees the matter as a proper one for state regulation (following his logic, a statute could require stockholder approval before a corporation spends money in a political cause) and one calling for judicial restraint. The Massachusetts statute, he argues, promoted a constitutional principle applicable to the political arena "where the expertise of legislators is at its peak and that of judges is at its very lowest."

White cautions about the political consequences of the Court decision and notes the unintended irony of Powell's view. He observes that in the 1972 graduated income tax referendum in Massachusetts, opponents outspent proponents \$120,000 to \$7,000 — the corporate voice tended to overwhelm citizen comment on a significant vote for the Commonwealth. Thus the Justice's admonition: "The State need not permit its own creature to consume it." Where First Amendment values compete, the ultimate purpose (promoting debate on public affairs) may take precedence over a related one (promoting corporate speech), which, at a minimum, should be more warily pursued.

How will the corporate free speech case, as it has been dubbed, affect the press? No doubt advertising revenues will increase as the pages of publications fill with corporate commentary. Longer-term impact is harder to gauge: the Court's four opinions in *First Na-*

tional Bank of Boston yield rhetoric as much as reason in this regard. Powell's opinion depends on an unusual reading of cases involving *media* corporations to support his conclusion that corporations in general have been afforded First Amendment protection. This argument provides a point of departure for a concurring opinion by Chief Justice Burger, who argues that, if the Court ruled against corporations in this case, it would be forced to grant special status to previously protected media corporations. And Burger declares his disagreement with the contention of Justice Stewart, outlined in an increasingly cited 1974 speech, that the press performs a special function and maintains a constitutionally consistent and recognized role.

In his own way, the Chief Justice admits the difficulty of delving into First Amendment problems in the contemporary period. The Court has most comfortably articulated First Amendment

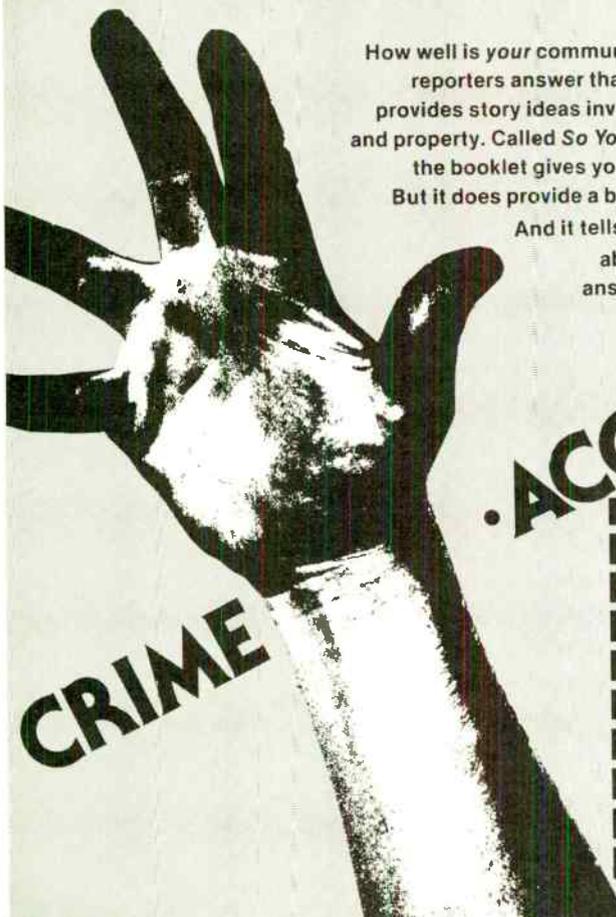
principles when a personal issue was at stake; now, institutions — in communications as well as in commerce — hold sway. Optimists will doubtless see Powell's opinion as the latest affirmation of the First Amendment's unlimited vitality, pointing with the Chief Justice to the present case as another burst of illumination on the freedom of expression as applied to corporations. (Would the absolutist Black have agreed? His observation in another context suggests not: "It would be strange, indeed, however, if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom.") The more pessimistic will suggest that the victory is peripheral and pyrrhic for the media, and scan the horizon for storm warnings: perhaps the media will be treated as just another corporate entity on other fronts as well.

Aside from its implications for the

press, Powell's conclusion has immediate impact elsewhere. While the dissenters call for renewed attention to the corporation's role in the political process, imploring another voice to join them in limiting corporate spending, the majority musters an advantage of one to legitimize an extraordinary exercise of leverage on social issues that only seems justified in the context of a flawed statement of the question. With another tax fight building in Massachusetts, in which middle-class property owners are pitted against business and other commercial concerns, the Court brings relief to the latter; it bestows upon them an advantage they are only too happy to have. This, after an appeal that, according to talk among Boston lawyers, the appellants thought they had little chance of winning.

LINCOLN CAPLAN

Lincoln Caplan is a lawyer and writer in Cambridge, Massachusetts.



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PUBLISHER'S NOTES

Magazine trends

With six colleagues of some distinction, this writer recently spent many hours poring over 447 entries from 153 magazines spread out over tables in a large meeting hall. We concentrated on thirty-five exhibits that had been nominated for the National Magazine Awards by a selection committee drawn from the profession and academia. (For the winners, see page 16.)

From this and related experience, we sensed certain trends in the field. Among them:

□ There is continuing growth in the vigor of independent local magazines (*The Washingtonian*, *Philadelphia*, *D* for Dallas, etc.). Unlike the old booster magazines, published by Chambers of Commerce, the newer magazines have uncovered police abuses, judicial inadequacies, mishandling of the elderly, and other seamy-side problems in a way that has led to reforms.

□ The trend toward splashy, ever-more-explicit treatment of sexual subjects appears to have abated — except for the “skin books” (*Penthouse*, *Playboy*, etc.), which can hardly be more explicit anyway.

□ Truly superior visual quality has not been singularly pronounced in magazines of late. This situation doubtless results in part from reduction in the page size of the big-format magazines. But it partly reflects self-conscious efforts in design that impede, rather than assist, the communication of ideas.

□ Quality fiction appears to have been losing ground in most of the the major magazines. An exception has been *The New Yorker* which, with its restrained layout and sometimes unrestrained prolixity, has continued to demonstrate writing and editing skill in both fiction and reporting.

□ Many of the once-mundane business, professional, and trade magazines are exhibiting new enterprise and polish.

Regrettable footnote: As one who has helped select award winners many times in all the media, this writer has rarely

seen inter-media rivalry so clearly evident as in the failure of most of the daily press to report the National Magazine Awards.

About gratis subscriptions

The *Review* has received a request from an aide of the amply paid chief editor of one of the nation's largest news organizations asking if the editor can receive a complimentary subscription and, if not, whether he can be given “the student rate or something like that.”

We sent back our form reply which reads in part: “Many editors and top executives of news organizations receive complimentary subscriptions to a multiplicity of publications. The *Review* cannot follow this pattern for the simple reason that its principal audience consists of such editors, executives, and key journalists. . . .” We added that, if financing was a particular problem, the undersigned would be glad to pay for a gift subscription.

Free rider

Our favorite freeloader is a character in Seattle who writes the *Review*'s circulation department regularly every two months. Each time he expresses interest in the *Review* and requests a free sample copy as a basis for deciding whether to subscribe. The wording varies, but the request is always the same. The circulation department complied with his first three requests but then checked back in the files and decided the gentleman was having too much trouble making up his mind. We suspect that other much larger magazines may still be supplying him with that “sample copy” month after month.

Mailing lists

At hand is a letter from a reader who complains that he receives direct-mail

solicitations addressed as his *Review* subscription. He asks if the *Review* rents out its mailing lists. The answer is yes, as is the case with nearly all magazines today, but it is a qualified yes.

The *Review* does make its list available by rent or exchange to a few publications. But it turns down other publications, most merchandisers, and all fund-raisers and political solicitors. Our criterion is a simple question: “Is the publication or book being offered likely to be of genuine interest to a substantial proportion of *Review* readers?” Often it can be a service to inform readers of a new book or a magazine.

Frankly, exchange of lists with a few publications helps build our circulation. And selective rental of lists in appropriate cases yields revenue that is significant in keeping the *Review* healthy.

If, however, you prefer not to receive such offerings from others, just write to Douglas Newton in the *Review*'s New York office, enclose an address label from your copy — and your name will not be available to others.

Critics' troubles

As of this writing, two other publications in the *Review*'s field are undergoing changes that illustrate the economic problems that have made so many media-critic publications short-lived.

□ *More*, “the media magazine,” which has been lively and controversial, is up for sale after two changes of ownership in twenty-six months.

□ *The Washington Journalism Review*, the fledgling magazine whose last issue showed substantial promise, is ending its search for new funding. It expects the financing to come from John P. McGoff, president of the Panax Corporation, whose ideas of journalism differ from those of many of us.

We hope both publications somehow survive in a reasonably useful form. Journalism needs the kind of criticism and praise it regularly metes out to others. And variety can help. *E.W.B.*

A free press is not a privilege but an
organic necessity in a great society.

Walter Lippmann

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COMMENT

Another turn of the screw

Anger and disappointment among journalists have followed the Supreme Court's ruling, on May 31, that local law-enforcement officers were acting properly in their surprise search in 1971 of the offices of *The Stanford Daily*, Stanford University's campus newspaper, in unsuccessful pursuit of evidence about a clash at the university hospital. Jack C. Landau of the Reporters Committee for Freedom of the Press charged that the decision (*Zurcher v. Stanford Daily*) put a stamp of approval on a developing pattern of newsroom searches. Benjamin C. Bradlee of *The Washington Post* contended that, had the ruling been in force, police could have seized the Pentagon Papers to forestall publication and could have harassed the *Post*'s Watergate investigation. Others saw the decision as a potential retaliatory weapon in the hands of police whose misbehavior was being subjected to investigation. *The New York Times* found that the ruling struck "a double blow, at individual privacy and press freedom."

Regardless of the direct consequences, it is disconcerting to find in the language of the decision further evidence that the Supreme Court majority is seeking to minimize the functions of the press, not to mention the Bill of Rights, in American society. Associate Justice Byron R. White's majority opinion is of a piece with his majority opinion in the 1972 Caldwell-Branzburg-Pappas cases, when he argued against a constitutionally protected right of confidentiality for journalists. The Supreme Court's major recent decisions in libel law similarly tend to narrow the press's franchise. And only recently Chief Justice Burger implied that corporations involved in journalism might have no special claim on the First Amendment.

In this context, White's heavy hints that perhaps "seemingly blameless" third parties (such as newspapers?) are actually sympathetic to criminals and his offhand judgment that searches authorized by warrant will not "deter normal editorial and publication decisions" are redolent of indifference or malice toward the press — especially when read with Justice Potter Stewart's contrary assertion:

Policemen occupying a newsroom and searching it thoroughly for what may be an extended period of time will inevitably interrupt its normal operations and thus impair or even temporarily prevent the processes of news gathering, writing, editing and publishing.

Stewart sees an even greater threat in the possibility that searches could disclose confidential information or the

identity of confidential sources. Contrary to what the majority has maintained, Stewart reasserts the right of journalists to protect sources against "police officers who execute a search warrant by rummaging through the files, cabinets, desks and wastebaskets of a newsroom." He states, finally, that the press, contrary to Burger and White, does have a special position: "We are here to uphold a Constitution. And our Constitution does not explicitly protect the practice of medicine or the business of banking from all abridgement by Government. It does explicitly protect the freedom of the press."

What is the remedy, beyond the rather distant hope that in the future turnover of the Court the minority view may reach ascendancy? As they have in the years since the confidentiality cases of 1972, journalists must — if they believe that they have been wrongly deprived of a constitutional right — continue to insist on that right, even in the face of police and judicial retaliation. Such a course may be difficult and costly, but it is certain that journalists of conscience will resist.

The Stanford Daily, which won its case in the lower courts only to be rebuffed at the highest level, for seven years led the way on an issue of importance to the whole journalism community. It incurred expenses of nearly \$30,000 on the way. The *Daily* has received a few private contributions, but will need many more. These can be sent to the Stanford Daily Legal Defense Fund; contributions are tax-deductible. Address: Jacob T. Young, Jr., *The Stanford Daily*, Stanford, California 94305.

The saga of Lucky Seven

Syracuse, New York, usually has no channel 7, but for a few nights in mid-April it lit up with presentations of recent films, *Star Trek*, and *The Twilight Zone*, continuity being provided by an announcer wearing a gas mask. Then it went off the air. The identities of the phantom broadcasters are officially unknown (although at least one was interviewed on National Public Radio).

The news stories that followed were a rather stark reminder of the unfree state of broadcasting in the United States. If Lucky Seven had been a magazine issuing from a concealed printing press in some basement, nothing much would have been said, beyond possible remarks on unauthorized use of copyrighted materials. But because Lucky

Seven was on the air, Federal Communications Commission officials threatened its creators with the federal penalty of a fine of up to \$10,000, a year in jail, or both. Even felons who break heads, steal public funds, or lie to congressional committees are likely to get off easier. To paraphrase A. J. Liebling, freedom of the air seems to belong to those who own some.

Unions and the First Amendment

As of last January, unions were in effect put on notice by the National Labor Relations Board that they were obliged to inform their members that union membership could not be a condition of employment as long as the employee paid the equivalent of union dues. The ruling, which was based on an obscurely worded section of the National Labor Relations Act of 1947, was the result of a seven-year fight by William F. Buckley, Jr., and M. Stanton Evans against the requirement that they join the American Federation of Television and Radio Artists (AFTRA) in order to work as broadcasters.

Buckley and Evans argued that AFTRA's requirements violated their First Amendment rights. In 1971 a federal District Court agreed. AFTRA appealed, and in April 1974 a Court of Appeals reversed the decision but made no ruling of its own, saying that the matter belonged before the N.L.R.B. Buckley and Evans appealed to the Supreme Court, but only two justices (Burger and Douglas) of the required four were interested in hearing the case. So Buckley went before the N.L.R.B., which declined jurisdiction because AFTRA admitted that by federal regulations broadcasters could not be required to belong to the union.

Buckley then returned to District Court, this time suing both the N.L.R.B. and AFTRA. Finally, Buckley and AFTRA reached an agreement under which AFTRA promised to notify all its members that they were not required to join the organization in order to work.

The implications — and the publicity value — of the ruling are not likely to be lost on employers, including newspaper publishers. One such executive, James F. Goodale, who is executive vice-president of the New York Times Company and who was one of the *Times*'s attorneys in the Pentagon Papers case, wrote in the *New York Law Journal* last February:

While . . . this case may only affirm what the law has always been, the impact of a forced communication of this information to

union members may have a larger practical impact, particularly for those editorial employees represented by unions who might believe their right of speech and association transcends other values, such as full union membership. For such people, should they wish to continue to write and broadcast during a strike, there will be no effective way to stop them.

For those journalists who believe, with others as diverse in their views as Buckley and Nat Hentoff of *The Village Voice*, that to be forced to join a union in order to work as a journalist is a form of prior restraint; or that it is a violation of First Amendment rights for a union to tell journalists when they can and cannot work — for those people, the Buckley–AFTRA agreement will be good news. But those unions, in journalism and outside it, that out of ignorance of the law or for other reasons may have given the impression either that employees had to join as a condition of employment, or that, once having joined, they could not resign, must now learn to live with the law. No doubt employers will be quick to inform employees of their right not to belong to the union and not to strike. Perhaps the best advice for the unions was given to Nat Hentoff by “a labor lawyer of rather vast eminence”: “Work your ass off so that you get everything you can for the members. . . . I’m convinced there’ll be very few free riders if the shop feels the union is really producing.”

One early measure of the agreement's effects can now be seen in New York City, where the Newspaper Guild's units at the three major dailies — with roughly 3,900 members in all — had received 136 resignations as of late May, mostly from clerical and managerial employees, few from reporters. Some of these no doubt were influenced by the fact that the units were negotiating for new contracts and had voted to strike if agreements were not reached.

This early test is not a reliable guide, but it does at least suggest that a victory for First Amendment principles need not turn into a defeat for the legitimate objectives of unions.

Darts and laurels

Laurel: to the *Shreveport Journal*, for its brave new policy of publishing all corrections of fact on page one, because “many readers feel that a correction is much more easily overlooked than the original error and that the traditional policy does not fully correct any damage which might have been done.”

Dart: to *Los Angeles Times* publisher Otis Chandler, for

his cavalier explanation of the inadequacies of the paper's coverage of local minorities. "It's not their kind of newspaper," said he in a March 23 interview on Michael Jackson's KCET talk show. "It's too big; it's too stuffy . . . ; it's too complicated."

Laurel: to the Camden, New Jersey, *Courier-Post*, for a two-part exposé (February 6–7) of the systematic discrimination against women and minorities practiced by the area's elite private clubs. Among the influential business, professional, and political leaders identified as members were the president and publisher of the *Courier-Post* — which, the series noted, pays their dues.

Laurel: to Jean Caldwell of *The Boston Globe*, for her May 7 feature, "Did Walty Have to Die?", a powerful and painful account of a Berkshire County child-abuse case, the enraging impotence of local social agencies in dealing with it, and the questionable perceptions of the judges in their appellate review.

Dart: to *New York* and *New West* magazines of May 22 for giving first-class editorial accommodations — including blurbs on the contents pages — to a trade association's "special supplement" on Pacific travel.

Laurel: to the *Fort Lauderdale News* and reporter Frank Murray, for an April 20 front-page exposé of political patronage that named as a recipient the brother of the paper's city editor.

Dart: to the *San Francisco Examiner*, for printing on April 20 a by-lined article by James B. Atkin arguing against the break-up of the oil companies without acknowledging the author's role as major outside counsel to Standard Oil of California.

Laurel: to CBS's *60 Minutes*, for its revealing treatment of the curious ties between the National Association of Retired Persons and the Colonial Penn insurance companies, which sell thousands of policies to association members and enjoy reams of publicity in its publications.

Laurel: to Richard Harris and *The New Yorker* for some disquieting "Reflections" (April 10) on the press's uncritical support of the Carter administration's disposition — or "disposal" — of the case of former C.I.A. director Richard Helms.

Laurel: to reporter Ralph Blumenfeld and the *New York Post*, for including in a March 30 report on John Wayne's hospitalization the rarely reported fact that before an earlier operation for lung cancer the actor had smoked five packs of cigarettes a day.

Laurel: to *ABC Evening News*, for its straightforward April 3 report on the upholding by the Supreme Court of an Federal Trade Commission order that Listerine mouthwash "undertake corrective advertising to inform the public that contrary to past claims, [it] will not help prevent colds or sore throats or lessen their severity." Listerine is one of the program's sponsors.

Laurel: to *The Philadelphia Bulletin* and reporters Stephen Franklin and Warren Froelich, for a dramatic eight-part survey (beginning March 5) of the tri-state

Philadelphia region's "Everyday Epidemic" — cancer — going beyond connections with smoking and radiation to such specifically local factors as drinking water and jobs.

Letting Lance get away with it

When Bert Lance favored the American Society of Newspaper Editors, at its April meeting, with views about the First Amendment which are found nowhere in the Constitution but which are nonetheless suggested from time to time by those powerful men who have been stung by the press, The Nation responded with an eloquent editorial. Here are excerpts:

Someone ought to give a copy of the Constitution to Bert Lance. Perhaps his friend President Carter could hand it to him, with the Bill of Rights underlined. For it is clear from the text of Lance's truly astonishing speech to the American Society of Newspaper Editors on April 12 that, although he cites it for his purpose, this troubled and troublesome banker from Georgia has not the least grasp of his country's fundamental law. If Bert Lance had even so much as glanced at the words of the First Amendment he could not have uttered the following:

"In the absence of self-discipline and internal reform, other groups may find it necessary to step in and subject the press to the same rigorous standards of ethics and truthfulness that the press applies to the rest of us. That threat is called censorship, and I may be mistaken, but I think it is a conceivable outcome of what appears to be a headstrong refusal to get your own house in order."

The nation's editors listened to this oration with "rapt attention," according to *The Washington Post*, and gave it "a healthy round of applause." Masochism must be the dominant trait in the ranks of the A.S.N.E.; sackcloth and ashes must have been the uniform of the day. These guardians of our basic freedoms apparently could find no words with which to answer Lance's outrageous and provocative threat. Much of the editorial comment since then has consisted of defensive *ad hominem* stuff, merely insisting on the right and duty of the press to report on the doings of Bert Lance. . . .

How could the editors have sat silent as Lance uttered such nonsense as "Truth in journalism is not just an intellectual exercise. It is a constitutional obligation. It is the *quid pro quo* for the First Amendment protection of our free press. . . ."? Why didn't one of them rise up and instruct him that the men who wrote the First Amendment meant to protect all forms of speech, truthful or not, hoping that "the truth will make men free" after it had conquered the lie? How could at least one properly provoked editor have failed to ask Lance how he thought censorship could be imposed in this country, without nullifying the basic law? (We have dared to do this only during major wars.) The newspaper

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editors individually and the A.S.N.E. as their collective organization forfeited much of their constantly claimed franchise to defend free speech when they let Lance get away with the incredible statement that it was "possible, if these abuses continue unabated, the press will lose one of its most cherished privileges, the right to monitor itself." (Note the misuse in that sentence of both "privilege" and "right.") Even Spiro T. Agnew, with his Safire-ghosted attacks on the media's "nattering nabobs of negativism" never dared to go that far, at least in public. Since Safire, who went from guiding the pens of Nixon and Agnew to political pontificating for *The New York Times*, has just received a Pulitzer Prize for columns thought to have persuaded Lance that the jig was up, one awaits with interest his comment on this latest case of a public figure who finds newsprint too hot for comfort. . . .

The press's numbers game

Reporters pride themselves on being able to ornament their stories with precise figures, or at least authoritative-sounding official estimates. News magazines are likely to take this pride a step further into the hubris of presuming to an omniscient exactitude. Some subjects, however, resist being accurately measured. And when irresistible press meets unmeasurable subject, the resultant journalism is likely to be as woolly as an estimated 3,452,000 sheep.

Martin Plissner, political editor of CBS News, explored this problem in a thoughtful and often amusing article that appeared in the March 19, 1978, "Outlook" section of *The Washington Post*. It included several telling examples of how the press's penchant for precise numbers where none may be available has led reporters astray. One dealt with a *Newsweek* report from San Francisco that stated: "Officials reckon that 28 percent of the city's voters are homosexual." Plissner writes: "No one has since been able to find any San Francisco official who will make this remarkable reckoning, nor is it clear how anyone could [make it]."

Then there is the "official" estimate of New York City's rat population. The figure of eight million, Plissner writes, was "extracted from an accommodating official there nearly 20 years ago and sanctified through unchanging repetition not only by that city's press but in *Time*, *Newsweek*, *The Wall Street Journal*, and speeches on the floor of Congress."

Plissner's main example of "unfettered creativity with numbers" deals with those purporting to represent the annual gross of "the Exxon of Megacrime," the Mafia. In August 1969, he reports, *Time*, apparently relying on estimates made by middle-echelon sources at the Justice Department, set the figure at more than \$30 billion; the same month, Attorney General John Mitchell told *U.S. News & World Report* that "organized crime" grossed "upward of \$50 billion a year." A few months later, *The New York Times* quoted a congressman as estimating the annual take

as \$60 billion — "clearly an overreach," Plissner observes, and a figure that has not been repeated since. It was Mitchell's figure of \$50 billion or more that subsequently became "the standard for political oratory, journalism, and even academic writings on organized crime."

Boring in on this nice, round, oft-quoted figure, Plissner found it to be meaningless on two counts. For one thing, he points out, it supposedly represents organized crime's annual take from gambling *alone*. Add the income from narcotics, loan sharking, Teamster pension funds, and "legitimate" ancillaries, and "one could easily fantasize a \$100-billion yearly gross for the 5,000 'made' Mafiosi and the 50,000 auxiliaries who are also part of the numerical mythology of Mafio-journalism."

Meanwhile, such fantasies aside, what was the original source of the \$50-billion figure? After waiting a week while Justice Department people searched their files, Plissner discovered that the source was a ten-year-old report by a Johnson-era task force on organized crime — and that the sole reference to the widely accepted figure read: "There is no accurate way of ascertaining organized crime's gross revenue from gambling in the United States. Estimates of the annual take have varied from \$7 billion to \$50 billion." As Plissner points out, the estimates come from unidentified sources outside of the Justice Department and are presented in a context "clearly meant to disparage, not endorse, such estimates."

Plissner concludes with this admonition: "When reporters press a bureaucrat who doesn't have the foggiest idea of the dollar cost of a riot still in progress . . . or the earnings of anything so ill-defined (and tight-lipped) as organized crime, they are collaborating in their own deception." And, of course, in that of the public, as well.



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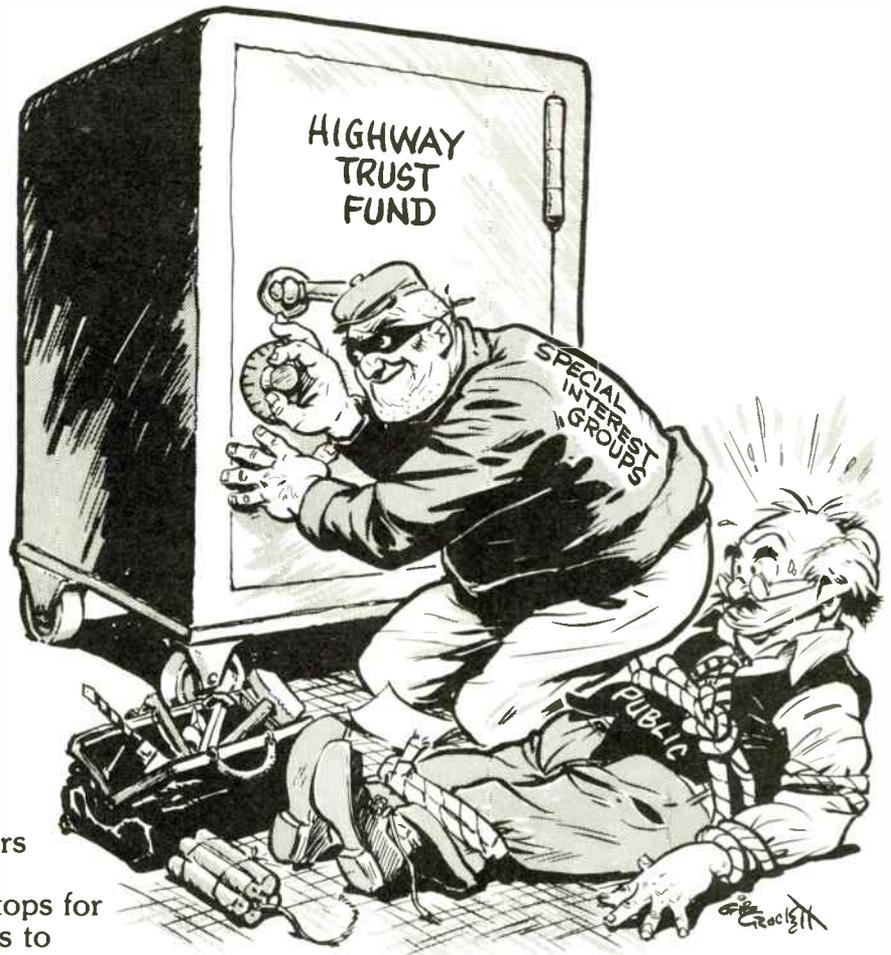
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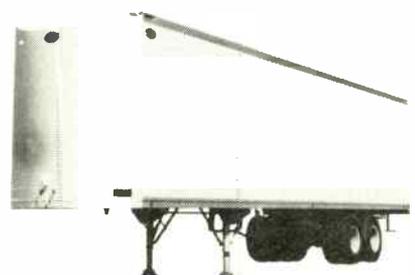
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VIETNAM NOW

Three years after the fall of Saigon, covering an 'unimportant' nation and its new war remains an exercise in finding the American angle

by STEVEN ERLANGER

On January 4, 1978, *The New York Times* published the first reasonably comprehensive chronology and status report on the border war between Vietnam and Democratic Kampuchea, or Cambodia. Written by David Binder, the report, with map, appeared on the bottom of page one, underneath the tale of President Carter's thirty-five minute apology at Aswan Airport for some now forgotten offense to Anwar Sadat.

The *Times* story created a small stir — in a sense, gave birth to that puzzling war for most Americans. Questions were asked at briefings, Zbigniew Brzezinski gleefully labelled it a "proxy war" between the Soviet Union and China, and *New York* magazine soon put together a cover story about whatever ironies could be found in the use of abandoned U.S. arms by the Vietnamese against the Cambodians.

Binder's report was not, of course, written from the battlefield, or even from Thailand — but from Washington. And by the Wednesday of his "scoop," heavy fighting had been underway for over a month, an intensification of a war that had begun even as "our" war was

ending, two-and-a-half years before.

Binder was the *Times* man in Germany for many years, but old friends and colleagues agree that he has fallen out of favor. Four nights a week he is a copy editor in the Washington bureau. On the fifth day he is allowed to report, digging for his own stories, "the ones that fall between the chairs" of the *Times*'s regular staff. "I'm in kind of a mongrel situation," Binder says. "That story was kind of a fluke, in a way."

The previous Friday, Binder had noticed a dispatch out of Bangkok citing refugee reports of fighting and decided it might be one of those stories he could follow up. "The Bangkok guy was out of pocket for a couple days," he said, "[Graham] Hovey was on vacation, so I made some routine calls to State and the C.I.A." His sources, Binder said, "were pretty quick off the mark."

Working mainly from information derived from electronic monitoring of radio signals from the combat area of Parrot's Beak, U.S. officials were able to give Binder a fairly complete run-down of the month-long offensive that had grown out of border fighting dating from 1973. "Regular army units" had been engaged in "sporadic fighting," the officials said, since the summer of 1975, only weeks after Communist troops entered the madhouse of Saigon.

With the sudden and ignominious end of our longest war, on April 30, 1975, our largest news story ended rather suddenly also, and for the great bulk of the American people, Vietnam — "lost" — became once again a deep mystery, fraught with nightmare.

Since the fall of Saigon, Vietnam has been "covered" less than Ghana. One of the most obvious reasons is the extremely limited access allowed by Hanoi. But there has also been a distinct lack of interest, based on the assumption among editors that Americans wanted to forget Vietnam, to nurse the collective hurt and forget the failure.

Last October, for example, ABC acquired a seventy-minute, Swiss-Italian documentary about life in post-war Vietnam. The network sat on it for six months, embarrassed sources say, because Roone Arledge, the new head of news, saw no ratings in it. Exasperated, the documentary division finally gave the film to *Good Morning, America*, which cut it up into four four-minute excerpts to show to the early risers. And it is likely that those excerpts were scheduled only because NBC's Don Oliver had just returned from Vietnam — not, in the end, to produce a documentary overview of that nation, but to scatter short takes wherever he

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could, including the *Today* show.

And the story remains the Americans and their residue (What is the embassy used for now? Where are the prostitutes?) — not Vietnam.

Richard Lindley, writing in *The Spectator* in 1972, attacked American television executives for following paths the army had chosen for them. They saw the war as “an American war in Asia — and that’s the only story the American audience is interested in.” The same, of course, was true of the print media. Frances FitzGerald wrote afterwards: “The war to the [American] press was exclusively an American venture, and so it remained until — mysteriously — there were no more Americans in Vietnam.” But even the one major American effort to look at the Vietnamese themselves, FitzGerald’s own *Fire in the Lake*, had as its subtitle: *The Vietnamese and the Americans in Vietnam*.

Even the post-war “Vietnam” story that has received the most attention from the U.S. media — the refugees, the “boat people” — teaches us more about the influence of *The New York Times* than about Vietnam. The *Times*, of course, has been dutiful in carrying the short diplomatic dispatches to come out of Vietnam, but it also put Henry Kamm’s boat people on page one — which made them a story. The Associated Press had been writing numerous refugee stories, but few papers were running them or giving them display. The *Times* went ahead, the White House began to respond, and suddenly the boat people were all over the evening news.

The Washington Post never did much with the boat people, and Peter Braestrup, who worked for the *Post* in Vietnam, speculated that perhaps the *Post* thought that “Kamm had the franchise” on the story. The *Post* has only one reporter, Louis Simons, to cover a good part of Asia, “and they’re just not that interested in foreign news anyway,” Braestrup asserts. (The publishing history of Braestrup’s own *Big Story*, a long study of media coverage of the 1968 Tet offensive, is itself interesting. Originally published in 1977 with grant money and little fanfare by a small press in two expensive volumes, it was suddenly discovered for the festivities sur-

rounding the tenth anniversary of Tet, and many magazines and newspapers reviewed the book then as if it were hot off the presses.)

The *Post* does at least have someone in the area, as well as in Hong Kong, and its news service partner, the *Los Angeles Times*, has reporters in New Delhi and Bangkok as well. But then most papers don’t even have Washington bureaus, and those that do are likely to have only one reporter — if they have anyone — to keep track of the State Department. They condemn these poor Atlases to stand, ever watchful, with the entire world on their shoulders.

William Beecher does just that for *The Boston Globe*. “When you think,” says Beecher, “of what’s gone on since Vietnam — Africa, the Mideast, SALT, Eurocommunism, urban terrorism — your natural inclination is to wonder what the point is in chasing the Vietnam desk people or the C.I.A. people” to justify “squandering time.”

Timothy Carney, who is one of those State Department Vietnam desk people, says that since he came on, in July 1976, things have been “placid,” with “basically a small core of journalists” who keep in touch. But often, he says, “days go by without a request.”

That changed with the sudden press interest in the border fighting. The press has usually lagged behind events, Carney says, citing fragmentary reports in late April and early May from refugees forced out of towns by large-scale Cambodian attacks. By early January, “We were wall to wall with press inquiries, a dozen or more a day.” It reminded him “of being in Phnom Penh for the death watch” in 1975, when hordes of journalists flew in and asked him — quickly — “Who is Lon Nol?”

“With Indochina stories now,” Beecher observed recently, “you have the feeling of very little access to hard information, and what you get is a warped prism.” You get material from emigres or refugees, he said, who are frightened, defenseless, and “extremely disenchanting” — or you get “propaganda stuff” from the radio. “With access so limited, how do you get your hands in?”

The Washington Post has even run pieces written out of Washington by Vu Thuy Hoang, a Vietnamese employee

evacuated in 1975. Hoang maintains contact by mail with relatives and friends inside Vietnam and keeps informed through the broader U.S. refugee community.

But still, the only way to really “get your hands in” is to be asked in. To have accompanied the March 1977 Leonard Woodcock mission to Hanoi to inquire after American war dead and missing, however, as did Peter Arnett, of the A.P., and John Hart, of NBC, was little better than not going in at all, the constraints were so severe.

The Associated Press has been particularly skillful at getting non-American reporters into Vietnam as part of foreign tour groups — Sydney bureau chief Peter O’Loughlin with an Australian group in April 1977; Horst Faas with a German group last fall, which was an especially crowded time. Reuters’s Bernard Edinger returned then with a French group; the *Observer*’s Ian Mather was also allowed in then — as was Richard Dudman, of the *St. Louis Post-Dispatch*, the first American reporter allowed an extensive tour. Dudman remained for four weeks, unencumbered by tourists, however closely he was attended by interpreters, guides, and party members. But after what a number of sources agree was an unhappy experience with Dudman (his pieces were not sufficiently complimentary), Hanoi has let in two other Americans, both television people: free-lancer Jon Alpert, who had strong ties to that part of the U.S. peace movement that was pro-Vietnamese, and NBC’s Don Oliver, who had spent only two weeks in Vietnam in his life.

Television has not done much with post-war Vietnam. The general shape of television coverage, as garnered from yearly story indices, has tended to follow staged events, like the Woodcock mission, or to concentrate, at the major anniversaries, on the effects in America, the widows and loved ones, the unemployed and the broken. And overseas, of course, the networks did moving work on the refugee problem.

But the political coverage tended to be so fragmentary as to be nearly useless. Laos was essentially nonexistent; Cambodia was a land of “grave hu-



'The reporters all did the Saigon retrospective, hitting the old watering holes. They went to the Museum of American War Crimes in Danang and all noted that the photographs were taken from Western newspapers.'

A Vietnamese soldier stands in front of a display at the Museum of American War Crimes in Danang. Photo by Horst Faas.

Wide World

man-rights abuses"; Vietnam was body retrieval and the bilateral talks in Paris. Even more than print, television treated Indochina as an American story. And though a number of European and Japanese crews have been in Vietnam and produced documentaries, American networks have been reluctant to acquire them. I was told to be less surprised that ABC cut up the Swiss-Italian documentary it bought than that it bought it in the first place. "The focus is wrong for us," one television executive told me privately. "Foreign documentaries concentrate too much on the Vietnamese, and they tend to be too anti-American."

"The North Vietnamese have been playing us [the U.S. media] like a violin," Braestrup says. "The Chinese have been very good at that game, and Castro, too. . . . But you can pretty much get the story you want."

At the same time, "The Vietnamese could be very naive about the way the Western press works," according to William Wheatley, now senior producer of *NBC Nightly News*. Oliver was by

no means pliable to Vietnamese requests for certain footage, and they threatened him at one point, saying there was another American television reporter who wanted to come in. "Who?" Oliver asked. "John Hart," they said — an NBC colleague.

There is no question that the sudden influx of journalists, after long inaction on applications for entry pending since 1975, was intended to serve Hanoi's interests, and by no means simply in the choice of reporters. Though they were guided assiduously, they were allowed to see the good and the not-so-good, if not the bad. Still, the result is not "news" per se, but features. A picture emerges, as was no doubt intended, that is relatively benevolent — certainly so compared with refugee reports from Cambodia or the grisly U.S. predictions of bloodbaths and purges and a land where no birds dare sing.

Hanoi's goals seem to be threefold: one, to underscore the Vietnamese need for nonaligned assistance from the West and the International Monetary Fund,

but especially from the United States, to rebuild and to feed its population; two, to show its commitment to ideologically humane theories of industrial and agricultural development; and three, to try to counteract any human-rights horror stories, particularly given an American administration so publicly devoted to human rights.

Having begun talks in Paris to normalize diplomatic relations with the United States, Vietnam was sure to have its eye on the American public that it credited with ending the war. Vietnamese officials believe — despite, Dudman says, all his own efforts to dissuade them — that that same public will rise up to demand that the American government do its duty by Vietnam and pay the \$3.5 to \$4.75 billion that Richard Nixon unilaterally, secretly, and apparently mendaciously promised in 1973.

A favorable image — not just of good will, clear-eyed need, and industry, but also of relative openness to examination and criticism — might just be the thing to help push the United States to come

clean and pay up. Or so Hanoi hoped.

What is impressive, then, are not the breaches in Vietnamese silence, but the generally good job done by those journalists admitted, given all Hanoi's restrictions. In addition, they were restricted by their ignorance of the language, which must make any reader or viewer skeptical. During the war, of course, American reporters employed native stringers whose translations they trusted. "Suppose they told me to come on over now," Braestrup said. "I'd never know whom I was talking to; it'd be a guided tour." And there is always the probability, as the Belgian who called himself Simon Leys wrote in *Chinese Shadows*, that all Western visitors will see most of the same sights, talk to the same people.

Examining Vietnam coverage, such fears seem justified, at least in part. The reporters all did the Saigon retrospective, hitting the old watering holes. Both Mather, the Briton, and Edinger, the Frenchman, visited the same tunnels at Cu Chi as Faas, the German, and they all crawled, impressed and horrified, through the same damp earth and talked with the same Captain Nguyen Thanh Linh. They all did the comparison of the bar girls of the south with the female comrades of the north. They looked around for Johnson's Baby Powder and Sony tape decks. They reminded us of Saigon's "cowboys" and their penchant for ripping off wristwatches. They went to the Museum of American War Crimes in Danang and all noted that the photographs were taken from Western newspapers. They all were mistaken at least once for Russians.

The great pity about the fall 1977 group was that they were competing for the same rather limited audience: Reuters head-to-head with the A.P.; Dudman head-to-head with Mather. What stories were used depended on who was committed to what, because no paper could afford to run all of them. Papers committed to Dudman because they knew he was good and his tour was the most thorough were unlikely to buy Mather's series, or to run much of Faas or Edinger, who, at a guess, suffered most from the bizarre competition, at least in the United States.

Edinger's pieces, though among the best written, were often heavyhanded:

Each inch in the airless warren [the Cu Chi tunnels] drove home the tenacity and courage of the Communist guerrillas who lived here, sometimes for weeks, while United States bombers pounded the area. . . . During a visit to Vietnam nothing brings home more vividly the dogged determination of the guerrilla fighters against unsurmountable odds than a visit to such tunnels.

Faas wrote the most compelling tunnel story, but his photographs were better than his articles, and were bound to be used to illustrate the prose of others, even though the A.P.'s release dates made that difficult. Faas's pieces were melodramatic and fragmented; they read too much as if they were breaking news, and not features at all — "A.P. trying to make the story better than it was," Braestrup says. And where other writers were more willing to acknowledge doubt about what they'd seen, or to break in to raise questions or caveats, Faas wrote his pieces hard, especially the one about "Hanoi's goal of total population control."

"Relatives are allowed to visit the [reeducation] camps," Faas wrote, "but no outsiders are permitted. The Vietnamese government considers reeducation an internal affair.

"One exception was a visit by a West German tour group" — the one that just happened to include Faas. Other "exceptions" were Dudman, Mather, and Oliver. Dudman got to see three camps, if one counts the school that reeducated prostitutes.

The Mather series, at least as edited and offered by the New York Times-owned Special Features, was extremely well done, vivid and gripping, measured in its judgments, full of fine detail. But as a "special feature," it had a special cost to most papers, which do not subscribe to the London *Observer* service. In competition with "free" material from the big wire services, even *The New York Times* ran only four of the six. And only six other American papers ran any, according to Special Features.

The ten-part Dudman series was distributed by the *Post-Dispatch* at \$50 an article, plus photo fees. According to the news editor, Selwyn Pepper, the series was offered to about thirty-five pa-

pers and sold to twenty-nine, twenty-five American. Ten used all ten parts, and only five used fewer than five.

Dudman's series is distinct from the others, not because it was so much better than Mather's, for example, but because it was so much longer and more varied. The complete series was well over 25,000 words, written in one stretch after a month-long trip taken at very short notice, and with very little editing from St. Louis, though Dudman admits he could have used some more.

His, then, was perhaps a more personal effort than the others, and its major weaknesses were ones of overcompensation — sometimes a little too dull, or too serious, or repetitive in the forthright descriptions of the constraints he was under and the background he did not have. But it looked at the reeducation camps and the New Economic Zones in the countryside, as well as at religion and the country's future. It was full of the details of life. It was informed, judicious, and, as one journalist said, "performed a service."

Dudman had applied for a visa immediately after the fall of Saigon and kept reapplying and inquiring. He was on good terms with the residue of the peace movement, and in 1970 he had been captured by Communist guerrillas in Cambodia and held for five-and-a-half weeks, and in a way had a special claim. But, Dudman said, when the visa finally came through, "I had a serious question of how receptive they'd be in St. Louis — how big a story they'd perceive it as, and whether they'd pay for me to go. I wondered how much information I'd get — would it be worth it?"

His paper was interested, of course, and so were most of the others approached, including *The Washington Post* and the *Los Angeles Times*. *The New York Times*, evidently because it was committed to Mather, never even responded to the *Post-Dispatch*, so Dudman appeared in the *Daily News*.

"There's a big assumption by a lot of editors that no one's interested," Dudman said. "That's wrong. So many papers gave a good play to my series, there must be some sense among editors that interest is there."

Perhaps. It is perhaps just as likely that editors will think that they've now "done" Vietnam. And the Vietnamese

themselves have not allowed in any other American print journalists, to my knowledge. They were unhappy with Dudman. "I would have thought they wouldn't mind it," one journalist who had covered Vietnam said, "but I heard they were disappointed. It was kind of lackluster."

Most foreign coverage is dictated by events, or by U.S. strategic or economic interests, or by an administration's fancies. "Human rights" is the best recent example, or the phenomenon of Andrew Young. For a long while, Vietnam — as a foreign story — fit none of the above. It has only recently resurfaced, dragged into the news, however late, by events however old. And still coverage is episodic, and will remain so — not only because it is a hard story to cover, and not only because many Americans still want and will forever want only to forget — but because, in the nature of

things, however interesting, Vietnam is finally unimportant. The furor over national-security adviser Brzezinski's suggestion that the Vietnamese-Cambodian border conflict was a Sino-Soviet "proxy war" is instructive. Not because it was an older style of hard-line gloating, but because it gave the issue, and hence the region, an importance it does not have. Brzezinski's remark contradicted the consensus of the U.S. diplomatic, military, and intelligence bureaucracies — and they were even quicker than Tass, and just as scornful, in calling it "wishful thinking."

"Things have returned to a natural state," says Alexander Casella, who worked for the United Nations for two years in Hanoi, and who in the Spring 1978 issue of *Foreign Policy* provides as good an overview as we're likely to get for some time. Vietnam has a historical interest for Americans that is hard to overstate — but its present is that of an underdeveloped country with a limited

capacity to handle its huge problems, not all of which can be laid at America's door.

The reporters who covered the war talk about it less and less. "I haven't talked about Vietnam in a long time," said Kevin Buckley, once *Newsweek's* bureau chief in Saigon. "I don't like talking about it anymore, except with a few of the people who were there."

At a recent dinner party, he was "lured" into a conversation "on the tamest sort of political and strategic aspects of the war," he said, "and I let them have it. I told this long and horrible story at the table about a massacre by Americans. I was as relieved as everyone else when the topic shifted. Yet it's still the single biggest, most bewildering experience of our lives — and it's very difficult to generalize. It was so mingled. But Vietnam lingers on in my dreams and imagination. People still have Vietnam in their heads, no matter what they're covering." ■



Wide World

'Both Mather, the Briton, and Edinger, the Frenchman, visited the same tunnels at Cu Chi as Faas, the German, and they all crawled, impressed and horrified, through the same damp earth and talked with the same Captain Nguyen Thanh Linh.'

Captain Nguyen Thanh Linh, who commanded the Cu Chi Liberation Battalion, poses at the trap door leading to an underground complex of tunnels near Saigon. Photo by Horst Faas.

India's press: can it become independent at last?

After a time of oppression, the press of the world's largest democracy has a chance to rethink its role and unlearn servility

by PAMELA H. JABLONS

Indian films tend to be interminable, lavishly produced musical fantasies. Of the American imports, comedies are the main staple. But in New Delhi, *All the President's Men* has been drawing larger crowds than Mel Brooks's *Silent Movie*. The Watergate scandal has a particular relevance to Indians because of its similarity to the findings of the Shah Commission, a government committee probing the excesses of the Emergency, the nineteen-month period during which Prime Minister Indira Gandhi exercised virtually dictatorial powers. There is an irony in the film's being shown here at all. During the Emergency, both the book and film of *All the President's Men* had been banned. Today, one of the best selling books about the Emergency is called *All the Prime Minister's Men*.

For Indian journalists, however, the adventures of Woodward and Bernstein and their role in the demise of the Nixon administration are as alien to reality as

Left: A censored proof of the front page of the June 27, 1975, Statesman, reproduced in a June 1977 Statesman supplement on censorship during the Emergency.

any Indian film extravaganza. They admit that the press had little to do with Mrs. Gandhi's defeat in the March 1977 elections. She lost because millions of India's rural, illiterate poor walked to the polls and voted against the cow and the calf, symbol of the Congress party.

But censorship was as vital a part of Mrs. Gandhi's Emergency as the lack of it is to the current euphoria — of laborers, of taxi drivers, of merchants — the euphoria of the freedom to speak without fear of reprisal. Now, more than a year after the Janata party's victory, and with the Shah Commission's daily revelations, the Indian press is reflective. And among journalists the talk these days — over tea in offices, beer on non-prohibition days in the press clubs, and Scotch in private homes — is of how they became so vulnerable and whether they can prevent it from happening again.

India's press is in the midst of an identity crisis. A major force during the struggle for independence, the press swelled in importance and size to become as symbolic an institution of democracy as the Congress party. Somewhat disdainful of the Asian and third-world press, the Indian press preferred to model itself upon the American and British presses, rather than on those of even western Europe.

But the intervening thirty years brought about an erosion of press independence and an increase in government influence. Since the Second World War, all newspapers in India have been dependent upon government-regulated allotments of newsprint and, perhaps more importantly, upon government and government-influenced advertisements. By the beginning of 1975, the press was

not far removed from being an unofficial branch of the government.

On June 27, 1975, the day after the Emergency was declared, Mrs. Gandhi revealed how easily the press could be manipulated. She prevented nearly every newspaper from publishing by cutting off the electrical power in those sections of cities where presses and editorial offices were located. (One small paper in Gujarat published that day's edition by using a tractor to power its press.) Later, at Mrs. Gandhi's request, reporters on All India Radio (A.I.R.) read the news more slowly so that smaller newspapers, unable to afford wire service subscriptions, could transcribe the broadcasts by hand. Her aim was to undercut the large newspaper chains, viewed as potentially hostile, and to win favor among the more numerous smaller papers. She also used less subtle means: when the Indian Express chain voiced opposition to her policies, its advertising suddenly dropped from forty columns to seven.

Dissatisfied with even these measures, Mrs. Gandhi sought a more radical method of controlling information. She would alter news at its origin: the wire services. Prior to the Emergency, about 40 percent of the news items carried in the newspapers, and double that figure on All India Radio, were dispatched from the four independently owned wire services: Press Trust of India (P.T.I.), created in 1948 from the Associated Press of India and modeled on Reuters; United News of India

Pamela H. Jablons, a free-lance writer based in New York, recently returned from a two-month visit to India.

Political allies and a cordial relationship with the wealthy are crucial to the maintenance of an Indian reporter's career

(U.N.I.), founded in 1961 with an eye to being less staid than P.T.I. and more sympathetic to the opposition party; and the two Hindi agencies, Samachar (which means "news" in Hindi) Bharati and Hindustan Samachar.

A consolidation of the four agencies would admirably suit Mrs. Gandhi's purposes. Planning for such a merger, as a recent Government of India white paper explained, began at a meeting held on July 26, 1975, in Mrs. Gandhi's office: "It was decided that the organization of news agencies needed restructuring. . . . It was proposed to establish by law an autonomous corporate body, with 100 percent government ownership, with a board nominated by the president, which would take over the four wire news agencies." V. C. Shukla, then minister of information and broadcasting, seized upon the idea and made it his pet project.

The agencies balked at first, but a bit of government strong-arming, in the form of a request for the immediate repayment of long-term government loans, and Mr. Shukla's declaration that A.I.R. would neither renew its contracts with U.N.I. and P.T.I., nor pay the 1.3 million and 800,000 rupees respectively owed them, brought about the final collapse of the four boards, described as a "voluntary merger," on January 24, 1976. As of February 1, 1976, the credit line on all wire copy became "Samachar."

More than coincidentally, January 24 was also the date of the tenth anniversary of Mrs. Gandhi's assumption of office. Many believe that Samachar's formation was to be Mr. Shukla's "present" to her. Frequently, cabinet ministers and other government functionaries simply stamped a press release "Samachar" and it became news.

Yet government pressure was not the only force that silenced dissent in the press. All the major English dailies, and many of the vernacular language papers, are subsidiaries of wealthy industrialists: *The Times of India* is owned by the Jain industrial group, *The Hindustan Times*

by the Birla company, *The Indian Express* by the Goenka family, and *The Statesman* by a conglomerate of industrialists from Calcutta and Bombay. As a consequence, the government was, and theoretically still is, able to manipulate press coverage by exerting pressure, through, say, the licensing of machinery, against the other companies owned by the publishers. Predictably, the "glass house" attitude of many publishers inhibits exposés of questionable practices in the predominantly competitor-owned industries. The multiple loyalties of a newspaper's owner might leave him open to retaliation.

There is almost no investigative reporting, and better than two-thirds of the stories printed in these dailies, before, during, and after the Emergency, are paraphrased versions of government handouts. "Almost 70 percent of the news columns are identical," Romesh Thapar, editor of the highly respected monthly *Seminar*, said recently, "because journalists make no effort to build an objective story around the handout."

While the four major English dailies are comparable in influence, if not content, to *The New York Times*, the *Chicago Tribune*, the *Los Angeles Times* and *The Washington Post*, Indian reporters have less say about the handling of their copy and less social position in the world beyond the newsroom than their American counterparts. They are dependent on the government for such journalistic necessities as a telephone, travel visas, a car, press accreditation, and the give-and-take of scoop and silence. They do not usually get by-lines. They do not consider that their activities might interest anyone. They do not regard themselves as crusading reformers. The concept of the press reporting about itself surprised them.

On top of all this, or perhaps as a consequence, reporters are intensely politicized. Many openly contribute their time or money to their favorite candidates; they may also write complimen-

tary pieces about political friends. Political allies and a cordial relationship with the wealthy are crucial to the maintenance of an Indian reporter's career. "A journalist is a chap who gets on well politically," is the way a Bombay editor summed it up.

The ability to antagonize an authoritarian government or to leave a paycheck that has turned amenities into necessities might be viewed as a luxury in any country; in India, commitment to principles exacts an almost unaffordable price. In a subcontinent where the room clerks in the largest hotel chain are college or even law school graduates, thousands of people will apply for the job of the journalist who resigns or is fired.

In the zeal of what many genuinely believed was best for their country and would most please their superiors, journalists and government officials alike doctored "news" as well as intelligence reports. Occasionally the results were darkly humorous. Chand Joshi, a reporter for *The Hindustan Times*, recently recalled: "I would write a story and drop it off at Shastri Bhawan [the censors' headquarters in New Delhi] and then go across the street to the press club. About two hours later I would go back and the censor would say it hadn't cleared. 'Okay, then give it back,' I'd tell him. 'You must have known it wouldn't be cleared,' the censor said, 'but I can't give it back to you because we're all reading it to find out what's happened.'"

"Journalists separated into those who were for the censorship and those who were against," said George Verghese, formerly an editor at *The Hindustan Times*, who now divides his time between the Gandhi Peace Foundation and writing articles for such magazines as *Asia Week* and *India Today*. "Those who went along did so openly, went beyond the call of duty, as one might say. Others did not think it prudent to cooperate and went about sullenly doing the minimum they could." Romesh Thapar, of *Seminar*, added: "Journalists

want to get on in the small elite that rules India; they don't want to take risks. They had the responsibility to do something. There was no solidarity."

The summary imprisonment of journalists, detained without charges or trial, went unreported; no funds were collected by friends, and the audible monitoring of telephones, while more a comment on the quality of wiretapping equipment in India than a conscious plot on the part of Mrs. Gandhi's regime, served a dual purpose nonetheless: it informed the government and, since many journalists seized the occasion to declare their wholehearted support of the government, the monitoring quickly eradicated the middle zone between collaborator and colleague.

"One of the main troubles was that we didn't know what was going on," said Lindsay Emmerson, the deputy editor of *The Statesman*, based in Calcutta. Speaking of the sudden arrests of journalists, he added, "It was like the Gestapo coming in the middle of the night, just a case of 'somebody doesn't live here anymore' in the morning."

Some reporters left the country; some returned with their families to the smaller villages they had left. Others, like Manik Banerjee, a reporter for Samachar, kept their jobs but changed their beat from politics to sports or stories about children.

Many Indian journalists had expected, or hoped, that their Western peers would be outraged at Mrs. Gandhi's actions and would extend strong fraternal support. Instead, the Indians found what they perceived to be merely passive sympathy. Western comment left many with the impression that most foreigners thought that for a country of India's size, and with its special problems of poverty and diversity, democracy and a free press were "unrealistic." "They think we all swing on trees," a woman photographer said resignedly. It was a comment one often heard in India.

The need to know what is going on pervades India; there is no apathy about current events, even inaccurately reported ones. The transistor radio — "a revolutionary instrument in this country," one editor called it — is a major means of disseminating news. Neverthe-

less, there is a fascination with the printed word. The vegetable fritters sold by street vendors come enclosed in a cone of newspaper and one frequently sees a purchaser, having consumed the contents, thoughtfully reading the wrapping, even if the news is several days, or even weeks, old. In the rural districts, where there may be no electricity and the illiteracy rate is 80 percent, the newspaper that serves as unshredded excelsior in packages of food or medicine is carefully spread out and the few literate villagers read its contents to an attentive community.

Newspapers run from twelve to twenty pages, usually averaging about sixteen pages of eight columns each. There are few news photographs and those that do appear are usually placed on the front page. Front-page stories can be as short as fifty words or up to 2,000, with a jump. Daily papers cost thirty-five paise (about three cents) and a substantial portion of the affluent population reads several.

Television (black and white only) is still a toy of the upper class. Hotel rooms never have them and few reporters own one. When a movie is being shown, servants and their families, usually accorded treatment as a category distinctly below pets, are permitted to join their employers in the sitting room.

There is only one network, controlled by the government. News programs, broadcast twice each evening from the larger cities in English and either Hindi, Tamil, Maharashtri, Bengali, Punjabi, or one of the numerous other major languages, are taken directly from the wire agencies. For a country with the second largest film industry in the world, there is markedly little filmed news footage.

The most elemental issue now facing the Indian press is how to change. Some journalists have advocated that advertising be pegged to circulation and that the Ministry of Information and Broadcasting be abolished. Some have already attempted to extricate themselves from government obligation by moving into less expensive, but non-subsidized housing. But much of this is tokenism. Reporters still depend on government handouts and investigative journalism is still a rarity in the daily press. Meanwhile, the government's role

in news agencies remains paradoxical: the Janata party has stipulated that it wishes the press to be independent, yet the decision of what to do about Samachar was left to a government ruling.

Eight months after taking office, the Union Cabinet of the Janata government agreed to the dismantling of the Samachar monolith into the four previous agencies. Describing the cabinet's reasoning, *The Statesman* of November 4, 1977, reported: "It was . . . felt that unless the fully democratic character of news agencies was restored and competition allowed free play, the temptation would persist among those in authority to use any monopolistic news agency as an extension wing of its own propaganda machinery."

Breaking up a merger is a comparatively simple act. Restructuring the individual journalist's conception of his or her role in society, which is a prerequisite for an independent press in India, is far more complex. Many Indian journalists have a forgive-and-forget attitude toward the events of the Emergency. While initially this may strike one as admirable, it is symptomatic of the same oppressive resignation to fate (in the form of the government or newspaper proprietor or deity or whatever) that allowed the press to be rendered impotent in the first place. It is tempting to attribute this to Hindu fatalism, or the often commented upon amnesia about the recent past, but the Shah Commission and the Indian press's preoccupation with the subject refute this. What remains to be seen is whether journalists will progress from saying, Well, this happened and it can happen again, to acting to prevent its recurrence.

The journalists, however, cannot change their attitudes toward themselves and their work without the encouragement and support of the newspaper proprietors, who, in turn, can alone dissolve the press's dependence on the government.

"A newsman must be prepared to die for the cause of human rights and do everything in his power for the good of the people. It is not a profession; it is a trust." These words, spoken in his large, brown-carpeted New Delhi office, constitute the philosophy of Ram Nath Goenka, a close associate and disciple of Mahatma Gandhi and the leader, in

South India, of the 1942 "Quit India" movement. Barefoot, and dressed in the white linen *dhoti* of his native Tamil Nadu, the seventy-four-year-old chairman and managing director of the Indian Express newspapers takes time out from gruffly chiding his employees and answering the incessantly ringing telephone on his desk to elaborate. "A journalist must set a high standard; if he can't meet it, he should choose another career."

But there are discrepancies between aspiration and actuality. While it is true that during censorship government harassment cost Goenka's chain more than \$10,000 a day, the arrest and imprisonment of one of *The Express's* most prominent correspondents was never reported in the chain's papers. Furthermore, under government pressure, Goenka fired his editor-in-chief, S. Mulgoakar. (He was reinstated only after Mrs. Gandhi was voted out of office.)

"Of course, the owner orders the tune," Goenka continued. "Everybody has a self-interest. You pray to God to get to heaven. If I pay the piper, I can ask him to play the tune I like, but I can't say the details of the tune. Within that framework, the editor can do what he likes. We said we must protect human rights," the publisher reiterated. "And we worked for it and, by God's grace, we were successful."

About 100 yards from the offices of *The Express* on New Delhi's Bahadurshah Zaffar Marg stands *The Times of India* office building. In August 1976, after twenty-seven years with *The Times of India*, Girilal Jain became its editor. Severely criticized by some for what was deemed excessive capitulation to the government, Jain candidly maintains a philosophy different from Goenka's.

"There's an assumption that the press owes to society more than any other section of society, which is a condition I cannot accept. Why should I not look after my family?"

While he claims he did not support the Emergency, Jain concedes that the paper did not resist censorship and would behave similarly were the situation to arise again. "I played my role and we survived," he said. "If we had not been as careful as we were, we would have been subject to publica-

tion censorship. I don't want to pass any judgments; I did what I regarded as best under the circumstances for this paper. Because we were careful and we weren't that critical or hostile, the government had a measure of respect for us, Mrs. Gandhi especially."

This "measure of respect" from the government is coveted by many journalists. "There's an official quality to reporting here," said an editor on *The Times of India*. "You would never print overhearings or conjecture, nothing that would be spicy or interesting."

While there is no externally imposed censorship now, self-censorship is an ingrained habit. Decorum will always win out over a "spicy" fact. As an example, several journalists mentioned they had heard that during her October arrest Mrs. Gandhi had used very abrasive language and had slapped one of the female arresting officers in the face. An unsubstantiated but rapidly spreading rumor, this appeared in no publication, nor was any effort made to find the police officer and verify the story, one way or the other. When asked why no one had pursued the story, the response was that such an account would never be printed because it would be considered in "bad taste."

It could also be said that Mrs. Gandhi is still a viable political figure and thus not to be presented incautiously. Whatever the reason, the current absence of revenge is noteworthy. For all the animosity harbored against her for her Emergency measures, reportage about Mrs. Gandhi since her defeat, even by those she imprisoned, is polite, respectful, and restrained.

More than a year after the repeal of the Emergency, there remains an almost reflexive deference to political authority. Shortly after Mr. L. K. Advani was instated as minister of information and broadcasting, some newspaper owners asked him if their editorials had been to his liking and whether or not they should retain certain writers. "That's your problem, isn't it?" was his reply. Some months later, in discussing the press's behavior during the Emergency, Advani said, "The government asked you to bow and you crawled."

Kuldip Nayar, a senior editor of *The Indian Express* and a part-time corre-

spondent for *The Times* of London, is unique. He is India's closest equivalent to "Woodstein." On July 17, 1975, the chief censor informed the management of *The Indian Express* that, until further notice, no article by Nayar was to be published. A week later he was arrested and in what would become one of the most celebrated legal decisions during the Emergency, the Delhi High Court ruled on September 15, 1975, that the government had failed to provide adequate proof that he had been lawfully detained under the Maintenance of Internal Securities Act, and released him from jail.

Nayar, who received his master's degree from Northwestern University's Medill School of Journalism and whose book about the Emergency, *The Judgment*, has broken publishing records in India, expressed disenchantment with the press in India. For him, the past is not forgotten; it is not even past.

"My fear is that should these Janata leaders use the same methods, most of us will behave the same way. During the Emergency, the press just fell into line. To find a journalist who says 'My commitment is to X, come what may,' is rare. Embarrassing stories are never liked, so the press became too docile; they don't want to rub the government the wrong way. We've become the establishment, part of that middle class too attached to the security of their jobs. There's always self-interest here."

Will that ever really change? "I don't say Marxism is the answer," he said slowly, "but the elite must see the writing on the wall and develop some social consciousness."

The gulf for the Indian press between "should be" and "will be" is a vast one. The history of the Emergency stands as a vivid warning, but the weight of tradition is considerable. Unless the press seizes this opportunity to restructure itself and all the talk is translated into constructive change, its freedom will always be dependent upon government whim.

Through the lucky combination of a number of factors, the largest democracy in the world has granted its press a reprieve. For it to seem irrelevant to Western newsmen is a pity; for it to be wasted by the Indian press itself would be tragic. ■

Canada prosecutes a scold

It's not exactly the Pentagon Papers, but substantial issues are at stake in the government's Official Secrets Act case against *The Toronto Sun*

by JEFF SALLOT

The *Toronto Sun* and its two top executives have been charged under a rarely used Canadian espionage law because the freewheeling tabloid published information from a "top secret" government report about alleged Soviet espionage activities. Peter Worthington, the editor, says the leaked information was published in his March 7 op-ed column only because he felt Prime Minister Pierre Trudeau was misleading the public and wasn't taking the Soviet spy threat seriously enough. There is an element of irony in the fact that the Liberal government dusted off the Official Secrets Act, a pre-World War I law intended to keep defense secrets out of the hands of foreign agents, to prosecute a paper that was sounding the alarm because it perceived an espionage threat.

This is the first prosecution of Canadian journalists and a news organization under the Official Secrets Act. It raises serious questions about press freedom, the motives of a government that has ignored damaging leaks in the past, and the sweeping powers of legislation that, in its broadest application, could be used to suppress most information about government. There is some personal risk as well for Worthington and the *Sun*'s publisher, Douglas Creighton. If convicted, they could face maximum sentences of fourteen years in prison. The paper could also receive substantial fines.

Displaying a flair that characterizes his copy, Worthington vows he will fight "all the way to Millhaven," a maximum-security prison. The case appears destined for a historic court battle in the fall. The *Sun* will argue that the public's right to know that it was misled by Trudeau outweighs the government's need to stop leaks.

There have been several leaks in re-

cent years resulting in political scandals for the Trudeau government. Last fall saw a deluge of news reports of Royal Canadian Mounted Police excesses and illegal activities. The Mountie security service, the equivalent of the F.B.I., was involved in break-ins, arson, thefts, surveillance of opposition politicians, and unauthorized access to confidential tax and medical records. Leaks to the Canadian Broadcasting Corporation and the *Globe and Mail*, the *Sun*'s morning competition, played a major role in the disclosures.

The fabled Mounties managed to regain some of their lost prestige in February by uncovering a "spy ring" operating out of the Soviet embassy in Ottawa. The story broke one morning with a news leak. That afternoon in Ottawa, external affairs minister Donald Jamieson told the Commons that the Soviet ambassador had been called in, and that thirteen diplomats were being expelled. Jamieson later held a news conference to praise the Mounties and exhibit photographs of Soviet spy gadgets, including a cigarette pack with a hidden compartment. This high drama was an unusual reaction by the Canadian government. Several previous expulsions of Eastern bloc and Chinese diplomats had been much quieter affairs. The *Sun*, which makes a specialty of Communist spy stories, spent two weeks last fall trying to get the External Affairs Department to acknowledge that a Chinese diplomat had been expelled. Meanwhile, a Conservative Member of Parliament, Thomas Cossitt, received leaked intelligence documents indicating that Soviet spy activities in Canada were far more widespread than the government wished to acknowledge. Cossitt revealed some of his information in the Commons. The government threatened to prosecute Cossitt under the Official Secrets Act if he didn't return the documents. This sparked new interest in Soviet espionage. At his March 2 news

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conference, Trudeau said the K.G.B. was "an enemy of any country on which it is spying." But, he added, "I don't consider the Soviet Union to be an enemy."

This was just too much for Worthington, a former Moscow correspondent for the defunct *Toronto Telegram*. Several months earlier he had received a leaked "top secret" government report

'Canada's Official Secrets Act can be used to prosecute anyone for disclosing any government information other than an official press release'

about Soviet espionage activities. The document was based on information of questionable validity compiled by the R.C.M.P. security service. But Worthington saw it as "a virtual catalogue of Soviet crimes, or attempted crimes, against Canada." Worthington says he decided to publish some of the information because the *Sun* "felt it to be in the public interest and because the information was of national concern and because Canadians were being misled" by Trudeau.

The details in the March 7 column didn't tell the Soviets anything they didn't know already, Worthington says. The column mentioned sixteen alleged incidents, most involving unsuccessful attempts to blackmail or bribe civil servants and academics to provide classified scientific data. Worthington wrote: "There is more, but even this brief outline is irrefutable evidence that the Soviet government's policies towards Canada are not those of a friendly country, seeking goodwill and co-operation. . . . Adequate knowledge by citizens as to the risks and dangers involved in the dealing with Soviets can only enhance our security, not endanger it."

The R.C.M.P., which was already investigating the Cossitt leaks, immediately expanded its probe to include the *Sun*. Ten days later federal Justice Minister Ronald Basford announced that Cossitt would not be prosecuted, because he enjoys the legal protections of a

Member of Parliament. But the *Sun*, Worthington, and Creighton, who have no special status in Canadian law, were charged with receiving and publishing classified information.

The Canadian Official Secrets Act, modeled closely on the British version, is so broad and vague that it can be used to prosecute anyone for disclosing or receiving any piece of government information other than an official press release. Nowhere in the act is an "official secret" defined. A Canadian royal commission on national security in 1969 said the act "is an unwieldy statute couched in very broad and ambiguous language." The government ignored the commission's recommendation for revision. Section four of the act, the section under which the *Sun* executives are charged, makes it illegal to communicate "any secret official . . . document or information to any person, other than a person to whom he is authorized to communicate with, or a person to whom it is in the interest of the State to communicate it."

Worthington seems to have one possible defense. He must convince a jury that it was in the interest of the state and his duty as a citizen to communicate the information. There is, however, no precedent for this defense in Canadian law and the British experience does not offer much encouragement. A former British attorney general once said: "There is no doubt that the act makes it a crime, without any possibility of defense, to report the number of cups of tea consumed per week in a government department, or the details of a new carpet in a minister's room." Stanley de Smith, a Cambridge University law professor, commented in 1972: "It is no defense to a prosecution under the act to establish that the communication was made in good faith or for the public benefit . . . or that no harm was done by the unauthorized communication."

A London *Daily Mail* reporter was convicted and sentenced in 1932 to two months in jail for publishing leaked information about the wills of three celebrities several hours before the same information was officially released by British authorities. However, one of the most recent British cases ended differ-

ently. *The Sunday Telegraph* published classified information in 1971 suggesting that the government had made misleading statements about the levels of arms shipments to Nigeria during the Nigeria-Biafra civil war. A sympathetic trial judge said it might be about time for sixty-year-old sections of the act "to be pensioned off." The jury voted an acquittal.

Worthington, Creighton, and the *Sun* have the option of a jury trial only because the justice minister authorized prosecution by indictment. The government could have chosen summary conviction proceedings, which provide for a trial by a judge alone. That is a mixed blessing. Conviction upon indictment provides a fourteen-year maximum penalty while summary convictions are liable only to a one-year maximum penalty and a \$500 fine.

Basford, moreover, chose to prosecute under section four of the act rather than section three — a significant difference. A section-three conviction requires proof that the unauthorized communication of official secrets was "prejudicial to the safety or interests of the State" and could be "directly or indirectly useful to a foreign power." Under section four the government does not have to prove there was any damage to national security or foreign relations from the *Sun*'s disclosures.

The act provides that all or part of the trial can be held in secret if the trial judge agrees with the prosecution that public proceedings would damage national security. Only sentencing must be in open court. John Scollin, one of the federal prosecutors assigned to the *Sun* case, says the government wants some of the evidence *in camera*. (There was an Official Secrets Act trial last year in Montreal of a communications engineer. It was held entirely behind closed doors. The *Sun* and the *Globe and Mail* were able to provide limited, second-hand coverage based on interviews with the engineer, the only participant willing to talk freely. The trial judge allowed reporters into the courtroom the first time on April 28, 1978, when he found the defendant guilty. But he barred access to his written reasons for judgment and he would not read them out in court. Later, he sentenced the engineer to two years in prison.)

There appears to be no American equivalent to the prosecution of journalists under spy laws for publishing classified material. Even though the Nixon administration claimed in 1971 that *The New York Times* and *The Washington Post* had violated U.S. espionage laws by possessing classified material, the Pentagon Papers, the government sought to block publication under civil procedures. The *Times* and the *Post* were eventually vindicated by the Supreme Court, which cited First Amendment free press barriers to prior restraint.

There is a far different tradition in Canada, which did not have a written Bill of Rights until 1960. The Canadian Bill of Rights, which is not part of the Constitution, says that the right of a free press has always existed. But civil liberties can be suspended under the War Measures Act, which was invoked last in 1970 during the peak of terrorist activity in Montreal.

The *Sun* case is only the fourth Official Secrets Act prosecution in the past twenty-five years. In addition to the secret Montreal trial last year, there was a 1961 case involving a Polish immigrant who was collecting unclassified information about hydroelectric projects, and the 1967 trial of a government pressman who stole a secret naval map and was seen meeting with a Soviet diplomat. The immigrant's case was thrown out at the preliminary hearing. The pressman was convicted and sentenced to thirty months in prison.

Although it is infrequently used, the act "stands in the background as an untested sword. It stiffens the spine of people with access to secrets and it softens the vertebrae of journalists," says Arthur Siegel, a prominent Canadian political scientist. Siegel, who calls the Canadian ship of state "among the leakiest in the world," says the government has developed a double standard for official secrets. The really "sacred secrets" involve national security, information about pending federal budgets, and information that might affect the value of the Canadian dollar. "Everything else is leakable." The *Toronto Globe and Mail* probably has been the most frequent beneficiary of leaks in recent years. "You guys get stuff every



*** Whitby Dunlops recall the glory days**
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*** It's 3 Indys for AI Unser**
Pages 41, 42

Weather: Sunny. High 30

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METRO TEENAGER MURDER VICTIM

Page 2

There's a million reasons to turn to Page 14
Check it out!

PALM TREES in Toronto? Yep, just off in about town. They're real palm fronds (leaves) flown in from Florida and stuck on sculpted poles on this man-made poly-ethylene island. Want to know more about the island? Turn to pages 16 and 47. The girl? Oh yes, she's Monique and she may be wearing a Florida

Toronto's seven-year-old tabloid, the Sun, has grown to a claimed circulation of 182,000, still the smallest among the city's three major dailies. Its strident politics may have led to the prosecution of the paper, its publisher, and its editor-in-chief, Peter Worthington (right) under the Canadian Official Secrets Act.



week," Worthington told a *Globe and Mail* reporter. Yet it has never been prosecuted.

Nor has the CTV television network been prosecuted for its broadcast earlier this year of a program about Soviet espionage activities. The program quoted information from "documents" that had a familiar ring to them. Much of the information was similar to that in Worthington's March 7 column.

Most major Canadian news organizations, including the *Sun*, have received leaked information. Why, then, was the *Sun* prosecuted this time? Dennis Braithwaite, a columnist for the afternoon *Toronto Star*, suggests that it is because the *Sun* so consistently attacks the Liberals with "zeal, stridency, and, worst of all, the most abominable cheek."

It has also criticized Conservatives, but it seems to reserve its venom for the Liberals. The *Sun*, which features cheesecake photography and crime stories, is, above all else, irreverent. Braithwaite calls it "brash, sensational, noisy, and prejudiced . . . in the wrong way, that is to say, towards the right, rather than the left."

William Kelly, a retired deputy director general of the R.C.M.P. security service, says the *Sun* leak may seriously damage security operations because it indicates the extent of Mountie knowledge of K.G.B. activities.

The R.C.M.P. used search warrants issued under the Official Secrets Act to gather evidence in the *Sun* case and the earlier investigation of the Cossitt leak. The Mounties seized audio tapes from the CBC of two interviews with Worthington. They had previously seized television film of interviews with Cossitt from two television networks. The film from CTV included "outs" — footage that hadn't been aired. CTV protested, but reluctantly turned over the "outs" in sealed film cans only when the Mounties agreed not to open the cans until the network could challenge the warrants in court. The issue became academic a few days later when the government decided not to prosecute Cossitt. The film cans were returned unopened. But the *Toronto Newspaper Guild* sent protest letters to Basford and the R.C.M.P. condemning the use of journalists as "unwilling and unwitting investigative tools

and informers" for the police.

The Canadian Daily Newspaper Publishers Association condemned the *Sun* prosecution as "discriminatory action." At its annual meeting in April, the association also instructed its legal counsel to prepare draft proposals for amending the act to make it "more in tune with the times in a democratic country where freedom of the press is an essential requisite of a free people."

But the publishers took some care to avoid being seen as supporting the *Sun*'s decision to publish the classified material. The resolution says, "we do not necessarily support" the *Sun*'s decision. The resolution's author, *Edmonton Journal* publisher J. P. O'Callaghan, said he was particularly concerned that Cossitt had not been prosecuted, but the *Sun* and its officials had.

"There is no question that the *Sun* is the scapegoat and there is no question in my mind that if somebody should be vilified for playing fast and loose with the country's security matters it is the M.P. [Cossitt] who preferred to embarrass the country in Parliament rather than consider what his revelations might do to the information our security forces had gathered to protect the state from an alleged spy ring," O'Callaghan said.

The government should be condemned for its vindictiveness and "its obvious haste to silence a persistent and probably cruel critic of the Liberal party — a newspaper that has always been a thorn in the side of the prime minister in particular," O'Callaghan added.

There has been limited press comment on the *Sun* case because of tough contempt of court restrictions on pre-trial publicity. But a *Globe and Mail* editorial said the Official Secrets Act "is atrocious [because] it is so broad, so vague, so capable of abuse that it cannot support the public confidence and therefore cannot serve the public interest." The *Toronto Star*'s editor, Martin Goodman, declined comment, but two of his writers — Braithwaite and Ottawa political columnist George Bain — have criticized the government's decision to prosecute the *Sun*. Braithwaite wrote: "I hope the deafening silence that has greeted the government's prosecution of the *Sun* is a temporary faltering and that

the media will quickly realize the morning tabloid's fight is their fight and will rally to its support. . . . The press has a duty to defy whatever restraints may be put upon it by the state whenever it feels that the public interest can be served in no other way." Braithwaite said that many other journalists see the *Sun* as "a

What is The Toronto Sun?

The Toronto Sun lends proof that journalism miracles do happen. Born in 1971 out of chaos and confusion, the *Sun* published its first issue two days after the death of the *Toronto Telegram*, the city's oldest newspaper and the third largest English-language daily in Canada.

The founders of this new tabloid had the gall to think that the *Sun* could succeed where the *Telegram* had failed. They ignored the advice of media experts and financiers and decided to challenge two of Canada's finest dailies — the morning *Globe and Mail* and the evening *Toronto Star*. Even media barons such as the late Lord Thomson of Fleet did not think it stood a chance. He said: "In my opinion, it can't succeed. I wish them well, but there is no field here for a third newspaper."

The *Sun*, however, proved them wrong. It first dawned on November 1, 1971, and is continuing to rise brighter and richer.

Ron Poulton, author of *Life in a Word Factory*, a tongue-in-cheek history of the *Sun*, wrote: "It rose like a bedraggled phoenix from the ashes of the *Telegram*. Its mother was Desperation and its father was Want. It was an orphan, whelped in broad daylight and kicked into motion in front of a gaggle of media critics who stood around like professional mourners predicting its speedy demise."

No press analyst has yet been able to devise a complete explanation for the *Sun*'s survival, but a part of the answer may lie in the fact that the *Sun* is a quite different sort of Toronto newspaper. It is innovative and its readers seem to like it and wonder about it. The time of its birth also seems to have been a vital factor. Toronto has a history of

reactionary newspaper and, by implication, probably deserves to be kicked by the Liberal government, and anyhow, isn't worth going to bat for."

Bain produced a masterly piece of investigative journalism demonstrating that many of the so-called Soviet espionage activities listed in the Worth-

ington column and the "top secret" government report were no more than rumors that could be easily discredited. For its part, the *Sun* again flamboyantly thumbed its nose at the government. In its March 19 edition, the first issue after being charged, the entire front page was given over to an editorial by Worth-

ington under a headline that said: WE SHALL CONTINUE TO FOLLOW OUR CONSCIENCE. Three full pages inside were devoted to the story. The *Sun* even sent a reporter to a subway station to get public reaction. If the government hoped to silence a troublesome newspaper, it has thus far failed badly. ■

loyal newspaper readers, according to David Crane of the *Toronto Star*. When the *Telegram* folded, 243,000 people suddenly found themselves without a newspaper. The originators of the *Sun* did not want them to become addicted to either the *Globe and Mail* or the *Star*, and so they offered them a radically different product. They gave them a tabloid.

The *Sun* was the first Toronto tabloid. It was thus a basically novel concept to the metropolitan area's 2.3 million residents. The format was tailor-made for this modern urban center, which has a superlative mass-transit system.

Another aspect of the *Sun* that is closely tied to mass-transit is distribution. The *Sun* does not depend on subscription sales at all except on Sunday. En route to its readers, the *Sun* travels out to 2,000 dealers and 3,000 street boxes across metropolitan Toronto.

The *Sunday Sun* is another major innovation, not only in Toronto but in Canada. The *Globe and Mail* and the *Star* both publish Saturday papers intended as weekend publications. They do not publish on Sunday. The *Sun*, on the other hand, does not print on Saturday and publishes a very successful Sunday paper. Of Canada's 102 English-language daily newspapers, the *Sun* is the only one that publishes on Sunday; there are only eight other Canadian newspapers altogether that print on Sunday. This, according to Colin McCullough of the *Globe and Mail*, is part of the *Sun*'s real success story. The *Telegram* toyed with a Sunday edition about ten years ago and it failed, but the *Sun* found that Toronto was ready for a Sunday newspaper.

While the *Globe and Mail* is *The New York Times* of Canada and the *Star* parallels the average American met-

ropolitan daily, the *Sun* is, in many respects, typical of most popular tabloids. It is easy to carry, easy to read, filled with several large pictures, and very colorful. It wears a cheerful casualness. Poulton pointed out in his book: "There are days even now when credence is given to a persistent rumor that it is proofread by a defrocked monk from the high Himalayas who prays, with every edition, that he will master the intricacies of English if only given time."

Peter Worthington, editor-in-chief and one of the founders of the *Sun*, said in a recent interview that the paper really has no philosophy but has a purpose. It is intended as "another voice." Its tone is irreverent and chic, and it is basically an anti-government newspaper. In the lead paragraph of an editorial during the last provincial election, the paper called Stuart Smith, a leader of the Liberal Party, a "dink" and did not bother to define the term. Of the three Toronto newspapers, the *Sun* usually causes the most controversy. It is a gutsy, brash newspaper — particularly a favorite among males, students, the young, people dissatisfied with government, and people who love entertainment and sports.

As far as the news content of the *Sun* is concerned, it is a far cry from "All the news that's fit to print." The paper, which averages sixty-four pages daily, is filled mostly with crime stories and sensational items. Some national news is sprinkled in along with numerous features and columnists.

The news stories are brief. Worthington calls it headline or radio news. It is superficial but most of the substance is there. The stories are often poorly written and are rarely continued from one

page to another. There is abundant coverage of entertainment and sports to enjoy. Another interesting feature is the daily "SUNshine Girl," a cheesecake photo of a local female. It is a popular item, but it started drawing criticism because of its sexist overtones. So the paper responded with another feature entitled "SUNshine Boy."

Its editorials are also very popular, which is unusual since most editorials in other papers rank very low in reader interest. Perhaps there is so much interest in the editorials because the *Sun* prints only one editorial, and in the same spot every day. They are somewhat simplistic but clear and understandable.

Overall, the *Toronto Sun* is an innovative paper that knows its environment and its public well. It promotes reader involvement. From the beginning, the paper believed that it was at least as interesting as the news of the day. According to Hartley Steward, the *Sun*'s news director: "We're as likely to write about how we got the story as the story itself." There is also the annual reader survey. The results have been overwhelming, with thousands of *Sun* readers taking the time to tell the staff what they liked and disliked about the paper. The survey is by no means scientific, but it is fun. One year the *Sun* included the name of a nonexistent columnist in the poll. He received a seven percent readership rating.

While the *Sun* may be superficial and sensational, it is also very successful. It is a paper with a lot of pride and few sacred cows.

DAVID J. FENECH

David J. Fenech is a free-lance writer and advertising manager-reporter for the weekly Durand Express, Durand, Michigan.

Winging it with Jimmy

Carter's \$100-million Sun Day solar-energy 'pledge,' and press treatment of it, showed once again how the White House can shape the news

by CARL P. LEUBSDORF

CARTER PLEDGES \$100 MILLION read the headline in Denver's *Rocky Mountain News* of May 4. "Solar Promise on Rainy Sun Day," explained the overline. And inside the paper, a story about Carter's Colorado visit stated that the president had "pledged an additional \$100 million in the next fiscal year for solar energy research and development."

"It's the headline we wanted," Democratic national chairman John C. White conceded the next morning to Curtis Wilkie, of *The Boston Globe*.

"They really fell for it," Wilkie said.

"They sure did," agreed White.

What had happened was an excellent example of the ability of any U.S. president to "make news" and control the way it is disseminated. It is a problem most White House correspondents recognize, but one which they often feel virtually helpless to deal with, especially when the event happens close to deadline. In this case, there was a good deal less than met the eye in Carter's \$100 million "pledge."

In his January budget, Carter proposed \$373 million for alternate energy sources, including solar and wind research development and applications, in the fiscal year that starts October 1, 1978. (This was \$17 million below the comparable figure for the last budget proposed by Ford and modified by Carter.). The House Science and Technol-

ogy Committee quickly added \$150 million, and the Senate Energy Committee indicated it might add as much as \$200 million. Though it is still early in the budget process, the ultimate congressional total seems certain to be well above the \$373 million in the original budget. And whatever Congress votes, the president must spend.

Against this background, the White House and the Department of Energy began casting about for ways in which Carter could use the Sun Day appearance to symbolize his interest in solar energy. The department proposed an addition of between \$300 and \$400 million to the alternate energy budget. Carter rejected this proposal, directing, instead, the transfer of \$100 million to solar and other renewable energy sources from other energy funds.

Few, if any, of the reporters headed for Colorado on the afternoon of May 3 aboard Air Force One and the accompanying press charter knew of this. In fact, most reporters found out that Carter had any new proposal only when the press "pool report" from Air Force One was distributed to reporters at the muddy mesa at Golden, outside Denver, shortly before Carter was to speak at the Sun Day ceremony.

The pool report read, in part:

Press Sec. Jody Powell announced that President Carter and Energy Sec. Schlesinger have discovered "about \$100 million" in Department of Energy budget which will be used during the next fiscal year for increased spending on solar and other renewable energy source programs, like wind and biomass projects.

This re-allocation of funding will be inserted in President's Golden, Colo. SERI (Solar Energy Research Institute) speech. "He and Schlesinger have been cooking this thing up for a while," Powell said, "as a surprise for the solar energy folks."

Midway through his speech, Carter added the promised pledge. "I'm going to provide a small surprise for this occasion," read a transcript of his remarks made by Don Irwin of the *Los Angeles Times*. "I have just instructed the Department of Energy, through reprogramming, to provide an additional

\$100 million [heavy applause and cheers] for expanded efforts in solar research, development and demonstration projects, and the development of economical uses, such as windmills, in the next fiscal year."

Carter spoke at about 4 P.M. M.D.T. (6 P.M. E.D.T.). The timing was virtually ideal, from the administration's point of view: network television newscasts were right on deadline, and so were many morning newspapers.

As usual, the wires were the first to spread the news of the presidential "initiative." "President Carter marked 'Sun Day' on Wednesday by proposing increased federal spending for solar energy and promising to develop a new 'national solar strategy,'" read the lead by Brooks Jackson of the Associated Press. In the third paragraph, Jackson reported that "Carter sprang a surprise announcement to reporters" on the plane and then "repeated the announcement in his speech." The story went on to say that Carter had ordered the transfer of funds from other energy money, and it quoted Jody Powell as saying that the president and Schlesinger had been "cooking up" the idea for some time but that Carter had wanted to save the announcement "as a surprise."

United Press International, in a story by Helen Thomas, reported: "President Carter, in a move to help offset criticism by solar enthusiasts who have challenged an absence of support, marked nationwide Sun Day celebrations Wednesday with a proposal to boost federal spending on solar energy by \$100 million." The story included Powell's comment about how the president had been cooking up the "surprise."

Neither wire service mentioned the situation in Congress.

Because Carter spoke so late in the day, the networks had little time to do anything but report the president's words. CBS, in an excellent piece that correspondent Bob Schieffer said was mainly the work of his producer, Lane Vernardos, portrayed the way the speech site had been hurriedly prepared the day before: solar energy projects were brought in and the road up the

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mountain was paved. Near the end of his report, Schieffer inserted, without comment, the news of Carter's \$100 million "pledge."

On NBC, correspondent Bob Jamieson, skeptical of the \$100-million figure, also put the pledge near the end of his report. He added that Powell was unable to say where the extra money would come from.

ABC's Sam Donaldson said he reported the figure without comment or elaboration. "I didn't know then it was funny money," he said later.

"In defense of us all," Jamieson commented recently, "it all happened in the worst of circumstances," a reference to the quickness with which network stories had to be filed. "And they [White House aides] understand the technicalities of our business very well," he added. "They know what we can do or can't do on deadline."

Newspaper coverage varied widely. Two of the most penetrating stories appeared in *The Wall Street Journal* and the *Los Angeles Times*. The *Journal* account, written by a "staff reporter," was headlined **CARTER PUBLICLY HAILS SOLAR ENERGY USE, BUT PRIVATELY KILLS NEW FEDERAL FUNDING**. The story quoted "Carter administration sources" as saying that "before leaving Washington, the President surprised Energy Department officials by rejecting the department's request for a \$300 million to \$400 million expansion of next year's budget." It added: "Mr. Carter apparently heeded the arguments of the Office of Management and Budget, which insisted the spending wasn't justified and thus would add unnecessarily to the budget deficit."

The *Los Angeles Times* ran a similar story in the lead position on page one under the headline **CARTER REJECTS NEW SPENDING ON ENERGY**. The story combined material obtained in Washington by Bryce Nelson, the paper's energy correspondent, and by Don Irwin, with the president in Colorado. It quoted administration sources as saying that Carter "has quietly turned down a request from Energy Secretary James R.

Schlesinger to add about \$368 million in new money" and added that, because the \$100 million announced by Carter was a transfer, "the shift will mean a reduced federal effort in dealing with other aspects of the nation's energy problems."

The Boston Globe, in a story by Wilkie headlined **IT RAINED ON CARTER'S SUN DAY**, noted in the second paragraph that "Carter, who has been accused of short-changing the solar energy budget, announced he was asking the energy department to provide an additional \$100 million for projects related to solar energy." It then cited "conflicting explanations" by administration officials.

Wilkie quoted Schlesinger as calling it a "special augmentation." James Bishop, the secretary's press spokesman, denied it was a "gimmick" (a useful reportorial method to indicate it might, indeed, be one) and maintained it was an "interesting convergence" between what Wilkie described as "Sun Day and congressional considerations for the budget." Jody Powell was quoted as saying, "You have to judge for yourself whether it's a gimmick."

The *Baltimore Sun*, deliberately relegating the announcement to the eighth and ninth paragraphs of a story that stressed the directive to Schlesinger to develop a "national solar strategy," quoted Carter as announcing he had asked the Department of Energy to shift \$100 million to solar energy. After pointing out that the administration had "reduced funds this year for solar energy," it explained: "However, the \$100 million is less than the \$150 million solar energy already added by a House subcommittee to the administration's \$370 million solar energy request. In effect, the announcement means the administration is willing to spend some of the extra money but by transferring it, rather than adding it."

The New York Times ran Martin Tolchin's Sun Day story under the headline **CARTER ORDERS A RISE FOR SOLAR RESEARCH**, presumably because of a lead that read: "President Carter journeyed to a rain-swept mountain top here today



Huffaker

to celebrate Sun Day by announcing that he was directing the expenditure of an additional \$100 million for solar research projects." Further down, Tolchin reported that there had been discussions about additional solar energy funds but that these "were apparently discarded . . . at least temporarily." He also noted that while Carter claimed the federal solar energy budget was more than \$500 million this year, "he did not point out that that amount includes \$150 million added by the House Committee on Science and Technology."

The Washington Post, in a story by David S. Broder, focused on the political and meteorological gloom in Colorado. In the second paragraph, it said Carter sought "to dispel the gloom by announcing . . . he has found an additional \$100 million in this year's budget for research on solar and other renewable source energy." It noted that this was "designed to quiet criticism of an earlier cutback in solar research funds from the level of last year's Ford administration budget."

While a number of these stories provided at least some context for the pledge story, most of the nation's viewers and readers never got to the fine print, especially since most, presumably, perceived the event as it was presented by the three networks and the two major wire services. The net impact was precisely the one the White House intended: a belief that the president had made an important new commitment to solar energy on Sun Day. And the incident demonstrated once more the tremendous advantage any White House has over the presidential press corps. ■

Conflict of interest: a newspaper's report on itself

The *Lewiston Morning Tribune's* examination of its own staff gained national attention. Here is the text of its report.

by CASSANDRA TATE

The large color photograph of the late A. L. "Bud" Alford which has decorated the *Lewiston Morning Tribune* newsroom for more than a decade was moved recently from the north wall to the south.

The relocation was not undertaken lightly, the *Tribune* being an institution with a particular reverence for tradition, thanks in part to Alford, its publisher for twenty-two years.

Alford was a staunch member of the swivel-chair school of journalism. He used to go off on expense-paid cruises on Navy ships and then come back and write unabashed and lengthy feature stories about the virtues of the Navy and its ships. As a member of various civic boards and commissions he would either tell a reporter what to write about a group's meeting or write the report himself. He was considered a very public-spirited citizen.

Times change. Yesterday's public spirit is today's conflict of interest. "Our standards have changed," says Ladd Hamilton, the *Tribune's* day managing editor. "We're a lot cleaner than we used to be. We don't go on the junkets we went on. We don't accept the freebies we used to. When the circus came to town, some guy would always come in and pass out fifty tickets. We're not accepting those types of gifts anymore. People aren't offering them anymore, either.

"Those cruises Bud Alford used to go on — that wasn't right. That was the

Cassandra Tate is weekend managing editor and special assignment writer for the Lewiston (Idaho) Morning Tribune. Her article is reprinted by permission.

Navy buying a whole bunch of cheap publicity. But it was accepted in those days."

The times have changed to the point that the current publisher, A. L. "Butch" Alford, Jr., who took over after his father's death in 1968, offers to make a complete personal financial statement available to anyone who wants to see it. Alford is even more active in civic affairs than his father, but he no longer writes reports on any of the groups he is affiliated with. He meticulously avoids any contact with the newsroom over his more controversial activities. And he still worries that he is open to conflict-of-interest charges.

This story itself is a further gauge of the changes since Bud Alford's day. "It's the first time in my association with the paper that we've thought to look at ourselves," says Alford. "This is a healthy thing. I hope as a result of this editorial coverage of ourselves we can see the weaknesses in our own process."

There are about as many definitions of what constitutes conflict of interest for today's journalists as there are journalists.

At one end of the spectrum in the *Tribune's* newsroom is the young reporter who argues that any type of community involvement, from joining the Jaycees to serving on a beautification committee, poses a potential conflict. At the other end is an old pro who thinks a political reporter can get involved in party politics with no loss of credibility.

Should the journalist exercise the rights and responsibilities of citizenship by participating in civic and political affairs? Or should he/she remain above the

fray, a neutral observer? There is danger of conflict in the first course, the potential for social isolation and sterility in the second.

As far as Alford is concerned, the answer is "responsible participation," with the journalist disqualifying himself from covering subjects in which he has a direct personal or financial interest.

"There is an undetermined but definite loss of credibility when people from the newspaper become newsworthy," he says, "but there's a very real gain. Newspaper types must involve themselves in civic responsibilities just the same as lawyers, morticians, and Indian chiefs. I caution to point out that journalists must maintain their own vigil for potential self-conflict, but so too should the lawyer, mortician, and Indian chief.

"I feel uneasy that there is potential conflict of interest with myself and several other people at the *Tribune*. But I think responsible participation — as opposed to absolutely no participation in civic affairs — is in the best interests of both the community, the *Tribune*, and the individual."

Alford is president of the Idaho Board of Education and a director of the Lewiston Round-up Association, the Lewis-Clark Boys Club, the Nez Perce National Historical Park Advisory Committee, and the Twin County United Way. He is a member of the St. Joseph's Hospital Lay Advisory Board and the Bonneville Power Regional Advisory Council, a trustee of the Potlatch Corp. Foundation for Higher Education, and a director of Idaho First National Bank. He represents the Board

of Education as a director of the University of Idaho Foundation. He is active in the Lewiston Chamber of Commerce.

Alford's sources of income are his *Tribune* salary; dividends from the Tribune Publishing Co.; salary and dividends from Hahn Supply, Inc., which he operates in partnership with his brother, Charles; Hahn Investments, another partnership with his brother; dividends and director's fee from Idaho First National, and dividends from investments in three mutual funds. Copies of his complete income tax return are filed with the *Tribune* newsroom secretary and may be examined by anyone.

Alford believes his involvement with the Board of Education has serious potential for the appearance of conflict — which can damage a newspaper's credibility as much as or even more than actual conflict.

"Many, hopefully not most, people are going to see a conflict there," he says. "When my explanation of complete separation is given, heads will nod, but I'm sure there will be those who think it's a lot of crap."

Can a newspaper fairly report and freely comment on the activities of a public body headed by its publisher?

"The biggest cross that Butch has is the Board of Education," says Hamilton, "but I think we've worked that out fairly well. He just doesn't see anything anybody's writing about the state board. Normally, if he's in the office, he sees the edits before they go on the hook. Except those. He's never seen any of those."

Reporter Kevin Roche, who covers the board regularly, says the boss's presence does affect what he writes, but only because of his own sense of propriety. "If I get his name in there too often, I guess I think of readers receiving that as being an effort to enhance Alford's position on the board," he says. "So I have to make a conscious effort to err on the side of using him perhaps less than I normally would. While it is a generally enlightened board, he's a better speaker, a better advocate for a particular position. It would be easy to use too much of what he says. If I weren't working for him, I would use him more."

"This isn't at all on his direction, in-

centally — he doesn't tell me what to do or what not to do."

Alford does occasionally — through assignments given to the managing editors — tell reporters what to do with less controversial subjects. And there is room for conflict in even the generally innocuous things that most people would regard as "worthwhile."

The United Way, for instance, competes with other groups for charity dollars. People can get caught with their hands in the cookie jars of any organization. Could the *Tribune* cover any such squabble or scandal with its credibility intact in view of the publisher's involvement? It could be a problem and it certainly would be awkward, Alford concedes.

The publisher's interest in a particular civic project can clearly affect the paper's coverage of that project.

A case in point is the Valley Racquet Club. Two years ago, the club under-

Alford believes his involvement with the Board of Education has serious potential for the appearance of conflict

took a project to cover the tennis courts at Lewis-Clark State College. Alford, a member of the club, frequently asked for stories promoting the project. The opponents' point of view — that the covering was ecologically unsound, an ugly intrusion onto the campus, and unneeded in the "banana belt" Lewis-Clark Valley — was not given equal coverage.

"I suppose we did overplay the covered tennis courts," Hamilton says. "As I recall those days, the assignments were coming down from Butch's office. I'd get a reminder note to check on the progress of the tennis courts — the same kind of note I'd get on anything he was aware of. This happened to be a thing he was aware of."

There is general agreement among the staff that the *Tribune* consistently over-

plays another of Alford's interests — the Roundup. But he is given little personal credit — or blame — for that.

Hamilton says the Roundup is overplayed because "it's a tradition here to overplay it." Reporter Roche, voicing the majority view, says "I've heard that Roundup week is the biggest retail sales week in Lewiston and Clarkston. Even if he wasn't on the board, it's an important event."

That's a majority view, but it's not unanimous. Speaking for the loyal opposition is reporter Gary S. Sharpe. "I don't know how many times I've been confronted by a person aware of Butch's membership on the board who says, 'I think Butch would like to see this in the paper.' Any time there's a directors' meeting, we have to report it. Some of those meetings have minimum news value. We have a tight news hole all the time, and people probably would get along just as well without knowing that sixteen of the twenty-one Roundup board members were present at a meeting at the Grizzly Bear. About the only negative thing that's ever written about the Roundup is how many cowboys get injured."

Nevertheless, says reporter Thomas W. Campbell, "We are a little dinky town of 31,000. If we start putting on these highfalutin airs, we'll be in a lot of trouble. I detest the Lewiston Roundup, but a lot of people like it. It is our duty to write about what people like."

The young Sharpe and the veteran Campbell are members of opposing schools of thought on the journalist as participant.

"I've gone to great lengths to stay out of things I write about," says Sharpe. "I think reporters should at all times give the appearance of being neutral. When do you know that a group is going to become embroiled in some sort of controversy? When it does, who's going to write about it?"

"The people at the *Tribune* would take every step to make sure it was balanced and fair, and usually the things that people are involved in are noncontroversial — everyone agrees we have a sick downtown, United Way does things everyone benefits from — but you never know when it'll come back to haunt you."

continued

Sharp's only community involvement is serving as a high school basketball referee. "All my outside activities are confined to things that don't appear to offer any conflict of interest," he says. "Especially now, we have a real conflict of interest-oriented society because we as journalists have made people more aware of conflicts of interest. Why should we tolerate them among ourselves when we won't tolerate them among people we report on?"

Campbell is chairman of the Lewiston Historic Preservation Commission, a

I do not like cloistered, celibate people writing about people who are neither cloistered nor celibate

Perry Swisher, night managing editor

member of the Civic Theater board of directors, and a Democratic precinct committeeman. He's been told he can't continue to write about politics if he holds on to the precinct post, and he's not happy about that.

"They're saying I won't give a fair interview to the Republicans because I'm a Democratic precinct committeeman. I'm saying that doesn't make a damn bit of difference! Let your conscience be your guide." Campbell thinks reporters should be encouraged to participate in community affairs. Limiting such activities denies reporters outlets for their interests and cheats the community out of needed expertise, he says.

"I'd be uncomfortable in something that would involve the way the *Tribune* would handle a story. For example, being involved in a sewer committee when a sewer bond election was going on and writing stories about the election. But historical preservation? For God's sake, everybody's in favor of that!"

The *Tribune's* general policy concerning staff members who are active in a particular group is to assign someone else to the stories involving that group.

But that is not always practical on a paper with only seven full-time reporters in the home office. "It puts us in a real bind," says Hamilton. "We have a small staff — who's going to do the work?"

Campbell recently wrote a story reporting on actions taken by the Historic Preservation Commission, which he chairs. It was a clear-cut case of conflict of interest as far as Hamilton is concerned. "I'm sure Tommy's fair, that he would never twist a story, but you're still covering yourself," he says. "You can't divorce yourself. You can be the most devout adherent to the principles of good journalism and still unconsciously blur the distinctions between yourself as a reporter and yourself as a participant."

Among other *Tribune* staffers who are active in community affairs are part-time writer Diane Pettit, a member of the Nez Perce County Planning and Zoning Commission, and business writer Sylvia Harrell, chairman of the Lewiston Planning and Zoning Commission. Neither writes stories about those groups.

Harrell has served on various city planning commissions since 1964.

"If someone would really point out to me a case for conflict with the planning and zoning board, I probably would withdraw," she says. "I would hate to. I enjoy that work. Am I serving two masters? I don't think so, but I wonder if there may be some question about it in the community. Reporters are second-class citizens in some ways. Some of us have fought against this and asserted our rights by accepting appointments to boards and commissions. In general, I think reporters should have the full rights and responsibilities of citizenship, but exercise those rights with considerable caution."

Generally, the younger members of the *Tribune's* staff are less involved in community affairs than the veterans. "I think reporters should abstain from participation," says Roche, a member of the new guard. "Even if that reporter isn't covering that board, there likely will be a colleague who will have to report on those activities, and would therefore be less objective covering it."

But on the other hand, news editor James Kresse, who is young and uninvolved, thinks participation is a positive

thing overall. "It gives the impression that the people who work for the paper are truly interested in the community's welfare," he says.

Sylvia Harrell's beat as the *Tribune's* business writer includes the Potlatch Corporation, the area's largest industry and biggest polluter and, consequently, frequent newsmaker.

Her husband, William, works for Potlatch. It's a "decidedly uncomfortable" situation, she says.

Journalists, it's been said, should be friendly, but never friends. They make friends anyway, and they get married, and a conflict of interest can lurk behind every such personal association.

"I try to play it as I consider it ethically, as far as Potlatch is concerned and as far as friends are concerned," says Harrell. "I try to stay aloof. A reporter is by the very nature of the profession a lonely person, and he or she has got to accept that as part of a career. I can remember once when R.B. Rivers of Rivers Navigation Co. called me angrily about some story I had written and said, 'Sylvia, I thought you were my friend.' I said flatly, 'Dick, reporters aren't anybody's friends.'"

But most reporters and editors do have friends and causes and biases. And all for the best, insists Perry Swisher, the *Tribune's* night managing editor. "I do not like cloistered, celibate people writing stories about people who are neither cloistered nor celibate," he says. "This town's too small. A metropolitan area is a different story, but that kind of divorcement is monastic here."

It gets to be a problem when the reporter's friends happen to be his news sources. "People who have plowed the same furrow for too long can become advocates for people who live along those furrows," says Swisher. "You guard against the coziness in the way you handle assignments. You keep the beat and the civic activities separate."

"In any organization, perhaps 20 percent of the people are activists. Not everybody is that committed to something. Sure, those who are have influence on how something is covered. But what harm is done if a couple of people on the paper are active in the Civic Theater, friendly with Civic Theater

A message from Nursing Home Professionals.



Don L. Brewer, President



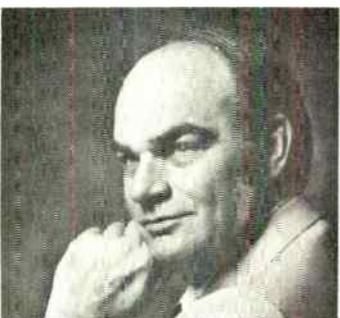
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Health care abuses. Profit abuses. Bureaucratic fumbings. These and other attacks leveled at nursing homes have always appeared as front page news.

When these stories appear, we are just as outraged at the shame and the scandal. We abhor the tales of unsafe facilities, inadequate diets, patient neglect.

Perhaps, unwittingly, we have built a serious communications gap. A gap between what most critics believe to be the facts and what actually are the facts related to the nursing homes in our nation today.

Nursing home care is a relatively recent development in this country. From the early community-sponsored shelters that served as poor houses, the nursing home was born. Usually a small family-run home that planted the seeds for today's modern facility.

But as human life spans continued to increase, so did the problems of aging and the care for the aged and the chronically ill. So that by the early 1950's, the need to improve conditions and facilities was critical. A major growth took place, not only aided by public awareness, but by the private investment of billions of dollars for land, construction and qualified personnel.

Suddenly, the number of long-term facilities tripled from 6,500 to 25,000.

Suddenly, from 172,000 available beds in 1953, the number of beds became 1.2 million by 1973.

Today, there are 20,000,000 Americans aged 65 and over. But, as many as 600,000 need nursing care and can't get it. Because for all the growth, for all the improvements, the number of Americans needing professional health care has skyrocketed.

Where can these people go? As fast as new, modern, professionally staffed facilities are built, just as quickly the waiting lists multiply. Many remain residents of boarding houses, independent homes, some inadequate, too many unsafe.

The incidents that have stigmatized the entire health care industry are mainly focused on those homes.

But these stories mask the progress of the vast majority of AHCA members who provide a wholesome, enriching environment for their residents. We are constantly improving both the social and physical environment; we are working to build individual dignity to its highest level; we are recruiting more qualified full-time specialists, searching for methods to train and re-train doctors and nurses in geriatric care. The nursing home profession has outgrown the county poor farm. Certainly the story of progress in health care is just as valid as the story of abuse. Let's report them both.

ahca

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people, and that results in better coverage of the Civic Theater?"

To avoid the "empire building" that can result when reporters become too entrenched in their beats, most of the *Tribune's* writers will be shuffled to new assignments during April.

Swisher does as many civic pushups as almost anyone on the staff. He is chairman of the Governor's Blue Ribbon Committee on Taxation and a member of the Idaho Manpower Board and the Idaho Advisory Committee to the U.S. Commission on Civil Rights and advisor to the Lewiston Downtown

If you're an honest journalist, you can be an honest public official or an honest press secretary and come back and be an honest journalist again

James E. Shelledy, executive editor

Beautification and Public Safety Building committees. He served two terms in the Idaho House and one in the Senate, two of the three as a Republican, the last as a Democrat. "You shouldn't shut the newspaper off from the heartbeat of the community," he says.

Executive editor James E. Shelledy agrees. "I have found that truly sterile reporters are devoid of emotion, feeling, understanding, and a sense of fairness. Every good reporter's got friendships. A reporter without friends, I don't want. Above all, you should attempt to be fair with your friends and your enemies.

"You can't say reporters can't know and be friends with people. I think that's more dangerous than apparent conflicts. You have to be part of the community; otherwise, you're just a journalistic android."

Editorial-page editor Bill Hall's association with Idaho Senator Frank Church is the most controversial of any potential conflicts of interest involving *Tribune* staff members. Hall served as Church's press secretary for sixteen months, returning to the paper about two years ago. He is often accused of still being on Church's payroll.

The argument for "crossing over" from journalism into politics and back again is that the experience of working inside government provides insights well worth the risk of any potential taint. But the reporter who does so can end up with a permanent credibility problem.

Alford believes that Hall did the right thing anyway. "It has chipped away at his credibility," he says, "but that's to be expected. It's part of the liability. But I think he is a better editor and writer for having served in a presidential campaign than for not having served. He is best prepared for his job by going away and getting some hands-on experience."

Hamilton doesn't think he did the right thing. "It was not pristine pure for him to go to work for a candidate and then come back. He feels inhibited when he writes about Church. He feels this inhibition because he's an honorable person and he's sensitive. But it still impairs his value to the newspaper."

Hall says he doesn't think he's lost much credibility or gained much insight; he regrets the continuity he lost by being absent from Idaho politics for sixteen months; and he feels Church has been hurt more than helped by their association. Nevertheless, he has no regrets.

"There will always be people who mind read my motives instead of answering my arguments, and I'm just going to have to live with that the rest of my days. But I don't think the rank and file reader cares or remembers that I worked for Frank Church two years ago. I'm either right or wrong; it doesn't matter if I worked for Frank Church or the Yellowstone Park Company.

"I was in agreement with Church about 80 to 90 percent of the time before I worked for him, and I'm about 80 to 90 percent in agreement with him now. It comes as no shock to the readers of the *Tribune* that I'm opinionated on the subject of Frank Church, or on any other subject. My bias is what I'm paid for as an editorial writer.

"I still, with Frank Church or anyone else, call it as I see it. The readers are going to have to judge. It's all out there in black and white."

News editor Kresse disapproves of crossovers in general, but makes an exception for editorial writers like Hall, "because it's his job to have opinions — I don't think people think he has much

objectivity about Church, but then again, he's not supposed to be objective."

Reporter Bryan Abas, on the other hand, says "I don't see how the editorial-page editor can comment on the senior senator from Idaho without raising questions, and very serious questions, about his credibility; in my mind, that places a severe limitation on his ability to do the job."

Shelledy, who has crossed over himself, says it boils down to a matter of individual professional ethics.

"If you're an honest journalist, you can be an honest public official or an honest press secretary and come back and be an honest journalist again. You can't be both simultaneously, but you can be both consecutively. When it's all said and done, a good reporter is a good reporter."

Shelledy was the campaign coordinator for Democrat Bud Davis's 1972 bid for James McClure's seat in the Senate. His involvement in Idaho politics has been beneficial in covering Idaho politics, he says, but he's had to pay a price: "I am open even to this day to the charge that I am a Democrat."

These are confusing times for journalists. It was easy enough when a conflict of interest was a clear-cut matter of, say, a financial writer who buys stock in some obscure company and then writes a glowing story about the company which causes the stock to rise.

It gets difficult when it gets subtle. Should a reporter put bumper stickers on his car? Be married to a bureaucrat? Be friends with a county commissioner? Cover the education beat if he has a child in school? Should an editor write reports for a legislative committee when he edits copy involving the legislature?

"There might not be, really, anything that's absolutely pure," says Hamilton. "But you can't be a hermit. You can't say that because you're a newspaperman you have to be a monk and stay in a cell all day. You have to live a relatively normal life and be involved in the community.

"At the same time, you've got to be clear-eyed, and write on the basis of what you see, not what you belong to or where your money might be." ■

Jet travel takes air out of the inflation balloon.

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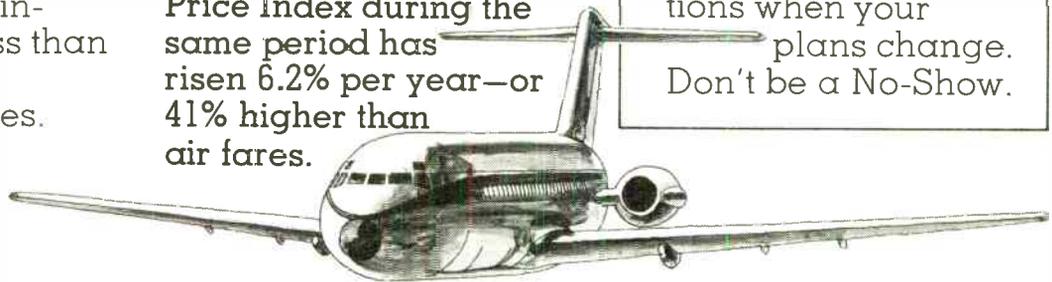


In the past 10 years, despite soaring costs, particularly fuel, the average air fare on U.S. carriers has gone up only 4.4% a year. By contrast, the Consumer Price Index during the same period has risen 6.2% per year—or 41% higher than air fares.

This year, more than 85 million airline passengers—about one out of every three—will get more for their dollars through widespread discount fares. That's taking air out of the inflation balloon.

Some air travel tips:

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A venture in union journalism

For a time, the *U.M.W. Journal* was able to break the labor-press formula of puffery and pabulum—but not even the reformed miners' union could take too much independence

by MATT WITT

About a year remained before the national coal contract would expire, in December 1977. In the pages of the United Mine Workers union magazine, the *United Mine Workers Journal*, rank-and-file miners were telling what they had found wrong with the 1974 contract:

- Lem Hollen, a Pennsylvania miner, was interviewed by a *Journal* reporter. He said the old contract was too weak on job safety; he wanted the union to demand full-time, company-paid U.M.W. safety committeemen at every mine.
- Bernard Barker, a West Virginia miner, said that the right of each local to strike over contract and safety disputes was needed to guarantee management compliance with the agreement.
- In a *Journal* feature story, miners such as Lowell Bunch of Tennessee contended that high absenteeism and increased accidents were partly the result of the old contract's failure to provide enough paid time off.
- Clifford Franklin, a veteran of thirty-five years in the mines of Ken-

Matt Witt was managing editor of the U.M.W. Journal from 1973 to 1975, and editor from 1975 to 1977.

tucky's Harlan County, complained in a letter to the editor that the old contract included higher pensions for those who retired after 1975 than for earlier retirees like himself.

All these issues, it turned out, were critical in the prolonged struggle that finally produced a contract that ended the bituminous coal strike of 1978.

Allowing union members to use their publication to debate contract proposals and their officers' performance is an obvious duty of the labor press, but one generally disregarded. In the eyes of most union officials, publications exist to build support for their reelection. Pages are filled with photographs and articles on the achievements of the officers and their allies. Items that will stir up controversy, raise members' expectations, or question administration policies are taboo.

Until 1973, the *U.M.W. Journal* was a classic example of this type of union publication. Thirty-two-page issues included as many as thirty-two photos of W. A. "Tony" Boyle, then union president. A contract negotiated by Boyle was portrayed as the greatest document since the Ten Commandments, and criticism of the high command, widespread though it was, did not find its way into the *Journal's* pages, not even when the growing Miners for Democracy reform movement was on the verge of toppling the Boyle regime. The *Journal* continued, as before, to attack members who challenged Boyle's policies.

Nonetheless, the *Journal* retained its potential as a voice for social and economic justice; with a circulation of more than 250,000, it reached households including nearly a million people in Appalachia and other rural, often neglected regions. That possibility was ignored in the Boyle era. Not only was dissent suppressed, but the *Journal* did little to investigate the coal industry or government agencies or to provide educational information to the membership.

As the candidate of Miners for

Democracy, Arnold Miller was elected president in December 1972 on a platform that included a pledge to reform the *Journal*. Don Stillman, now director of publications for the United Auto Workers, and I were given the assignment of carrying out reform. The changes we made would have seemed elementary in other branches of journalism, but in the labor-press context they were dramatic and, among the major unions, often unprecedented. They included:

- A letters-to-the-editor column, with space for both praise and criticism of union officers, policies, and of the *Journal* itself. Since miners, like most other people, rarely write letters to distant institutions, even when they are concerned about an issue, *Journal* reporters augmented the range of opinion by conducting interviews in the coalfields for a column called "The Rank & File Speaks."
- Feature stories on the work and activities of the membership rather than the ceremonial functions of officers. A "quality of worklife" experiment at one mine, in which miners were allowed to direct their own work, was shared through the *Journal*. Other articles discussed the status of coalfield women, local housing and health-care projects, and the suffering of "black lung" victims. Occasionally, *Journal* stories focused on workers in other countries.
- Balanced coverage of such major union stories as elections and conventions. While most union papers step up coverage of incumbents before elections, the *Journal's* news columns avoided any mention of Miller's ticket or those of his two rivals before the June 1977 election. Instead, each of the three competitors was given more than thirty pages spread across four *Journal* issues to use as he saw fit. Rather than describe the 1976 U.M.W. convention as a lovefest, the *Journal* published excerpts from key debates and seven pages of frank interviews with delegates of all factions.

□ Detailed coverage of contract issues. During the 1974 negotiations, the *Journal* published a special issue containing all the demands presented to the companies. The magazine also shared with its readers much of the information available to the negotiators on corporate profits, coal stockpiles, and management's arguments. This approach to open negotiations was taken partly to promote democracy: unionists who would vote on ratification had a right to know what compromises had been made. It was also designed to put pressure on management since, in theory, it would be more difficult to sell a weak contract to a well-informed rank and file.

□ Advice concerning on-the-job problems. The *Journal* regularly ran columns on such subjects as the contract right to refuse unsafe work, how to gather evidence and prepare witnesses for grievance hearings, and how to approach a liability lawsuit against the manufacturer of equipment involved in a mine accident. In addition, the "News You Use" column gave off-the-job advice on such problems as finding a dentist, pushing local schools to teach more

labor history, or looking into the safety of a mobile home.

□ Investigations of companies and other institutions whose actions affect union members. Unless union papers speak up, conditions in workplaces and workers' communities often go unnoticed, in part because much of the regular press is uninterested. The *Journal* was able not only to inform U.M.W. members but to stir the coalfield press. For example, when deaths in western Kentucky mines jumped from one in 1974 to thirteen in 1975, most Kentucky papers merely quoted government officials, who attributed the deaths to freak accidents resulting from "human error." By looking into each death, the *Journal* was able to show that most were caused by company violations of safety laws or weak enforcement by government inspection agencies. Aspects of a conflict of interest involving U.S. Senator Howard Baker, Jr., were ignored by Tennessee papers until Baker sold disputed land holdings following a *Journal* exposé. The West Virginia Human Rights Commission took action against racial discrimination in the state's coal industry only after a *Journal*

series made the issue a subject of controversy in the general press.

As a result of the reform of the *Journal*, its popularity among the membership rose. Although no definitive statistics are available, a U.M.W. research-department poll in 1976 showed that miners considered the *Journal* one of the union's most important services: more than 70 percent of those polled said that they made direct use of its educational material.

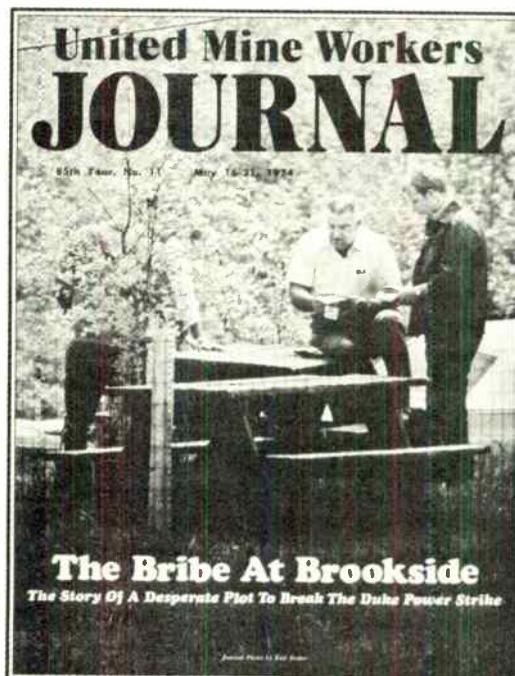
Without such high approval, the reformed *Journal* would never have survived as long as it did in the face of strong opposition from many national and district union officials. The main reason for the opposition was that most officials preferred to rely on a combination of public relations and patronage to create loyalty. The *Journal* tended to disrupt this system. Some of Miller's supporters did not see why his opponents' views should be aired in the *Journal*. On the other hand, the majority of the union's executive board, which opposed Miller, was furious when board votes were printed in the *Journal*. Some officials complained,

Instead of serving as a publicity organ for union leaders (left), the Journal exposed corruption (center) and poor working conditions.

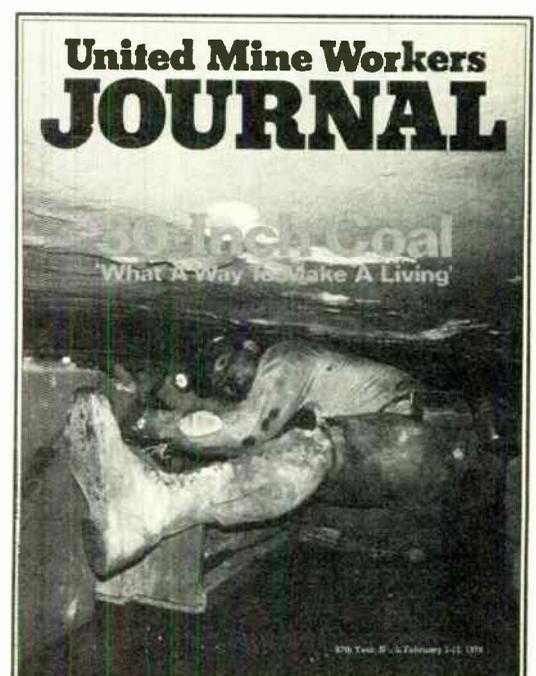
8 MINERS KILLED IN THREE MONTHS: Page 7



May 1, 1969



May 16-31, 1974



February 1-15, 1976

“You never run my picture in the *Journal*,” and protested when they were not allowed to select the rank-and-file members to be interviewed in the *Journal*.

A second problem was that some union bureaucrats opposed publication of educational material because it meant more work for them. The U.M.W.’s chief contract administrator unsuccessfully opposed inauguration of *Journal* columns on contract rights; he said, “You put this kind of stuff in and all of a sudden we’re going to have a stack of grievances this thick.”

For his part, Miller for a long time exercised his powers over the *Journal* with restraint. He has not only the authority to censor the publication, but also control over hiring and firing and over the magazine’s travel budget. Occasionally he turned censor, as when he rejected articles supporting the United Farm Workers and reporting on strip-mine legislation on the ground that the subjects were too “controversial.” But in general the *Journal*’s evident popularity led him to tolerate its freewheeling style for four years.

By 1977, however, the old miners’ reform movement was split. Miller was jolted by a nearly successful challenge to his reelection, and finally decided, apparently, that the *Journal* would be more useful as a traditional labor paper. His top aide began to censor letters to the editor and ordered publication of a photograph and puff piece promoting a pro-Miller executive-board member facing a tough reelection fight. Miller also decided that the coverage of the final months of the 1977 contract talks would no longer be as open as in 1974. Fewer details would be provided on union demands, company profits, or company strategy. Instead, the *Journal* offered material on bargaining prepared by an outside public-relations concern; it emphasized the qualifications of union negotiators and featured a photograph of Miller on the average of one for each page. After nearly five years in which no national or district officer was pictured on the *Journal* cover, Miller himself became a regular, appearing on the front of three of the five issues from October 1977 to February 1978.

Asked if he weren’t afraid of rank-and-file reaction to such blatant political use of the *Journal*, Miller said, “I

haven’t used it that way in the past, and where has it gotten me?”

There was another continuing threat to the *Journal* as a democratic instrument of the membership: the biases of the *Journal* staff itself. The editor and staff had their own preferences among the policies advocated by various union factions. There is a fine line between educating members and bombarding them with propaganda and, unless there are constraints, any editor may cross that line in the heat of battle.

For example, when executive-board members tried in 1976 to use severe budget cuts as a means of repealing union reforms, the *Journal* devoted most of five pages to presenting the administration point of view and only a few paragraphs to the board’s. At the time, it seemed that one goal — a democratic magazine — had to be sacrificed momentarily for a higher goal — that of preserving vital union programs, including the *Journal* itself. Later, it seemed to me that the sides should have been given equal space; if the proposed cuts were wrong, presumably members would have reached that conclusion on their own.

While democratic labor publications will remain the exception in the absence of strong rank-and-file movements, institutional constraints could make abuses more difficult. Clearly, there is no way to *require* union publications to do investigative reporting, or to provide educational material. But perhaps they can be pushed to provide space for open discussion of major questions, which might in turn force substantive coverage of the issues discussed.

If the *Journal* experience is any guide, reform probably cannot be accomplished by setting up advisory committees or editorial boards of union officials or members. Committee members are likely to be tempted to trade favorable coverage for political support of the editor. After the U.M.W. executive board in 1975 set up a commission to control the *Journal*, an article was prepared showing how Governor George Wallace had failed to help unions on the “right-to-work” issue in Alabama. The executive-board member from that state, in his capacity as *Journal* review commission member, de-

manded that the article be censored because Wallace was “popular in Alabama and some of our members won’t like to see him criticized.” Although the story’s facts were not in dispute, Miller agreed to have the references to Wallace removed. But he later told the board that the commission had abused its review power, and he dissolved it.

A more straightforward approach is to vest editorial power in the union president and the editor, and then to spell out in the union constitution their obligation to run a fair publication. The constitution can state clearly that decisions on hiring, firing, budgets, and travel cannot be made on a partisan basis. If a protest against partisanship in a publication were then taken to court, weight could be given to the presence of a prescriptive code in the constitution. Similarly, constitutions could require letters-to-the-editor columns accurately reflecting the mail received and balance in news coverage, as well as the right of reply for members affected by that coverage.

Even without such changes, members of unions have another weapon in federal law. Normally, dissidents do not even ask to have their views published because they know they will be turned down. Instead of giving up, they should continue their requests until they are granted or until a pattern of denial is established. Then a lawsuit can be filed under the Landrum-Griffin Act, which guarantees each union member the right “to express any views, arguments, or opinions” and prohibits misuse of union resources.

Reporters for the general media can also do more. When the post-reform *Journal* went on the attack against Miller’s opponents, coalfield reporters scarcely batted an eyelash. Yet when outside reporters have commented on the *Journal*’s performance, the stories have had an effect. When U.P.I. in West Virginia ran a story asking whether deadlines were the real reason the *Journal* wasn’t covering a wildcat strike that was embarrassing Miller, I, as editor, was able to use that clipping to win approval for balanced coverage of the issues that had produced the strike. It would help if more reporters did not treat the abuse of union journals by officers as inevitable, but as the outrage that it is. ■

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The ombudsman's uneasy

Does the newspaper ombudsman speak for the reader, for management, or for both?

by MICHAEL K. KNEPLER
and JONATHAN PETERSON

Last fall's news coverage of a San Diego school board election was being reviewed by Alfred JaCoby, *The San Diego Union's* "reader's representative." Playing his ombudsman role, JaCoby read carefully. He was struck by what he believed to be a slant in the reporting and display of the news. Headlines on two consecutive days had featured attacks on one candidate, incumbent Julie Fisher, by her challenger, Yvonne Larsen. Fisher's rebuttals were nowhere near the lead. Overall, the coverage seemed grossly unfair.

So JaCoby set about to investigate just what had gone on in the coverage. He later concluded that "The Union's stories were, at times, unfairly reported; the Union's headlines were often unfairly damning toward Fisher; and the Union's placement of stories seemed designed to create an anti-Fisher mood." Although the unfair coverage was the result of carelessness, not calculation; it still had had the same impact on readers.

The reader's representative reported his findings in his regular weekly column, leveling some rather harsh criticisms at his paper. It was a "sloppy, careless job and needs public review," JaCoby wrote. "Clearly, the Union's editors were had — by a political campaign ploy." The fact that incumbent Fisher wasn't given a chance to respond to certain of Larsen's charges he called

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"a combination of slipshod execution by reporters and careless direction by editors."

The column raised the tempers of city editor Walt McArthur and education reporter Michael Scott-Blair. McArthur defended most of the coverage as fair and Scott-Blair wrote an angry letter to the editor complaining that JaCoby had not interviewed him before running the critical column.

But the stormy internal dispute has ended and McArthur now reflects, "I think we have to take the view that if we make mistakes the best thing to do is to air them publicly and learn from them and go on. There's a little bit of pride in the fact that we could afford to wash our dirty linen in public."

That kind of attitude represents one important ideal of the newspaper ombudsman role: that the press should be and can be as critical of itself as it is of other institutions. Out of that process of self-criticism, the theory goes, the press will emerge better able to serve its readers.

Whether it works in practice is another question. We sought an answer by surveying ombudsmen and their editors around the country. We examined such questions as whether a person on the newspaper's payroll can truly be an independent critic of that newspaper; and whether one person can counterbalance staff inertia and years of newsroom routine. We looked at the attitudes of management, and asked whether newspaper executives see ombudsmen as authentic reader advocates or merely deflectors and defusers of outside criticism; as proponents of journalistic ideals or as "super editors" serving as management consultants.

The original concept of ombudsmanship for American newspapers was suggested by A. H. Raskin in June 1967, when he was assistant editorial-page editor of *The New York Times*. In an article in *The New York Times Magazine* he wrote that the ombudsman should be

armed with authority to get something done about valid complaints and to propose methods for more effective performance of

all the paper's services to the community, particularly the patrol it keeps on the frontiers of thought and action.

Raskin lamented what he saw as smugness and complacency in the American press. "The credibility gap is not a White House exclusive," he said. "It also separates press and people."

Such criticism was by no means new, and ombudsmanship was not the only proposal that had been advanced to bring the press closer to its readers. Ideas for improving press credibility have included press councils, expanded letters-to-the-editor sections, and guest editorials. When Raskin advanced his idea Sweden already had a fifty-one-year-old national press council. In fact, the Swedes had originated the term ombudsman for a parliamentary official who reviewed acts of government administrators.

Raskin's idea for an American press ombudsman was immediately picked up, although not by *The New York Times*. In a June 19, 1967, staff memo, Norman Isaacs, executive editor of the *Louisville Courier-Journal*, announced the appointment of John Herchenroeder, a city editor with forty years of experience on the paper, to be the first American newspaper ombudsman. "I read the damn thing and the next day I went looking for an ombudsman," Isaacs said recently. Louisville had experimented with the press council approach to improve credibility, without great success. At the time of Raskin's article, "We were ripe," Isaacs recalls.

Herchenroeder was directed to receive readers' complaints and questions and to write a daily report of every call, including how it was followed up by the paper. He was given free access to reporters and editors and was encouraged to check copy and even outside sources. His report was posted in the newsroom and distributed among the editors.

The country's first ombudsman soon demonstrated his effectiveness by spurring his newspaper to respond to a complaint of one-sided reporting about a controversial watershed project. As a result of Herchenroeder's efforts, the newspaper printed an entirely new story,

chair

complete with maps and photographs, that took up 153 inches of the newspaper's space.

As the position became known — the paper ran full-page display ads about Herchenroeder's availability to the readers — reader calls and letters steadily increased. Reader-initiated contacts totaled 400 in the first year, 500 in the second, and more recently about 3,000 a year. Isaacs, who believes that representing the readers is a full-time job on a large-circulation paper, did not want Herchenroeder to write public critiques of the paper as well. (Later the paper hired Robert Schulman to write a media-criticism column and appointed separate ombudsmen for circulation and advertising. Schulman has regularly chastised his own paper in the column.)

The ombudsman's role is seen quite differently at *The Washington Post*, which in 1970 became the nation's second paper to appoint one. The *Post* has had four ombudsmen in all, each of whom has had his own conception of what the job should be. Their varying experience, both with readers and with their bosses at the *Post*, suggests that there are at least two quite different ways of approaching the job. One is to represent the readers' interests by providing low-key internal criticism; the other is to promote public discussion of the newspaper's performance.

The *Post*'s first ombudsman, from September 1970 to September 1971, was Richard Harwood, previously an assistant managing editor. Harwood was primarily an internal critic who wrote private memos to executive editor Benjamin C. Bradlee and other high-level editors. He also received calls from readers, but does not believe that they always represented a cross-section of the readership. "In my experience," he says, "the ombudsman was a lightning rod for special-interest groups."

"I personally think the most valuable things are the [internal] critiques," says Harwood — "I think you get a lot of questions that would not otherwise be raised. . . . The ombudsman perpetually raises your levels of consciousness

about certain matters such as standards of fairness, attribution, even such things as bad writing and bad heads. He devotes his full time to really reading the paper in a critical way, which nobody else here can do."

During Harwood's stint as ombudsman, it was clear to him that he served management. "During my tenure," he says, "I worked for *The Washington Post*. You try to serve a public interest. But at the same time you're trying to serve the interests of the newspaper. Is that a conflict? Can an ombudsman serve the public interest as opposed to the institutional interests of his paper? I rather doubt it."

The *Post*'s second ombudsman, Ben H. Bagdikian, also doubted it. And he later labeled the ombudsman's internal tasks as making for "an inherent conflict of interest." It would place him in the position of being a "private consultant to management," a sort of "super-editor," compromising his attempts to be a dispassionate critic. Bagdikian said he refused to be a "super-editor" for the *Post*; he refused, for example, to write confidential memos to his superiors. Bagdikian and the *Post* parted ways over this conflict before even a year was up. (He held the job from September 1971 to August 1972.) The whole matter came to a head after Bagdikian, in a Boston meeting, posed to black leaders a question he maintains was intended to make an abstract point: what would happen if a community's minority population boycotted the local media? He says that in suggesting the boycott tactic he was trying to show that media managers are influenced by the economic clout of their audiences. The incident triggered an angry debate over where Bagdikian's loyalties lay — with the *Post* or with the readers.

The problem of how the ombudsman should function was approached differently by the *Post*'s third ombudsman, Robert C. Maynard, a former reporter on the paper's national news staff. Instead of seeking, like Harwood, to raise the consciousness of the staff, Maynard, who was ombudsman from November 1972 until March of 1974, attempted

through a column to raise the consciousness of the readers. His goal was to stimulate public demand for a higher quality product. Communication with readers was the ombudsman's most important job, Maynard believed.

"I think there's a great lack of understanding about the process of journalism in our society," Maynard reflected. "The more intelligent, the more aware, the more informed, [then] the more demanding readers are likely to be. . . . I never believed that there was any other way to improve newspapers except by improving readers." Maynard's columns sought to enhance readers' sophistication by discussing matters such as the arbitrariness sometimes involved in writing leads and headlines, the problems in using unidentified sources, the weakness of newspapers for hyperbolic accounts of disorders and their tendency to ignore peaceful demonstrations, and even the significance of shield laws.

The *Post*'s next and current ombudsman, Charles B. Seib, who took over the job in November of 1974, couldn't agree more about the public's lack of knowledge about press functioning, and so he writes a weekly column, one that is syndicated to forty-five newspapers around the country. He also handles complaints from readers. But his basic outlook toward the job is similar to Harwood's. "My philosophy, generally speaking," Seib says, "is that this is an internal thing, that if I can straighten something out internally and get the *Post* to do the right thing or get the *Post* to stop doing something that it's doing that I think isn't journalistic-sound, then I'm doing my job."

It is as though ombudsmanship at the *Post* has come full circle in the public interest-corporate interest debate. But two new developments at the *Post* make its ombudsman unlike any other in the country. One is that Seib is an outsider. He was not chosen from the *Post*'s own staff as were Harwood, Bagdikian, and Maynard. Seib had been managing editor of *The Washington Star*, the *Post*'s crosstown rival. Secondly, he has a five-year nonrenewable contract. Even if he is fired, the *Post* is obligated to pay

him for the contract's duration. Explaining the arrangement, Seib says: "The business of criticizing your colleagues gets pretty touchy, particularly with journalists who are very sensitive to criticism, and particularly criticism in print. So if you're a guy who's in the organization and you've sort of moved aside for a year and are going to cut your colleagues up, and then you're going to move back into the organization, I think that a certain credibility problem could arise there — and a morale problem.

"I have no past at the *Post* and I clearly have no future here. So whatever problems the staff people may have with my criticisms, at least they know I'm not trying to promote my own career here at the *Post*."

Seib's contractual guarantee and his outsider's perspective clearly give him a certain flexibility as he does his job, and an independence shared by few other ombudsmen. But even with relative independence his effectiveness still depends on how management sees his function and how carefully management listens to what he has to say. The ombudsman's power, after all, is one of persuasion. And it is here that ombudsmen have experienced some of their greatest frustrations.

For example, they have encouraged newspapers to admit and correct their errors in an appropriately labeled box. While it is a good thing that more and more papers are running correction notices, it is still a mild reform. After all, a five-line correction can never undo all the damage of an erroneous story. Yet even obtaining this concession, and having the corrections anchored in one prominent spot in the paper, has not been an easy task for most ombudsmen. Maynard, for instance, recalled that he "used to bombard them [*Washington Post* editors] with arguments to anchor corrections so that any time the newspaper made a mistake readers could find out about it in one place. At that time the best place to look for a correction was back among the truss ads and the lost-and-found column."

The *Post* didn't budge on the matter. Nor did it yield to the same arguments from Seib until he had been in the job for about a year. What finally changed the minds of the *Post*'s upper-echelon editors, Seib believes, was that it be-

came more embarrassing to the paper for the ombudsman to highlight the errors in an op-ed column rather than to run a correction on page 2 in the first place.

Similarly, Richard J. Gonder, the ombudsman at the *Virginian-Pilot* in Norfolk, persuaded his paper to anchor corrections. But this practice has not been accepted at all papers with ombudsmen. For example, George Beveridge, ombudsman at *The Washington Star*, has encountered resistance in his efforts to convince his paper to anchor corrections daily in a prominent spot. The *Star* presently tries to print corrections near the location of the mistake.

Some ombudsmen are burdened with duties unrelated to the task of representing readers. In Cincinnati, the *Enquirer*'s reader editor, John Caldwell, continues to perform his former feature editor duties. At the *Wilmington News-Journal*, Shirley Gregg supervises copy aides and the obituary desk. Jim Bort of the *Fresno Bee* spends much of his time managing the computer in the editorial office. Editors of some of these papers contend the function of representing readers can be adequately filled on a less than full-time basis.

It is also frustrating for ombudsmen when they call attention to a news problem without having the editors respond. Last summer *The Washington Post* ran a Cox Newspapers copyrighted story about some of the financial dealings of Oregon Senator Mark Hatfield. Seib, in an internal memo, criticized the *Post* for not following up with a story on Hatfield's reactions, especially when the senator's response — he labeled the story "sewer journalism" — appeared in both *The New York Times* and *The Washington Star*. Three days after the memo a story did appear in the *Post*, but Seib did not consider it adequate. Another memo followed. But Hatfield's side was still not presented to Seib's liking. Seib concluded his memos on the matter with an acerbic note: "It's too bad that a letter-to-the-editor rather than a story by a *Post* reporter gave the acting comptroller general's version of what happened in the Hatfield case."

Perhaps the ultimate measure of an ombudsman's performance, and the hardest to arrive at, is his effect on the quality of editing and reporting — that

is, the degree to which his presence prevents mistakes from occurring in the first place. "I think that the long-term effect is to implant in our minds the idea of standards and to keep us from letting down, to keep us from being complacent," Harwood says. "I think that it has become a permanent part of the paper. We're constantly getting reminded. And we need constant reminding."

The test, though, is how management wishes to make use of its ombudsman — whether it allows him to serve the public interest. Consider an initial task assigned by *San Diego Union* editor Gerald Warren to Walt McArthur, his first ombudsman, and present city editor.

Warren, concerned that his newspaper lacked credibility with San Diego's black and Mexican-American communities, asked McArthur to examine those relations and suggest how to improve them. Meetings were arranged with various black and Chicano community leaders. Issues raised included the use of racial descriptions in police stories and other language that minority readers found offensive. Out of these efforts, the *Union* ended its use of certain terms which Warren and McArthur discovered inflamed the Mexican-Americans.

In another city the ombudsman played a useful role in dealing with his paper's mishandling of a story involving racial tensions. *The Boston Globe*'s Charles L. Whipple agreed with angry readers that prompt and complete coverage had not been given to an assault by a group of blacks on a white man. Whipple wrote a column on the matter, which the *Globe*, in an extraordinary measure, ran on page one. He concluded that "poor judgment prevailed" in the paper's handling of the situation, but that there had not been a cover-up. "But it looked as if we had [covered up]," he said later. "And I like to think the column got us off a very hot spot." He was effective because management supported him.

Without such support an ombudsman's position is tenuous. In February, 1977 the *Globe* published a brief article prepared by its lawyers that discussed in an incomplete manner a settlement between the *Globe* and the Federal Trade Commission over the paper's earlier telephone-solicitation practices. The

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Globe promised prospective subscribers that donations would be made to a hospital if they agreed to have the paper delivered. After the settlement the *Globe* failed to report that the F.T.C. had not rescinded its claim that the newspaper's sales tactics were "deceptive and unfair" and that it was required to donate an additional \$70,000 to the hospital. The following day the *Globe* acknowl-

'It often should be possible for the ombudsman to do his job in a way that serves both the public and corporate interests of his newspaper'

edged the incompleteness of its first story and printed a fuller account from the *Los Angeles Times*.

But Whipple was not satisfied. He thought readers deserved a more complete explanation in his column. His superiors disagreed. His first several drafts were rejected and the pressure against publicly airing the matter remained. Finally, Whipple threatened to quit if the *Globe* refused to print the column. Whipple won and the piece finally ran, a few weeks after the initial accounts. "The moral," Whipple wrote, "is that the same standard used with other institutions in the news ought to be applied to newspapers also. It's a matter of credibility, which, in turn, means full disclosure."

It often should be possible for the ombudsman to do his job in a way that serves both the public and corporate interests of his newspaper. One of the duties of Beveridge at the *Star*, for example, is to make sure that potential legal problems do not escape management's attention. The importance of such work was brought home last winter. It involved the case of a man who had been charged with murder several years ago and became the subject of a news story. The charges were later dropped, and the man complained that the *Star* ignored his request to print a story reporting that he had been cleared. The man successfully brought suit against the paper (a jury awarded him \$1). As a result of that experience, Sidney Epstein, the *Star*'s managing

editor, said, "We put in a more formal system of asking desk editors to make sure that this type of complaint is funneled to George Beveridge."

Our inquiry showed that the bulk of an ombudsman's time may be spent on matters such as explaining to readers why late ball scores did not make an edition, or asking the staff why property transfer listings were omitted from the paper — an omission that brought in 200 disapproving calls to the Wilmington *Evening Journal*. Minor complaints tend to be about grammar, headlines, suggestive display ads, and accident photographs that offend some readers. Herchenroeder in Louisville reports complaints about the page layout of the crossword puzzle. Big or small, Herchenroeder regards them all as being important to some reader.

Ombudsmen are finding that readers often have useful observations but in the past they simply were not handled well. Their calls were received all around the newsroom, by copy aides and dictationists, as well as by busy reporters and editors. Not only were readers often treated brusquely, but the diffusion of readers' calls around the newsroom made it difficult for editors to note trends and patterns. It is the ombudsman's job, then, to pass on the significance of the calls to management.

While ombudsmen have also managed to strike some blows for the public, their accomplishments should not be overstated. In many cases they expressed frustration about their inability to bring about significant change. To Gonder in Norfolk, after three-and-a-half years certain complaints and editors' responses have taken on the irritating quality of "a broken record." He reflects, "They're pointing to the same things, the same deficiencies . . . that management has not yet seen fit to take care of."

Evaluating the contributions of ombudsmen is necessarily subjective. Ideals such as higher standards cannot be quantified. A recent study by two professors at Illinois State University indicated there were twenty full-time press ombudsmen in the United States, and that newspapers without them did not have much interest in establishing such positions. Twenty ombudsmen for 1,750 daily newspapers is not many.

Still, it would be inaccurate to say that the movement is stalled. *The Kansas City Star* recently appointed an ombudsman. The *Los Angeles Herald-Examiner* and *The St. Paul Dispatch* are considering doing so in the future. These days most papers at least profess a high degree of concern about the feelings of readers. Ombudsmen have helped stimulate that awareness.

Editors of papers without ombudsmen say they can adequately respond to reader queries without an appointed reader advocate. William German, managing editor of the *San Francisco Chronicle*, asked: "Why does it necessarily follow that an ombudsman can better solve problems than everybody applying himself to everything?" An aide to A.M. Rosenthal, executive editor of *The New York Times*, said his paper does not need an ombudsman because the appropriate editors handle reader contacts and complaints.

Even for papers that support the idea, giving someone the title of ombudsman does not constitute a magic guarantee of reader advocacy. Nor is the use of ombudsmen the only method to improve fairness and credibility. Other newspapers have opened their editorial pages to readers through expanded letters and guest columns, met with community leaders, and participated in press councils.

However, the experience of newspapers that have ombudsmen indicates that large newspapers, in particular, have a great deal of difficulty today in turning valid reader suggestions into tangible changes. And there is no question that readers need to be heard if newspapers can claim to be sensitive and fair. The ideals stressed by ombudsmen are fundamental to good journalism. When a newspaper establishes an ombudsman position, and gives it independence and backing, it undoubtedly makes it easier for readers to be confident about the fairness and accuracy of their newspaper.

The movement is still small but may yet flourish if editors of prominent papers take the attitude of editor Warren of *The San Diego Union*, who says: "If the publisher had to cut a position I'd tell her that I'm more expendable than the ombudsman." ■

BOOKS

The Clone Ranger

In His Image: The Cloning of a Man

by David Rorvik. J. B. Lippincott Company. 239 pp. \$8.95

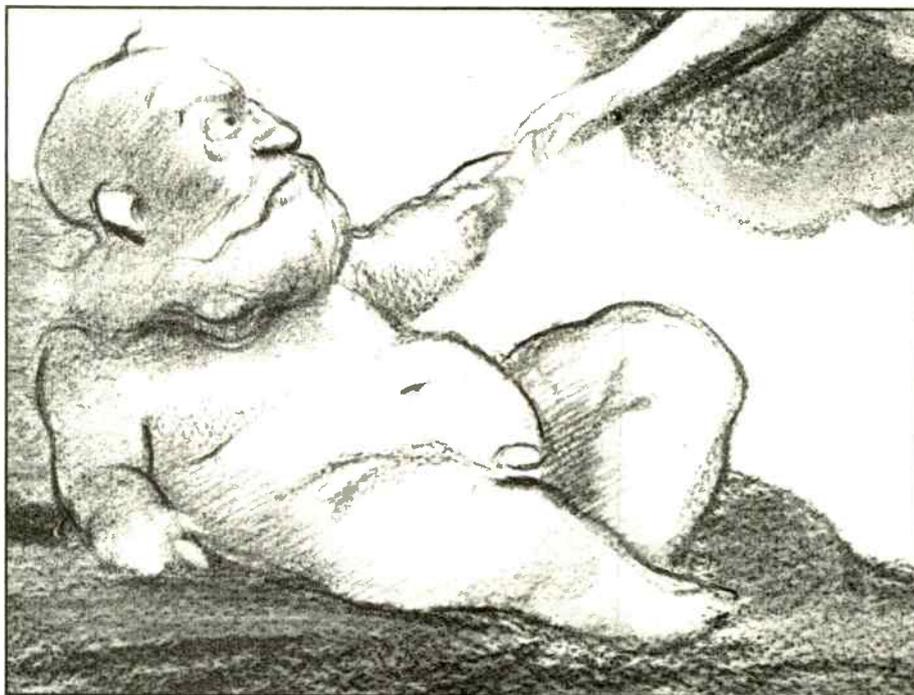
"The cloning of human beings," Lewis Thomas once wrote, "is on most of the lists of things to worry about from science, along with behavior-control, genetic engineering, transplanted heads, computer poetry and the unrestrained growth of plastic flowers." Indeed, one could argue that plastic flowers are more of an affront to our sensibilities than a child conceived by cloning — or at least ought to be. Cloning is not really all that important (except as a biological tool in research) or all that threatening. What cloning has going for it is that it's interesting, especially if we think in science-fiction terms of "copying" not a single human being but thousands of them, all at once, and imagine them marching down Fifth Avenue in a military parade. Cloning neatly satisfies our imaginative fascination with the bizarre and is such a simple yet flexible concept that we can read into it anything we want. David Rorvik has cleverly capitalized on our instinct for the bizarre in his new book, *In His Image, The Cloning of A Man*, which is brought to us courtesy of J. B. Lippincott Company for \$8.95 and which tries to con us into believing that the world is facing a "major evolutionary perturbation" because some West Coast millionaire has allegedly been cloned. Nonsense, on both counts.

Rorvik and Lippincott piously try to convince us that *In His Image*, which is presented as truth without a single shred of supporting evidence, is not only the "scientific investigative report of the century" but that it has redeeming social value as well. While alleging that successful human cloning has actually been achieved, author and publisher acknowledge that in this case cloning is

also meant to be a metaphor for so-called "genetic engineering" in general and they, thank you, are performing a public service by calling it so vividly to our attention. "It is time that the press and the public become more aware of the hazards as well as the great promise of the new genetic research, of which human cloning might be said to be a relatively benign, albeit very dramatic manifestation," Rorvik said in a statement issued through his publisher. "If the drama of human cloning can alert the world to perils far blacker and promises far grander than those embraced by that drama then I cannot but conclude that humanity will be well-served by my having related the events that have been so large a part of my life for the past several years." Lippincott, for its part, believes that Rorvik "has written a book that will increase interest and debate on issues of great significance to our immediate future." What Rorvik and Lippincott refuse to admit is that *In His Image* is itself a metaphor — fiction for truth. The very fact of its publication as

nonfiction raises some difficult questions about the obligation of a journalist (Rorvik insists he is writing as a journalist, not a novelist) and a publisher to play straight with the public and, for that matter, with the profession.

There is no doubt that what's compelling about Rorvik's book is his assertion that it is true, that somewhere, over the rainbow in California, our millionaire, Max, and his infant clone are alive and well. Had *In His Image* been written as science fiction, it most likely would have been ignored. There already are enough books about cloning and, as science fiction, Rorvik's isn't really very good. Had *In His Image* been written as a political tract, which is what it appears to be, it would have been passed over as the aimless diatribe of some guy on the fringe. But as "truth" it grabs our attention. As hard news it has all the elements of a first-class story. It was precisely the right ploy for getting attention and selling books. The question is, "Is there something wrong with that?"



Julio Fernandez

I believe that most of us think that there is. Simply, it is wrong to con people; doing it under the guise of a journalistic ethic to honor the public's right to know only makes it worse.

Rorvik did not undertake his mission lightly. His book is not only about Max and a scientist code-named "Darwin," who does the cloning, and the virgin "Sparrow," who carries Max's clone to term; it is also about Rorvik himself and what an ethical fellow he is, what a responsible journalist. The gist of Rorvik's participation in the creation of the alleged baby clone is this: In September 1973, Rorvik was in his cabin in Flathead Lake, Montana, writing a free-lance article, when the phone rang. His mysterious caller, who said he had read much of what Rorvik has written about fertility and cloning and genetic engineering, identified himself as an aging "man of wealth" and told Rorvik he wanted to talk to him about a possible assignment that might have something to do with his wanting a *male* heir. Several phone calls and much beating about the bush later, we learn that the man wants to be cloned and that he wants Rorvik to assemble a team of scientists willing to give it a try. This plunges Rorvik into an ethical crisis, one that lasts for the first third of the book. As if to prove his seriousness and legitimacy, he agonizes over the question of whether cloning *should* be done (assuming that it is possible) and takes us on a tour of the pertinent writings of several bioethicists who have considered the problem. In the end, Rorvik not surprisingly comes down on the side of the one who thinks human cloning is all right. He also ponders whether he, as a journalist, *should* have any part in his millionaire's scheme. He worries about "participating" in a news event or even acting as an "agent provocateur." "It was hard for me to conceive of myself in this new role," he writes.

The nature of journalism had changed remarkably over the years. The old standards of objectivity, in which the reporter dutifully listed the who, what, why, where and when of an event and kept his or her impressions and feelings entirely out of the prose, had been found wanting [he does not say by

whom]. "Interpretive" journalism, it was believed by many — and their arguments were often persuasive — was needed to give the "truth" three dimensions. But I was troubled, because at the leading edge of this new perspective were those who often seemed to make rather than report the news.

On this score, too, Rorvik in the end comes down on the side of the new journalism, carrying it to previously unimagined lengths, and presenting it to us with the most sanctimonious of justifications. Max, Rorvik tells us, was going to go ahead with the cloning experiment with or without him, and if Max did so, the world would never know that "a major evolutionary perturbation" had taken place because Max would have kept it all a secret. How lucky for us, then, that we had a reporter on the scene who "made it a condition of my involvement that I be allowed to inform the public, in some fashion, of this work so that its outcome might serve a purpose more useful than the mere ego satisfaction of a single individual."

The nettlesome thing about *In His Image*, other than its claim to truth, is that Rorvik has quite cleverly written into his script the utter impossibility of anyone's proving beyond doubt that he has made it all up. He tells us that he has changed, disguised, or omitted details of the experiments, the millionaire, and the faraway country where it all took place in order to "protect the child from harmful publicity and other participants from certain controversy." Like any good reporter, Rorvik is not concealing facts, merely protecting his sources. It is all too pretentious to swallow.

Still, one has to hand it to Rorvik. In choosing cloning as the metaphor for his polemic ("Like a red flag, cloning could alert the world to the awesome possibilities that loomed ahead and thus serve as a catalyst for public participation in the life-and-death decisions that might otherwise be left by default to the scientists. . . ."), he chose deftly. He surely must have known that, when pressed, scientists would have to concede to inquiring reporters that human cloning is theoretically possible and

that, while Rorvik's book can be called a "probable hoax," no one can state with certainty that it is scientifically beyond belief. Rorvik has us coming and going.

If scientists are willing to admit that human cloning is theoretically possible, why are they so sure that Rorvik is lying? The answer is twofold. In the first place, despite numerous attempts to clone mammals such as mice, the highest order species that has been cloned to date is the frog, and even that is not easy to accomplish. Furthermore, what success has been achieved with the frog has generally occurred in experiments in which the donor nucleus comes from an immature frog cell; it still is not clear that a frog has ever been cloned from an adult frog cell, although one investigator claims such success. But the point is that cloning is technically difficult and most scientists believe that to leap from frogs to human beings, without stopping at mice or rabbits for instance, is so improbable that the notion cannot be treated seriously without evidence. And Rorvik provides no evidence.

However, Rorvik contends that all the bits and pieces of the research puzzle already exist and that achieving a human clone is simply a matter of putting them carefully together. His is a "where there's a will there's a way" philosophy, especially if the will is greased with money. "Certainly you cannot do what you *do not try to do*," he says. (One can be fairly certain that most developmental biologists have not been trying to clone a human being, if for no other reason than that most of them see no point in it.)

To try to make his case, Rorvik neatly includes a fair amount of basic research in *In His Image*. Clearly knowledgeable about the scientific literature in cloning and relevant work in related fields, he plies the reader with the kind of detail that is likely to sound convincing to the layman while infuriating scientists as being nothing but a tease. For instance, one of Darwin's principal objectives is to produce a culture medium in which human eggs, surgically removed from young women, will grow until one, with its nucleus removed, can be "fertilized" by the nucleus of a cell from Max. Ror-

vik describes it this way:

I watched as three eggs that had just been taken from the ovaries of a young woman were dropped into a culture dish containing a combination of natural and synthetic ingredients. These included such things as sodium, calcium, bicarbonate, other inorganic ions, fatty acids, proteins, sugars and so forth, and also blood serum and a bit of fluid from the ovarian follicles.

In that fairly typical paragraph about the cloning experimentation, Rorvik has impressively said nothing scientifically useful at all. The "medical" details he includes about the course of Sparrow's eventual pregnancy and the birth of the clone are equally unhelpful and, according to fetal physiologists, sometimes just plain wrong.

If Rorvik can be caught in this con job, it may be for tipping his hand with respect to the most important piece of scientific research he offers as evidence that human cloning has occurred. He discusses at some length the work of Dr. J. D. Bromhall of Oxford University who has been trying to clone rabbits through a process known as cell fusion. Rorvik avers that, considering Bromhall's "partial success," it does not take much to imagine that someone else could have carried it further. Bromhall, who had nothing to do with the book, suggests otherwise. Like many of the reputable researchers whose names and work have been speciously recounted in *In His Image*, Bromhall disputes Rorvik's version of what he has done in the laboratory and what it means. But he also has something important to say about Rorvik's timing. In May 1977, Rorvik wrote to Bromhall asking for information about cloning. "As he seemed to be a serious researcher [Had our ethical journalist assumed a pose?], I sent him an abstract of my doctoral thesis and referred him to the thesis itself on microfilm. I never heard from him again," Bromhall declared in a letter to *Newsweek*, adding that it seems "surprising that he should need to ask my advice on cloning methods five months after his cloned boy had, according to him, already been born."

One of the first questions to come to mind when ads for *In His Image* first appeared in the February 13 issue of

Publishers Weekly was why Lippincott would publish such an inflammatory book on the basis of no evidence at all. Lippincott is generally regarded as a conservative publisher whose medical books and journals division in Philadelphia enjoys a fine reputation. How, people in the scientific community asked, could they let this out of the house? The answer is that they didn't. *In His Image* came out of the trade division in New York, which has all but said that scientific accuracy was not among its concerns. (One can only surmise that the lure of profits was what motivated Lippincott, which has not been doing too well for the past couple of years. Current operating losses are imperiling the terms of a merger with Harper & Row.) Other publishers, including Simon and Schuster, rejected *In His Image*, on the ground that Rorvik refused to document his claims. Lippincott seemed not to care. "Rorvik refuses to divulge names or places even to his publisher," the company said. "David Rorvik assures Lippincott that it is true. Lippincott does not know." It published the book "as nonfiction on the strength of Mr. Rorvik's credentials."

Rorvik graduated from Columbia's Graduate School of Journalism in 1967 and worked on the science desk at *Time* for a couple of years before opting for the "public uncertainties of lone free-lancing over the anonymous securities of group journalism." He has, since then, authored and co-authored several books including *Brave New Baby: Promise and Peril of the Biological Revolution*, *As Man Becomes Machine: Evolution of the Cyborg*, and *Choose Your Baby's Sex*. His free-lance articles for *Esquire*, *Playboy*, *McCall's*, *Harper's*, and *The New York Times Magazine* have dealt with similar topics. In 1976 he won an Alicia Patterson Foundation Fellowship to investigate the politics of cancer research and produced eight rambling newsletters in defense of laetrile. Rorvik considers himself to be on the frontier. Most reputable scientists and journalists place him on the fringe. In any event, it is hard to imagine publishing as truth what patently appears to be fiction, on

the strength of Rorvik's track record as a purveyor of scientific fact.

Deciding how to cover a phony news event like the publication of *In His Image* is always tricky. None of us likes being suckered into participating in a media hype over a book that defrauds the public while making its perpetrators rich. But once it gets started, coverage is inevitable. In this case, it was the *New York Post* that put Rorvik's book on the map on March 3 with an absurd page-one head: BABY BORN WITHOUT A MOTHER, HE'S THE FIRST HUMAN CLONE. It was a sensational birth announcement and, as *The New York Times* pointed out a few days later, a classic tabloid head which it ranked with "what some regard as the all-time champion, THOUSANDS OF MANIACS WALK NEW YORK STREETS." By evening, the cloning claim was on the network news shows; by the next morning, it was in newspapers across the country. The *Times* relegated the story to page 19; many papers were similarly circumspect. Others, including the *Los Angeles Times* and *The Washington Star*, tried at first to ignore the whole episode.

I cannot pretend to have seen most of the stories *In His Image* has generated but, with a few exceptions, the *New York Post* among them, coverage in print and on television has been perfectly rational: a statement of Rorvik's claim followed by comments from presumably knowledgeable scientists. The *Today* show is another exception. On Monday, March 6, *Today* host Tom Brokaw covered the story by interviewing a political activist named Jeremy Rifkin, head of the Washington, D.C.-based People's Business Commission. Rifkin, who does not even pretend to have scientific credentials, has distinguished himself as a vocal critic of recombinant DNA research and as co-author of a book called *Who Should Play God?* (Previously, Rifkin was an activist against celebration of the bicentennial.)

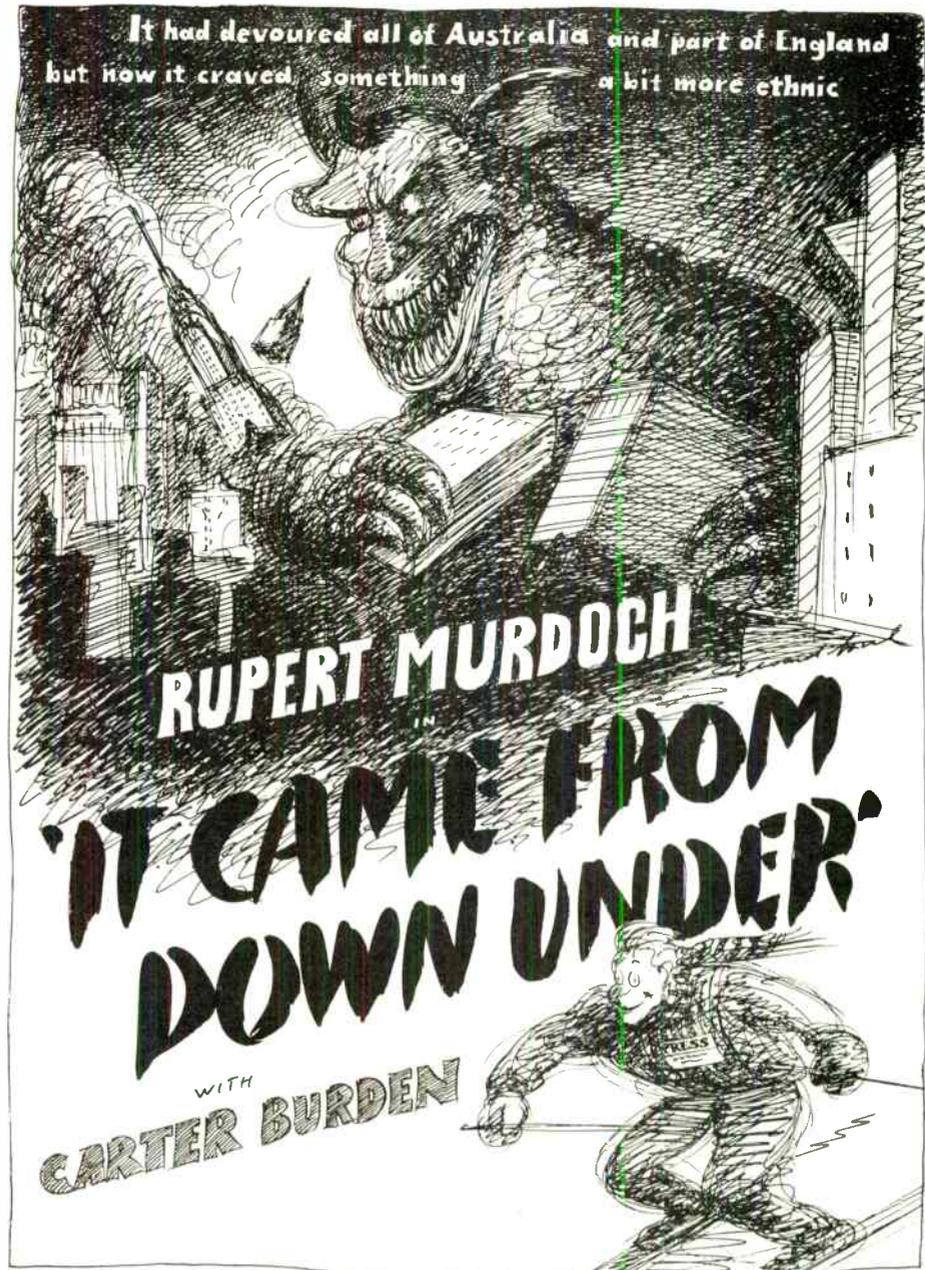
The Brokaw-Rifkin interview left almost everything to be desired. In opening remarks, Brokaw described the alleged clone as a "new human being who would look exactly like the millionaire himself, with similar intelli-

gence and behavior patterns." It is fantasy to assume that the clone, separated in time by three generations from his parent/twin, would necessarily share Max's intelligence or behavior. After brief discussion of the difference between artificial insemination and cloning (the latter involving the cells from just one parent), Brokaw made an incredible leap of the imagination (apropos of nothing that had been said) and offered this thought: "It only requires a scrape, in effect, of a few cells from that single parent, male or female." And Rifkin eagerly replied: "Yes. For example, if Mr. Rorvik's claims are true, the scientist who now has the cloning technology could literally brush against me, on my hand, for example, or scrape some cells off, and without me knowing, he might be able to produce a copy, a hundred copies of me, or a hundred thousand genetic carbon copies of me." Do I hear a million? Scientifically, this is pure drivel.

The interview deteriorated from there. Rifkin reported that he has called on the president of the United States to do something about Rorvik's claim, and said he's going into court to call for an investigation. Brokaw, by then obviously oblivious to his original caution that the cloning claim is without foundation, asked Rifkin this: "But in the meantime, there is nothing to prevent a person of whatever financial standing or whatever particular background to go to a scientist and make an arrangement for a cloning procedure." Said Rifkin, "That's true." The *Today* show audience was treated to a bit of conversation about whether clones are covered by the Constitution and whether they might have souls before Brokaw mercifully ended the segment by warning us that *Today* would be following the progress of the report and telling us more about it.

If one were to award the *Today* show a booby prize for sheer irresponsibility, one would have to award the editors of the tabloid *Modern People* a prize for sheer imagination, certainly on a par with Rorvik's. *Modern People* figured it out. On 30 April it announced that the clone is none other than that of Elvis.

continued



One of the milder examples of the satirical drawings of Edward Sorel. Superpen: The Cartoons and Caricatures of Edward Sorel (unpaged, \$8.95), a collection of his work done for *The Village Voice*, *The Atlantic Monthly*, *New York*, and other magazines, was recently published by Random House. "For the past fifteen years," Sorel writes in a foreword, "I've been making cartoons that in one way or another suggest that America is educated by incompetents, governed by hypocrites, and ruled by the military-industrial complex. As a result of this anarchistic proselytizing, my alma mater has given me its highest award, the Senate has requested my art for permanent exhibition, and a wholly owned subsidiary of RCA has published this book."

"New and startling evidence proves without a shred of doubt that scientists in a Guam laboratory made a male clone (a carbon-copy human) of Elvis Presley on Dec. 11, 1976 — only eight months before his death," *Modern People* announced, then added, "Reports that the Elvis clone was kidnapped from the hospital have yet to be confirmed."

In His Image serves neither science nor public policy nor journalism very well. Rorvik perpetuates the largely false image of the scheming, if not mad, scientist who can be had for a price. He calls for serious public discussion of genetic research but offers no coherent basis for discourse. And by passing himself off as a reporter rather than a spinner of tales, he has reinforced public suspicion that fraud is always possible in journalism. We don't need any more "reporters" in David Rorvik's image.

BARBARA J. CULLITON

Barbara J. Culliton is the editor of the "News and Comment" section of *Science magazine*.

Paying the bills

The Sponsor: Notes on a Modern Potentate

by Erik Barnouw. Oxford University Press. 220 pp. \$10

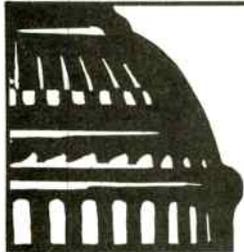
"Commercial announcements, as the term is generally understood, should not be broadcast between seven and eleven p.m." That quotation is not from some chronically naive reformer of the 1970s, but was part of the National Association of Broadcasters' first Code, published in 1928. The N.A.B. has since changed its mind. For decades, radio and television have pumped into the ether an endless flow of jingles, messages, and exhortations for consumer products — many of which are useless and/or harmful — that we must acquire (we are assured) lest we be mere onlookers and uninvitees at the Great Banquet of Life. Mary Hartman's *Angst* about the waxy yellow build-up on her kitchen floor is a

paradigm of what has happened to the rest of us.

Broadcasting in America, as someone has observed, is an art trapped in a business, and holding the keys to art's confinement is the advertiser. It's his party. He pays all the bills. In 1977 he shelled out \$8.1 billion for time on radio and television, and millions more for the creation of commercials to fill that time. If an entertainment doesn't please him, it doesn't get on the air. He is the true constituency of American broadcasting, not the listening and viewing public. He is like an implacable primitive god who requires huge numbers of sacrificial offerings, preferably eighteen to thirty-four-year-old women. Television networks will do almost anything to please him, including packaging the Nazi Holocaust as an entertainment vehicle for his messages.

Erik Barnouw's small book, a valuable footnote to his three-volume *History of Broadcasting in the United States*, is an attempt to describe the origins and growth of advertiser influence in American broadcasting, starting with the "trade name" musical groups of the 1920s: the Cliquot Club Eskimos, the Gold Dust Twins, the Ipana Troubadours, the A&P Gypsies, the Kodak Chorus, and the Goodrich Silvertown Orchestra. Radio networks went into swift decline in the 1950s, when advertisers discovered the unpredicted pulling power of the new television medium: e.g., Hazel Bishop lipsticks boosted their annual earnings from \$50,000 to \$4,500,000 in the period of 1950-52. Some sponsors were more enlightened than others: Alcoa gave Edward R. Murrow and Fred Friendly a free hand to create *See It Now* ("You make the programs, we'll make the aluminum"), but the natural-gas industry once complained to CBS (successfully) about use of the word "gas" in a *Playhouse 90* drama on the Nuremberg trials and the Nazi extermination camps. And sponsors have regularly succumbed to mild pressure and dropped out of programs to which they were committed: all but one advertiser (the Block Drug Company) withdrew sponsorship of CBS's 1976 documentary "The Guns of August" after a letter-writing campaign instigated

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The "landmark"* book about a monumental failure of the American press

In 1968, America's press and television reported the Tet offensive as a "disaster" for the allies. The political repercussions helped topple President Johnson and change the course of the Vietnam War. Yet, ironically, historians now conclude that Tet was a harsh military defeat for Hanoi, *not* Washington. Why was the press so wrong? Peter Braestrup's **BIG STORY** "is a major contribution to any inquiry into the interaction of political (and military) events and the mass media in the U.S." — *Foreign Service Journal*. New revised, abridged paperback, \$8.95

BY *Washington Post
PETER BRAESTRUP
ANCHOR PRESS / DOUBLEDAY

BIG STORY

by the National Rifle Association; and General Motors backed out of the highly-praised NBC mini-series *Jesus of Nazareth* last year, when a few Protestant churchmen claimed to detect in it theological and historical miscues.

The nadir of advertiser timidity came with the 1950s' blacklisting of TV actors, writers, and producers for such miscreancy as participating in civil-rights drives, opposing Franco, criticizing the House Un-American Activities Committee, opposing the hydrogen bomb, and favoring détente with the Soviet Union. The quiz scandals grew, at least partly, out of the desire of advertisers (especially Charles Revson of Revlon) to keep viewer interest in those shows at high pitch by manipulating the fate of some contestants.

In the closing pages of his study, Professor Barnouw, from a basically liberal, reformist posture, entertains a few of the more cosmic aspects of what might be called the media-industrial complex, and decides that TV advertising spontaneously generates consumption patterns (involving an "avalanche of the needless made necessary") that pollute the environment and drain our resources at a "devastating" rate. Americans, who constitute barely 5 percent of the world's population, are consuming the planet's resources at a rate approximating that of the rest of the world combined. As a result of this consumption binge (of which television is the "mightiest promotional tool"), the country requires ever-larger energy supplies and must suffer ever greater pollution on a broad front. "Though we seem to be careening in the direction of disaster," says Barnouw, "a commercial television system is unlikely to do other than try to keep us moving. All its built-in incentives are to find solutions in *more*, not *less*. Growth rate, productivity, are its trusted passwords. It believes in them, associating them with such values as freedom and democracy."

Finally, the author worries about the underlying systemic relation of broadcasting and American business and what that connection is doing to human perceptions of reality, not only in the U.S.

but in the hundred-odd countries where American-made TV entertainments are sold — especially since those programs have been passed, a priori, through the reduction valve of sponsor approval.

How did we get into this fix anyway? Barnouw wonders. Nobody — neither the Congress nor the courts — ever decided that the airwaves ought to be a franchised electronic flea market. Quite the opposite: the law emphasizes the public's rights and the broadcasters' responsibilities. But, in the absence of saner planning, we have witnessed what Barnouw rightly calls "a gradual takeover by business" to the end that Americans — when they think about it at all — assume that the broadcast structure they see is the one God intended. Even in public television, the interests of programmers and big business coincide: the under-financed public TV establishment is starved for programs of substance, and oil companies are fished for better public relations. Thus, we have seen the simultaneous economic growth of American conglomerates and American broadcasting.

The merchant has been "living at the summit" of our communications systems, says the author. "He has had things largely his way, and we are in trouble. He himself is aware of it. Impending change is in the air." I assume that the author means such changes as fiber optics, pay-cable, satellite transmission, and home video playback systems which, indeed, may one day smash that golden calf, The Mass Audience, and reduce the influence of the giant national corporations that now stand astride broadcasting.

NEIL HICKEY

Neil Hickey is the New York bureau chief of TV Guide.

Mixed media

Scribble Scribble: Notes on the Media by Nora Ephron. Alfred A. Knopf. 157 pp. \$7.95

In the monthly "Media" column that she wrote for *Esquire* from 1975 to 1977, Nora Ephron was sometimes an

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—Henry Beetle Hough

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—Publishers Weekly

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angry commentator, sometimes a humorist, and sometimes a skillful writer seeking to be entertaining about nothing much. She is also a good reporter, and her best efforts were those such as “Barney Collier’s Book,” “Daniel Schorr,” “The *Detroit News*,” and “Gentlemen’s Agreement,” in which she came up with good stories about journalism. After *Esquire* refused to run “Gentlemen’s Agreement,” in which she criticized the magazine for failing to stand behind a writer (the piece was published by *More*), her columns seemed to drift toward the trivial. R.C.S.

Son of Son of Sam

.44

by Jimmy Breslin and Dick Schaap.
Viking Press. 323 pp. \$9.95

As you’ll recall, Jimmy Breslin was drawn into the Son of Sam murder case last year by the killer himself. A regular reader of the New York *Daily News*, the man who called himself Son of Sam followed Breslin’s columns on the murders and then decided to write to him. His hand-printed letter combined bizarre passages with sentences written in the earnest tones of the characteristic letter to the editor. “I’m just dropping you a line to let you know that I appreciate your interest in those recent and horrendous .44 killings,” the letter read. “I also want to tell you that I read your column daily and find it quite informative.” The *News*, of course, printed a photo of the letter’s first page, ran its full text inside, pushed up a fresh column by Breslin, and put a banner on the whole package.

The letter, and the *News*’s handling of it, created a Winchellesque role for Breslin on center stage and gave him a virtual property right to the story. After the arrest of a suspect, David Berkowitz, Breslin signed a six-figure contract for a book on the case. Dick Schaap, sports director of WNBC-TV, would help him and they’d save time and avoid lawsuits by writing it as a novel. It was to be the big book, the insider’s book, the Breslin book.

Only nine months later, the book is already bound in cloth and stocked on the shelves as .44, but its dash into the marketplace is one of its few selling points. To be sure, .44 is a piece of journeymen’s work, colorful and diverting. Yet, as unlikely as this might sound, the book is flat: it’s empty of character and of feeling, and it names, but never evokes, the terror felt by New Yorkers as they lived through the six murders and seven maimings by Son of Sam.

If you followed the case in the newspapers and turn to .44 for its presumably factual inside dope, you’ll find a couple of sexual twists you missed and see how a rip or two opened up in the highly-touted police dragnet and get a fuller picture of City Hall’s attempts here and there to stage manage the manhunt and the arrest for the sake of Mayor Abraham Beame’s faltering political campaign. Otherwise, you already know what the book has to tell. Through their screen of fiction, the authors are willing to suggest as much. Danny Cahill, we’re told, the stocky and streetwise columnist for the morning *Dispatch* — and .44’s amusing rendition of Breslin himself — lets the rest of the press corps think that he knows the confidential details of the case far better than he actually does.

If you read .44 as a popular novel, you’re likely to be let down. Since the outcome is already known, it’s hard for it to live up to its billing in the jacket copy as a thriller. Further, the portrait of the killer is far too shallow. He’s defined by his flat in Yonkers, his menial jobs, and his strange cosmology. His impulse to kill is conveyed in vivid prose: “A furnace door opened inside his temple and there was complete heat. Orange and red flames whipped about, and in the center of the flames was a dog, hot red liquid eyes, and he howled for blood.” Throughout .44, the murderer is shown as little more than a windup toy.

.44 does offer some fine touches. It keeps up Breslin’s standing as the bard of the outer boroughs of New York City, for the scenes of domestic life in Queens and the Bronx are truly drawn. It also details and savors a few of the subtler

workings of the police department. As a matter of fact, what suspense there is in this novel takes a bureaucratic form: will the executives of the N.Y.P.D., so long accustomed to evading responsibility, be able to shift gears quickly enough to seek responsibility (and hence the credit) for bringing in Son of Sam? Finally, though it’s hardly enough to carry a 323-page book, the profile of Danny Cahill is refreshing:

“Cahill grew up in a middle-class section of Queens, but he made it sound as if it were a spawning ground for Murder, Inc.,” .44 concedes. “Cahill did not like to admit that he had attended college for a year, Long Island University, or that his mother had been a high-school English teacher. He insisted that he had no knowledge of grammar — ‘I ain’t very smart’ — and he made certain that all of his writing sounded as if it were coming from the side of his mouth.”

RALPH WHITEHEAD, JR.

Ralph Whitehead, Jr. is a professor of journalism at the University of Massachusetts in Amherst.

Network careers

Air Time: The Inside Story of CBS News

by Gary Paul Gates. Harper & Row.
440 pp. \$12.95

This narrative history of CBS News since 1948 is mainly a study of ceaselessly jostling corporate careers. A former writer at CBS and co-author with Dan Rather of *The Palace Guard*, Gates traces the fortunes of dozens of correspondents, writers, producers, and news executives who over the years have earned CBS the epithet of the “class act” in network television news. At times in the hectic narration the wheel of fortune at CBS News headquarters seems to be spinning crazily both forward and backward, like the wheels of stagecoaches in Westerns. But for those with a weakness for the politics of corporate journalism, this book will be the journalistic equivalent of a bag of Fritos.

R.C.S.

UNFINISHED BUSINESS

Looking at television

TO THE REVIEW:

It was past my bedtime last night when I found myself not only gobbling up Jeff Greenfield's "TV is Not the World" (CJR, May/June), but also pounding my hand on the kitchen table in agreement.

The only publication that seems to be able to deal rationally with television on a regular basis is *TV Guide*; witness in particular their just concluded series "Changing the Shape of TV." But Greenfield's article introduced some aspects of television-awareness that *TV Guide* has overlooked.

Going beyond simple complaints about the quality of programming to the root of the problem — the concentration of power in the networks — is what is desperately needed if television and its effects on our society are to be truly understood. Often I find myself thinking that television is exempt from consideration as an historical development with an effect on our lives similar to the one that the industrial revolution had on the lives of people almost a century ago.

But it isn't. Television is only one part of a massive change in our day-to-day environment since the Second World War. What matters isn't whether this change is good or bad — it is definitely here to stay — but whether we can figure out how far-reaching its impact has been and to what degree we can still maintain control over our lives in spite of the changes.

This is the value of Jeff Greenfield's article to me. It gave me a little better understanding of television's impact, particularly the part about collapsing the functions of all the media into "that single box." I hope that the *Review* will make more of an effort in the future to publish articles giving insight into television and its role in our country's communications industry.

STEWART ALSOP II
Beverly, Mass.

Developing stories

TO THE REVIEW:

John S. Rosenberg's article in the May/June issue concerning land-use coverage was a welcome sight. Having worked on a daily

with a full-time planning beat (*The Raleigh Times*) I can assure you that despite all the grumbling about the jargon and the thickness of the subject matter, land-use issues may hold the key to stories of great community interest.

It is in this light that I would like to take exception, based on my limited contact with zoning and planning issues as city hall reporter with the *Times* a while back, with Rosenberg's conclusion that the most effective stories on land-use issues begin with the assumption that the development of property and the changing uses of land are "phenomena occurring over long periods of time in ways unforeseen by public officials."

That may be the case in Connecticut, but if there's one thing a reporter in a growing town like Raleigh learned in the mid-seventies it is that where there's a sewer line there's a story. And more often than not, where there's a sewer line, there's a developer, if not a politician.

In Raleigh's case, it was both. The mayor was an unabashed proponent of unrestricted growth, he was a developer, and he forged alliances with county officials of a similar bent. The developer lobby was intense, and acrimonious political debate flared up over proposed land-use regulations. To say that land use and politicians were to be treated separately denies the truth that there is too much prospective money at stake in land-use issues.

The *Times*, often to the dismay of its reporters, covered zoning hearings intensely, and uncovered multiple attempts by politicians and political appointees to influence the growth patterns of the city and county to suit their pockets. The paper's planning writer, Dudley Price, wrote a comprehensive series on controlled growth, tying it in with the local political scene and the prominent developers.

Raleigh was lucky insofar as the city council had its share of controlled growth advocates. Their screams of bloody murder at the moves of the development community made growth a political issue in an area that had never considered it one.

I have moved back North, and am constantly confounded by the lack of comprehensive coverage of growth issues in their larger framework. Zoning hearings on small

issues are but a part of a grand map that I believe more often than not can be traced back to political forces. Maybe it is because the South is booming. In any event, I am thankful for my experience, because an understanding of growth and land-use issues should be a must for any cityside reporter.

NICK PETERS
Reporter
The Philadelphia Evening Bulletin

TO THE REVIEW:

The sad record of land-use reporting in my former home state of Connecticut comes as no surprise. Our experience here would indicate the state of the art on the West Coast is far ahead of our provincial brethren to the east. This lack of journalistic enterprise out East perhaps goes hand-in-hand with the slow acceptance by eastern political authority (let alone the populace) of the value and necessity of planning.

Western Washington State has been in an almost constant state of land-use turmoil for the past ten years. Coverage of these events has certainly been profuse. The quality of such coverage is another question, and a study similar to Rosenberg's would be welcome.

Our newspaper, a small weekly, has always made a strong effort to comprehend all the ramifications of planning, and to translate bureaucratic concepts for public consumption. Such an endeavor requires a good understanding by a paper's staff of the planning process. Whenever possible, management and editorial staff have participated as members in numerous community, county, and statewide planning projects. Naturally, we have tried to avoid conflict of interest situations by having different staff cover controversial or critical stories.

We have found these experiences gratifying from a personal point of view and extremely useful as journalists.

FREDERICK BIRD
Managing editor
Snohomish County Tribune
Snohomish, Washn.

Clause and effect

TO THE REVIEW:

Your comment on the indemnity clause in au-

thors' contracts [CJR, May/June] was most interesting. I have always felt it was unfair for the publisher to place the entire burden on the author, and was pleased to learn that The Authors Guild is challenging such clauses.

I wish to question one comment in your article, however. It is likely that some publishers cannot buy adequate libel insurance at any price. My case may be atypical, but when I sought such insurance at the time *The Insurance Forum* was launched late in 1973, the major carriers offering publishers' liability insurance all but laughed at me.

JOSEPH M. BELTH
Editor, *The Insurance Forum*
Ellettsville, Ind.

The editor's obligations: another view

TO THE REVIEW:

In "At Issue" (CJR, May/June), Kenneth MacDonald argues that "if a product or service is banned, the acceptable way to do it is through democratic legislation and judicial processes, not through arbitrary censorship." He questions the policy of newspapers who decline to accept certain movie advertisements because they consider them to be pornographic.

I take the opposing view.

MacDonald's position assumes, by implication, that a publisher/editor is a pawn. He is obligated to accept any advertisement that may be presented to him. I believe that a publisher/editor not only has the responsibility of deciding what shall appear in his paper, but indeed has an obligation to make such decisions. I do not believe that the mere purchasing of space releases an editor from the responsibility of editing. For an editor to abdicate his convictions as a consequence of the exchange of money becomes, then, nothing more than bribery. I submit that MacDonald's thesis denies the editor the responsibility and obligation of editing.

Secondly, I object to MacDonald's suggestion that such movies should be controlled by government legislation. I think we have too much government regulation of our activities. (Sometimes I suspect that ancient civilizations have not died because of the weakness or degeneration of their population, but rather drowned in such a welter of regulations that they ended up totally apathetic.) I believe that the answer to pornography, as to many other problems in our society, is individual responsibility exercised in each person's daily life. Expecting government to make decisions for us is to train ourselves in indecision. If each person is to exercise personal responsibility, that

must also apply to those who have responsibilities as editors and publishers.

JAMES A. TAYLOR,
Managing editor
The United Church Observer
Toronto

No thanks for the memory

TO THE REVIEW:

The *Review's* publisher's remarks [CJR, March/April] regarding the reluctance of the American press to comment upon former F.B.I. Director J. Edgar Hoover's feet of clay remain true.

That building in Washington — an architectural hideosity, admittedly, but should even an ugly chunk of granite honor the memory of a disgraced public servant? — still bears Hoover's name despite the many disclosures of his crimes.

Few newspapers have recommended his name be removed. Frank Donner in the January-February issue of the *Civil Liberties Review* suggests that after a proper airing of all the crimes the F.B.I. committed against Dr. Martin Luther King "Americans will be shamed into insistence on some name more appropriate for the F.B.I. headquarters than the J. Edgar Hoover Building."

How about the *Columbia Journalism Review* joining this worthwhile crusade?

W. E. CHILTON, III
Publisher, *The Charleston Gazette*
Charleston, W. Va.

The fifth W

TO THE REVIEW:

The "Darts and Laurels" column in the March/April issue contains an item that may fall prey to the "incomplete story syndrome." It is "darted" that WNAC-TV did not clear two *CBS Special Reports*. Thus far, the reporting is accurate, but not complete. In both instances, WNAC-TV elected to carry the (previously scheduled) RKO General-produced series *Evans & Novak*. These are hour-long special reports aired in prime time.

There are different reasons why each *CBS Special Report* was not aired:

November 1: "Panama Canal" was not cleared since the previous *Evans & Novak* show dealt with this issue. We ran the *Evans & Novak* program discussing "Washington and the Energy Crisis." (Twenty-three affiliates did not clear this *CBS Report*.)

December 27: "Illegal Aliens" was not cleared due to the lack of appeal to Boston area viewers. The show dealt almost exclusively with the Los Angeles/Southern

California problems. We aired *Evans & Novak* discussing "Washington and Health Care" with Senator Ted Kennedy. (Twenty-five affiliates did not clear this *CBS Report*.)

In both cases, we asked permission to air the *CBS Special Report* at 11:30 P.M. on the same day and were denied.

I am not asking you to agree with our decisions on which programs we air; however, I do ask that you reconsider some of the judgements made in awarding darts or laurels.

JOHN D. SAWHILL
Station manager, WNAC-TV
Boston

The Chicago Daily News killed itself

The remarkable thing about the *Chicago Daily News* was not that it died, but that it lived as long as it did.

The *News* was American journalism's most distinguished terminal patient for nearly twenty years of declining circulation and advertising. When it finally suspended publication last March 4, its failure stemmed from a rare blend of missed chances, corporate infighting, untimely death, and operational frictions.

Contrary to Gene Gilmore's analysis in "How Chicago Lost Another Paper" (CJR, May/June), all these damaged the *News's* chances for survival far more than any changes in Chicago's traffic patterns, reading habits, or white middle-class residence patterns, because they left the paper too weak to adapt, uncertain of its editorial direction, and crippled by a management preoccupied with putting out the a city-oriented morning tabloid, the *Chicago Sun-Times*.

As long ago as the 1950s, some observers felt that an afternoon daily such as the *News* needed the revenue and profits a successful Sunday edition could bring. One was John S. Knight, then the owner. Although he had built its circulation to an all-time high of 614,098 in 1957, and made a reported profit of \$1 million a year, Knight felt he needed a *Sunday News* to cope with the changes taking place in the Chicago market.

Rather than launch one from scratch, Knight made a double move. He tried to buy his afternoon competitor, Hearst's weak *Chicago Herald American*. Just when Knight believed he had closed the deal, The Tribune Company, with the morning and Sunday leader, *Chicago Tribune*, outbid him

Insurance policies

TO THE REVIEW:

Lest anyone be misled by Allstate Insurance Company's full-page advertisement in the March/April issue of *CJR*, the happy suburban family pictured in front of its new home is only part of the story about insurance rate-setting.

While Allstate brags about its 10 percent discount on homeowner's insurance premiums for houses five years old or less, the company says nothing in the ad about its reluctance to offer insurance to people who

want to stay in the cities, where the housing is much older.

In Buffalo and other cities, the troubles that homeowners are encountering in trying to obtain homeowner's insurance at reasonable rates — or to obtain it at all — are large enough that they have prompted an investigation by the Insurance Committee of the State Assembly.

When insurance companies like Allstate adopt policies that make it harder for older communities to remain healthy, that is an insurance topic in which the press should be interested.

PHILIP LANGDON
Housing reporter
The Buffalo Evening News

The advertiser replies: *True, the 10 percent discount on new houses isn't the whole picture. You can only say so much in a single ad.*

The plain facts are that we write more business in most of the cities of this country than any other insurance company. In Chicago, for example, we write 15 percent of the business including the so-called "inner city."

More, we are committed to the cities. Inner-city residents have some real insurance problems. We acknowledge them. We are trying to do something about them. The solutions aren't simple.

We are presently introducing in the state

and purchased the paper in 1958 for a reported \$12 million in cash.

"The *Trib* beat me on that," Knight said recently, "and when it happened, I began to reassess the situation. If we'd gotten [Hearst's] Sunday edition, we'd have had an aggressive, profitable paper." The reassessment included talks with Marshall Field IV, then publisher of *Parade*, World Book Encyclopedia, and the *Sun-Times*, about joint operations and separate ownership.

Eventually Knight sold the *News* to Field Enterprises on January 5, 1959, for \$24 million, making a handsome profit on the sale. That same year, the *News* had an average daily circulation of 552,426, and 20 percent market share of total Chicago daily newspaper ad lineage. Under Field Enterprises it never again reached those figures.

Part of the problem was Marshall Field IV. Nearly everyone agrees that while he was healthy, he had a strong commitment to the *News*, its editorial product, and its growth. But he was, according to Knight and to Roy M. Fisher, former editor of the *News* and dean of the University of Missouri School of Journalism, subject to manic-depressive episodes. His moods, wishes, and orders varied sharply.

Sometimes they were interpreted correctly, sometimes not. Often they were interpreted by Field Enterprises executives who had spent most of their working lives competing against the *News*.

The *News* was hurt first outside the newsroom. In January 1961, after two years of planning, the *News* moved into the *Sun-Times*'s sparkling new plant on the Chicago River. On the surface, merged operations on new presses seemed to make economic sense. But down below, where printers, composing-room personnel, and makeup editors labored, it was another

story. Deadlines for the *News*'s best edition, the final Red Streak, were advanced to make presses available for the bull-dog edition of the next morning's *Sun-Times*. A Red Streak replate at 4:45 P.M. was dropped completely, as was a Saturday afternoon replate with college football results — again to make room for the *Sun-Times*.

Twenty circulation trucks were scrubbed as an economy measure, further crippling the *News*'s ability to get out its best product in rush hour. Kenneth Johnson, the *News*'s circulation director under Knight and Field, said, "We had very loyal readers but in that first year under Field we hid the paper from them. We couldn't get the Red Streak out. The *American* would station a circulation truck outside our plant. The driver would radio back to his plant to pile on more papers as the *Daily News* got later and later."

The *News*'s once-loyal readers, who used to wait around the North Western, Union, and La Salle stations for the final market editions, got disgusted and went home without them. Some never came back.

John Stanton, a former *Daily News* managing editor, persuaded Field to launch a series of separate daily newspapers called the Day publications, the first appearing in 1966. While they had excellent circulation, Stanton recalled, they did not have a lot of advertising and were expensive to produce. Some time in late 1967 or early 1968, Fisher proposed to remake the *Daily News* to encompass the Day papers' suburban editorial content. His idea was dismissed by the Field Enterprises executive committee without a vote, he said. "You'd have thought I'd dropped a skunk in the middle of the table."

Marshall Field IV died in September 1965, and "by the time Marshall V became publisher [October 1, 1969], the *Sun-Times* element had effectively scuttled the suburban concept," Fisher said. "If Marshall IV had

lived we would have had satellite printing." In 1970, the Day publications were sold to Paddock, a competitor.

Whether the *Daily News* could have solved the technological and union problems to achieve a successful satellite venture such as the *Los Angeles Times*'s successful Orange County edition is problematic. The point is it did not try.

It is unclear why the *Daily News*, once a major advertising outlet, sustained continued ad revenue losses. One theory is that, at the *News*'s most difficult time, competition rose sharply. Chicago has four powerful television stations, lots of outdoor outlets, radio, specialty magazines, and suburban dailies, all clamoring for revenue. The *News* was never able to make itself heard in this clamor. It was always sold in combination with the *Sun-Times* by a combination sales staff. Many felt the combination did not work.

The *News*'s share of ad lineage continued to fall steadily to a low of 13.3 percent for 1977, while the *Sun-Times*'s rose from 16.9 percent of the market in 1950 to 29.4 in 1977. Discouraged ad salesmen might reasonably be excused for not promoting the *Daily News* after watching it decline for so long.

With a steady, unstanching loss of readers and advertising, the *Daily News* was doomed — no matter what might have happened in the news room. There's little evidence that the last radical changes did any good — or any harm. As John Knight put it in a letter to *The Miami Herald*, the *Daily News* died "of editorial ineptness and managerial malnutrition."

DENNIS P. LEAVY

Dennis P. Leavy is an account supervisor at J. Walter Thompson and a former reporter and rewrite man for the Daily News.

of Illinois — and soon countrywide — our new basic homeowner's policy, which will allow us to sell insurance for the market price of the home. Previously, many owners of older homes couldn't get homeowner's coverage because their homes were so much more expensive to replace than they were worth on the market. The new policy addresses this problem. And we're continuing to look for other solutions.

But we can't solve the problem by ourselves. It will take the combined efforts of a concerned citizenry, a committed insurance industry, and effective legislation. We plan to do our part.

L. H. WILLIFORD
Vice-president, corporate relations
Allstate
Northbrook, Ill.

That cotton-picking controversy

TO THE REVIEW:

In his story on coverage of the brown-lung problem in Southern textile mills, Bob Hall implies *The Greenville News* is in the back pocket of the textile industry.

Paul Barrett, the public-relations man for J. P. Stevens Company, and other textile companies definitely dislike the news coverage of *The Greenville News*. He had no power to change or stop any story while I was an editor there. No one, including other editors, the publisher, or Kelly Sisk, ever gave directives to the newsroom to kill or limit news coverage of the brown-lung problem during my years with that newspaper.

The *News* may have its problems like any other newspaper, but hot-line directives from the textile industry is not one of them. As a former city editor, state news editor, bureau chief, and reporter for the *News* for more than twelve years, I know what I am talking about.

I now work for another newspaper in another state. I have no reason to respond to Hall's story except in the interest of accuracy in journalism. Hall's story damaged the credibility of *CJR* as far as I am concerned. I shall read future articles on other subjects with an increased skepticism as a result. That's unfortunate.

MICHAEL ELLIS
Reedsville, West Va.

Bob Hall replies: *I stand by my article and my reply to the letters published in the previous issue.*

TO THE REVIEW:

Bob Hall is absolutely correct in terming the reportage by most newspapers as "another

ongoing political/economic controversy." The emotionalism of the issue and the atmosphere of claim and counterclaim on a series of baffling questions seem to have clouded some very important aspects of the byssinosis story, even with respect to Hall's vision.

The most important unreported news concerns advances being made toward scientific solutions to the problem. Data accumulating from research sponsored by Cotton Incorporated, private universities, and — yes — the mills themselves, are providing real hope that byssinosis can be eliminated.

Since its founding in 1971, Cotton Incorporated, the fiber company representing approximately 90,000 American cotton producers, has spent more than \$6.5 million on byssinosis research. In conjunction with leading universities and experts from science and industry, studies have been aimed at the two areas where some breakthroughs are indicated: seeking an effective means to remove the dust from cotton before it enters the mill environment, and isolating the causative agent of byssinosis.

A conglomeration of sciences is involved in Cotton Incorporated's contract research program administered through the company's facilities in Raleigh, North Carolina. Agricultural scientists are working to develop methods to remove the dust from the lint before it is baled to go to the textile plant. Textile engineers are seeking to improve card room and other production operations. Chemists are trying to isolate compounds that cause respiratory reactions. Botanists are exploring the botanical source of dust particles, and physicians are working with patients to test their sensitivity to cotton dust.

Another story which has not been followed by the press concerns medical advances. Hall writes of a "special responsibility" which Greensboro papers would seem to have for reporting the medical program at Burlington Industries. There are other cases as well where the industry has shown very real concern for mill workers by instituting programs of medical screening and treatment. These have not been reported.

For example, a unique byssinosis testing center exists at the University of North Carolina Medical School at Chapel Hill, supported by Cotton Incorporated and the U.S. Department of Agriculture. Doctors at the center help mills to make employee screening programs more effective. The Chapel Hill facility is the only one in the country which can scientifically measure response to dust. Mill employees who show

signs of respiratory reactions are referred to the center for comprehensive diagnosis. In addition, many who have worked in textile mills, and others who have not, are volunteering for medical testing after controlled exposure to small amounts of dust.

Every individual at Cotton Incorporated is personally and professionally concerned with the well-being of every cotton worker. We want them to continue to process cotton under safe and healthy conditions because we believe that this fiber, grown by American farmers, provides important, useful products which benefit all of us. However, from a realistic point of view we clearly see that cotton mills should not be required to meet regulations that demand what technology has not yet made possible. We advocate optimum standards which take into account complex scientific, business, and human problems so that safe working conditions will go hand in hand with healthy economic conditions for our industry.

Only a cooperative and concentrated effort by science, industry, and government will achieve the desired result — complete elimination of byssinosis. The role of the press is an important one in this process.

J. DUKES WOOTERS, JR.
President, Cotton Incorporated
New York

The lower lower case

More than one careful *CJR* reader has written to question the prescient "12/22/78" dateline on the May/June "Lower case" item from the *Ottawa Daily Times*. The correct date, of course, is December 22, 1977. And the inclusion in the department's March/April offerings of a *San Diego Tribune* editorial lead asserting that "next year would be a good year for the voters of California to lay the ghost of Elbridge Gerry" has brought a strong letter of protest from Robert A. Juran, director of the Newspaper Editorial Workshop Services in Los Angeles. "'To lay a ghost' is perfectly correct English idiomatic usage," writes Juran. "'When you lay a ghost you exorcise it or put it to flight. . . . The spectacle of a supposedly intelligent magazine, produced at a prestigious university, ignorantly sneering at an intelligent newspaper writer — well, gentlemen, I would say that is a bit much.'"

Deadline

To be considered for publication in the September/October issue, letters to the Review should be received by July 24. Letters are subject to editing for clarity and space.

NATIONAL NEWS COUNCIL REPORT

Statement on First vs. Sixth Amendment

For a decade responsible elements in the media and the organized bar have been striving to protect and enhance the integrity of the criminal-justice process by cooperative approaches aimed at preventing damaging collisions between the right of free press guaranteed by the First Amendment and the right of fair trial guaranteed by the Sixth Amendment. Unfortunately, recent court decisions have moved drastically in the opposite direction by restricting public scrutiny of the public's system of justice in ways as potentially menacing to fair trials as they are to a free press.

The court-ordered restrictions take many forms—sealing court records, forbidding participants in a trial to talk to reporters, closing important sections of criminal proceedings without notice, hearing, or even the sketchiest proof of need—but the cumulative effect is to throw a deepening shadow over the right of public access to knowledge of criminal proceedings, as recognized by the Constitution.

The proposed revisions by the American Bar Association of its 1968 standards relating to fair trial and free press indicate a swing away from this restrictive trend. The drafting committee, headed by Federal Judge Alfred T. Goodwin, has clearly made an earnest effort to overcome many of the concerns ex-

The reports of the National News Council appear in the Review as pertinent information and as a convenient reference source. Publication, which is made possible by the William and Mary Greve Foundation, does not imply approval or disapproval of the findings by the foundation or by the Review.

This report includes the findings issued by the Council at its meeting last April 24 and 25 in New York.

pressed by the media over aspects of the earlier canons that lent themselves to censorial application by the judiciary.

The panel's final report has not yet been made public, but members active in its preparation have assured the National News Council that the proposed canons go well beyond the Supreme Court's decision in *Nebraska Press Association v. Stuart* in that the proposed canons provide protection against any judicial attempt to order prior restraint on publication of information in the possession of newspapers or television and radio stations. Similarly, in the A.B.A. committee's view, there is no judicial right to cite reporters or editors for contempt for anything they publish except under circumstances of prejudicial intent and execution so flagrant as to be almost inconceivable in journalistic practice.

The paramount thrust of the recommendations is to foster open court proceedings and full disclosure. This commitment to openness is further reflected in the panel's proposal that television and radio coverage of criminal trials be standard whenever the judge finds that can be done without upsetting courtroom decorum.

But, admirable as all these initiatives are, it would be foolish to suggest that they hold out promise of trouble-free future relations, even if the committee report is approved without change by the A.B.A. House of Delegates at its August meeting in New York City. The infinite variety of criminal cases is bound to engender complexities that imperil even the best-intentioned and most carefully executed attempts at accommodation on this minefield of clashing constitutional guarantees. That reality has been underscored by the disappointment that press and bar alike have experienced in many places over the breakdown of the voluntary guidelines, arrived at through conscientious joint endeavor, which aimed at easing tensions without bartering rights under either the First or Sixth Amendments.

No derogation of the authors of the A.B.A. recommendations is involved in noting that differences of opinion can exist—and, indeed, already do exist among some of the panel's own members—on the precise interpretation specific sec-

tions of the canons are likely to receive in the courts or on the degree to which a document of such scope is free of internal contradictions that could prove vexing in application.

In any event, it would manifestly be both prudent and useful to subject the tentative findings of the A.B.A. to review by a panel of media and public representatives versed in the ramifications of the problem before the organized bar freezes its position at its August meeting. Such a review could be of benefit in achieving the most constructive interaction of the principles of press freedom and fair trial, as required by the total public interest.

The National News Council puts forward this suggestion because the one indisputably valuable contribution of the earlier effort by press and bar to agree upon voluntary fair trial-free press guidelines was the demonstration it provided that both sides could learn much

**'Judges converted
the procedures into a
straitjacket of
mandatory restraints'**

through an exchange of ideas that proceeded from their divergent perspectives and approaches.

Though guidelines lost favor when judges (as in Nebraska) converted the procedures into what amounted to a straitjacket of mandatory restraints, backed up by exercise of the contempt power, they did have a lasting effect in making many journalists more aware of their duty to respect defendants' rights while at the same time increasing the alertness of many jurists and lawyers to the importance of preserving the fairness of trials by means other than gag orders and other forms of censorship.

Of parallel benefit was the mechanism the guidelines created for a continuing discussion of common problems and challenges by representatives of both sides. That discussion has been carried forward with particular effectiveness in the several conferences on "The Media and the Law" conducted in the last few years under the auspices of the Ford

Foundation and a number of the nation's leading newspapers.

From among those most active in the exchanges at these conferences, the National News Council stands ready—in the pursuance of its function as a guardian of the public interest in a free and responsible press—to assist in recruiting a group of roughly a half-dozen to assess the recommendations of the A.B.A. panel with a view to enriching the mix of thought available to the bar when it makes its decision on new standards this summer.

The timeliness of such a fresh attempt at communication is heightened by the existence of other court-related questions on which a fusion of views would be helpful in substituting cooperation for conflict. One is the wider use of television cameras and radio in courtrooms. The qualified endorsement given to such use by the Goodwin committee ought not become a prelude to new bickering over rules of reason acceptable to both sides.

The continuing confusion created by court attempts to compel news representatives to reveal confidential sources of information in criminal and libel cases opens up another area in which joint discussion offers hope of mutual benefit. Anxieties over an independent press have been stirred by the forthcoming Supreme Court consideration of a libel case that could subject confidential internal memoranda and conversations within the media to court inspection as a means of determining the mind-set of journalists when stories were in preparation.

The welcome fact is that the spirit of the pending A.B.A. report on how best to balance First and Sixth Amendment protections provides the foundation for a comprehensive new attempt to establish two-way communication as an alternative to confrontations injurious to both press and bar in fulfilling their essential obligations to the American people. Neither side can pretend to be without fault in generating the animosities and mistrust that account for present tensions. But that merely increases the desirability of a new effort at consensus built on the report of the A.B.A. panel. Such an effort would enhance the credibility of the press and strengthen public confidence in the judicial process, thus undergirding two freedoms basic to democracy's survival.

Concurring: Ghiglione, Huston, Isaacs, Lacayo, Lawson, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Abortion: problems for the press

Preface by the Council to complaints on abortion coverage: At this meeting the National News Council was asked to examine six separate examples of coverage of the abortion issue that groups opposed to abortion considered to be unfair or inaccurate and to demonstrate pro-abortion bias by the media.

All branches of communications are under heavy pressure to report the abortion issue to the satisfaction of one side or another. Obviously it is not the journalistic function to seek to satisfy in news coverage proponents or opponents on any important issue. The role of the press is to report fairly.

Abortion came into the news as an inflammatory issue in 1970, when states began to liberalize abortion laws. From that time on, the debate has grown in both volume and complexity.

Reporters are therefore covering a continuing controversy in which religious groups, among others, have involved themselves by taking official positions and supporting lobbying efforts. In this coverage, there must be sustained vigilance and sensitivity to the principle enunciated by the National News Council in 1974: that the practice of identifying the religious beliefs of persons mentioned in a news story should be avoided unless such beliefs are relevant and material to the story. The fact that the Council has, in the current consideration, found instances in which such sensitivity was not exercised, indicates that this principle needs to be reiterated.

CBS: what was promised, what was aired

Issue: Did two *CBS Evening News with Walter Cronkite* reports display pro-abortion bias and anti-Catholic prejudice in dealing with the subject of Medicaid payments for abortion?

Complaint: On November 29 and 30, 1977, the *CBS Evening News with Walter Cronkite* carried stories reported by Phil Jones and Susan Spencer dealing with an unsuccessful attempt by Congress to reach a compromise on federal payments for abortion.

The Reverend Paul Driscoll, human life coordinator of the Rockville Centre (New York) Diocese, made a lengthy complaint about the reports, specifying seven points which he felt were examples of unfair reporting.

CBS made a point-by-point rebuttal to the allegations in a letter from Kay Wight, assistant to the president of CBS News, and forwarded a transcript of the broadcasts to support its views.

The Council found two points in the complaint warranted:

□ Father Driscoll said that a portion of the November 29 broadcast was anti-Catholic in tone because, in an updated version of the *Evening News* seen on the West Coast, only a pro-abortion spokesman was interviewed in reaction to a House vote against an abortion funding compromise, and Walter Cronkite closed the segment by saying that the following day's broadcast would include "a full report on abortion and the government, the charges of the pro-abortion advocates and the Catholic view."

The Council decided that Cronkite's comment concerning "pro-abortion advocates and the Catholic view" could be construed to mean that all Catholics opposed abortion, and that only Catholics were opposed.

□ CBS implied, according to Father Driscoll, that there was something sinister about the activities of Mark Gallagher, an anti-abortion lobbyist at the House-Senate conference committee sessions at which compromise legislation was being considered. This was on the November 30 report which had been billed the night before on the *Evening News* as "a full report on abortion and the government."

The Council found no evidence of the sinister picture of Mr. Gallagher to which Father Driscoll alluded. But the Council did say that "by no stretch of the imagination" could the November 30 story be considered a "full report on abortion and the government," because no examination had been made of the tactics employed by pro-abortion advocates to achieve their legislative ends.*

The Council found the other five points unwarranted:

□ The complaint said that CBS had concentrated on whether Catholics were violating separation of church and state while ignoring the question of whether it was fair to use the tax money of anti-abortion people to support something to

* Mr. Scott dissented on this aspect of the complaint.

which they strongly objected.

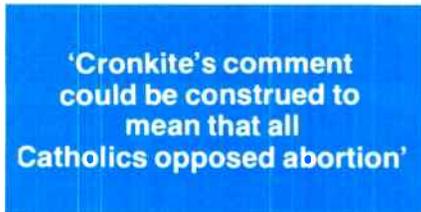
Responding to this charge, CBS said that it did not state that Catholic bishops had violated constitutional provisions guaranteeing separation of church and state but that its correspondent had merely raised the question in summarizing the charges of critics of the bishops' activities.

The Council said that the question raised by the reporter on this issue was within that reporter's latitude.

□ Father Driscoll said that CBS displayed a pro-abortion bias by the manner in which it introduced an interview with Senator Edward Brooke by saying he contended that through its medical insurance program the Defense Department actually paid for more abortions than did the Department of Health, Education and Welfare. (The question of federal funding for abortions was amended to a pending H.E.W. appropriations bill.)

The Council found the material used by CBS to be a paraphrase of the senator's position and that the thoughts expressed were clearly his, and not those of CBS.

□ Father Driscoll thought that CBS may have excerpted a quote from Representative Henry Hyde from an earlier William Buckley *Firing Line* program, giving



the appearance that the congressman was being given an opportunity to respond to material on CBS News.

CBS said it had taped the interview in the radio-TV gallery of the House on the day of the news broadcast.

□ CBS had failed to include in its report on November 30 the fact that Jesse Jackson, a black advocate of aid to the poor, was a supporter of the Hyde amendment restricting federal funding for abortion.

The Council found that not every fact relevant to the arguments for and against abortion funding can be aired on a single broadcast and that the selection of material that was used was a matter for CBS editorial judgment.

□ The complaint said that CBS had mentioned the Catholicism of members of the House-Senate conference committee on abortion legislation and had not mentioned that there were non-Catholic anti-abortionists and Catholic pro-

abortionists in Congress.

CBS said that it believed the voting pattern of the Catholic conferees was relevant to the story.

The Council majority found the mention of the Catholic conferees' religion relevant in the light of the presence at the conference sessions of a lobbyist sponsored by the National Conference of Catholic Bishops.**

Concurring: Ghiglione, Huston, Isaacs, Lacayo, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

** *Mr. Otwell, Mr. Renick, and Mr. Rusher dissented on this aspect of the complaint.*

Dissenting opinion by William Rusher on one aspect of the conclusion: Correspondent Spencer's stress on the presence of a well-financed Catholic bishops' lobby at a conference in which Catholic representatives constituted six of the ten House conferees might conceivably be defended as within a journalistic prerogative to suggest (without proving) that the lobby succeeded in influencing the Congressmen. But Ms. Wight, defending Ms. Spencer on behalf of CBS makes it very plain that, in the opinion of CBS, such successful influence was proved merely by asserting the presence in the same room of a Catholic bishops' lobby and six Catholic congressmen ("In our opinion the voting pattern of the Catholic conferees is relevant to the story.") although the record is bare of any evidence whatever as to the actual "voting pattern" of the Catholic congressmen. The CBS assumption is wholly unsupported, and if we may assume that CBS correctly interpreted the implication of its own reporter's statement, the complaint in this aspect is warranted.

Do Catholics respond automatically to religious pressure?

Issue: (a) Was a *New York Times* Sunday "Week in Review" article biased in the manner in which it characterized the motivation of Catholic members of Congress in the debate over legislation to restrict federal funding for abortion? (b) Should the *Times* have taken note that the writer of an op-ed page article deploring the use of religion-based tactics by anti-abortionists had also written a book in which he urged pro-abortionists to use the same kind of tactics?

Complaint: The Reverend Paul G. Driscoll,

human life coordinator of the Rockville Centre (New York) Diocese, complained that a November 27, 1977 *New York Times* "Week in Review" article displayed an anti-Catholic bias by focusing on the activities at a House-Senate conference committee session of an anti-abortion lobbyist representing the National Conference of Catholic Bishops.

Father Driscoll said the article failed to mention numerous pro-abortion lobbyists or secular anti-abortion lobbyists and that it also implied that Catholics in the House of Representatives voted at the dictates of their church, while a Presbyterian, also on the anti-abortion side, was described as voting from conscience.

The other portion of Father Driscoll's complaint involved a January 11, 1978 op-ed page article by Lawrence Lader, a pro-abortion movement spokesman and author of the book *Abortion II: Making the Revolution*. The complaint contended that while the article objected to the use of religious pressure and violent political action by anti-abortionists, Mr. Lader had in his book condoned the use of the same kind of tactics when employed by pro-abortionists.

Father Driscoll said that he had cited

THE NATIONAL NEWS COUNCIL
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Abortion *continued*

what he considered to be the double standard employed by Mr. Lader in a letter to the *Times* written on January 12, 1978. He received no reply from the *Times*, and the newspaper, in keeping with its policy, did not reply to the Council concerning the complaint.

The *Times* did print a letter from Senator Richard Schweiker attacking the Lader column as "a mean smear against millions of Americans deeply opposed to 'abortion on demand'."

Conclusion of the Council:

Tolchin Article. In his Sunday "Week in Review" article, Mr. Tolchin was attempting to review some of the reasons, as he saw them, why the Senate and House remained far apart on a compromise bill regarding federal abortion payments for the poor. One of the reasons, in his opinion, was the intransigence of the House conferees on the House-Senate conference committee.

Mr. Tolchin discussed the presence of the representative of the National Conference of Catholic Bishops at the conference session and then noted that six of the ten House conferees were Catholics. Their religion was clearly germane to the thrust of his article. However, Mr. Tolchin went a step further when he said: "Of course, not everyone in the House is responding to religious pressure. Many regard it as a matter of conscience." Mr. Tolchin made this point in citing the case of Representative Thomas N. Kindness, an Ohio Republican and a Presbyterian. Representative Kindness was quoted as saying "if you want to help poor women, eliminate poverty, don't eliminate humans."

Mr. Tolchin also reported that 120 congressional districts "have sizable Catholic constituencies whose representatives can be counted on to vote against Medicaid abortions." Some of these congressmen are not Catholics.

The clear implication here was that only congressmen with sizable Catholic constituencies or Catholic congressmen themselves were influenced by the position of the Catholic church on the subject of abortion. The most recent check of Catholic voting patterns in the House made by the National Association for Repeal of Abortion Laws reported that of 118 Catholics in the House, 79 have consistently voted against Medicaid payments for abortion while 39 have voted

for compromises on the matter.

Given these statistics, Mr. Tolchin was simply inaccurate in implying that Catholic congressmen can be expected to respond almost automatically to the abortion issue on the basis of religious pressure. This aspect of the complaint is found warranted.

Concurring: Isaacs, McKay, Pulitzer, Renick, Roberts, and Rusher

Dissenting: Ghigliione, Huston, Otwell, and Scott.

Lader Column. Op-ed page articles in the *Times* are clearly published as expressions of the views of their authors. Mr. Lader's column fits that description. It was not incumbent upon the *Times*'s editors to examine Mr. Lader's books for possible contradictions in his point of view. The editors properly made a determination about the article's merit on the basis of its editorial content.

The Council believes the *Times* might have responded to the points made by Father Driscoll showing that Mr. Lader, in his book, had applauded the use by pro-abortionists of precisely the religion-based tactics he was deploring in his column, when used by anti-abortionists. However, the paper did print Senator Schweiker's letter in opposition to the Lader column, and it cannot be expected to print every letter taking issue with points raised in pieces appearing on the op-ed page. For this reason, the Council finds this aspect of the complaint unwarranted.

Concurring: Ghigliione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Dissenting opinion by Margo Huston on the Tolchin conclusion: Religion was not only germane to the thrust of the Tolchin article; it was the thrust. The piece attempted to give insights into congressional decision making. As a personal appraisal, this article was an attempt to put together the pieces of this complex puzzle, certainly appropriate in *The New York Times*'s "Week in Review" section. In such an article the reporter should be encouraged to go one step beyond the limits of a straight news story. Tolchin's statement, "Of course, not everyone in the House is responding to religious pressure. Many regard it [abortion] as a matter of conscience," certainly could be understood as applying to Catholics as well as anyone. To be consistent with the News Council's position

that religion may be noted when it is germane to the article, I find the complaint unwarranted.

What did the Supreme Court rule?

Issue: Did a network news report misrepresent the Supreme Court decision of 1973 dealing with abortion?

Complaint: Ruth Karim, executive secretary of the South Dakota Right to Life Corporation, complained that the *CBS Morning News* of January 23, 1978, reporting on an anticipated anti-abortion rally in Washington, was inaccurate in stating that the Supreme Court in 1973 had legalized abortion during the first three months of pregnancy. Ms. Karim contended that the court "legalized abortion throughout the entire nine months of pregnancy with only minimal restrictions left to the states at various stages of pregnancy."

CBS, responding to the complaint, said: "Most of our hard-news reports, because of time restrictions, refer to the Supreme Court's decision to legalize abortion during the first trimester, which is true. We don't itemize each state with all their special requirements." CBS also forwarded a memorandum from its law department which concluded that the Court had clearly not legalized abortion for the entire nine months of pregnancy.

Conclusion of the Council: The point at issue — what the Supreme Court did or did not legalize concerning abortion — seems to the Council to be represented here by an understatement on the part of CBS News and an overstatement by the complainant.

Although the court decision appears to be open to a variety of interpretations it seems clear that it did not legalize abortion for the entire nine months of pregnancy. This is what the Court said about the third trimester:

For the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may if it chooses, regulate and even proscribe abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

At the same time, the Court clearly did not limit the prohibition to the first three months. This is what the Court said about the second trimester:

For the stage subsequent to approximately the end of the first trimester, the State, in pro-

moting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

In circumstances such as these, where there is considerable emotion involved and a complex legal ruling, it is understandable that confusion and misconstruction can come into play.

CBS's summary of the Supreme Court decision can hardly be considered a sufficiently informative description of what the Court held. Time limitations cannot be automatically invoked to excuse incomplete reporting.

The Court did not, however, as the complainant contends, "legalize abortion for the entire nine months of pregnancy." The Council finds the complaint unwarranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Akron Council: Catholic-dominated or not?

Issue: Was a reference to the religion of some city council members a valid part of a news story dealing with a debate on a proposed municipal ordinance to regulate abortion clinics?

Complaint: William F. Gavin of Arlington, Virginia, complained that a *New York Times* article of January 28, 1978, had unnecessarily stated that the Akron,

'Identifying religious affiliation should be avoided unless relevant'

Ohio, City Council was "Roman Catholic-dominated." The article dealt with a forthcoming City Council vote on a controversial ordinance designed to place restrictions on abortion procedures in that community.

"Can anyone recall ever seeing such a journalistic practice where faiths other than Roman Catholicism were involved?" Mr. Gavin asked in his complaint.

The article was a background on the Akron abortion situation which had attracted nationwide attention. The Akron City Council consists of thirteen members, seven of whom are Catholics. The religious issue surfaced in news coverage when the Catholic bishop of the di-

ocese circulated a letter to members of the City Council urging their support of the proposed ordinance.

Following circulation of the Bishop's letter and prior to the publication of the *Times* story, one of the Catholic council members announced his intention to vote against the ordinance. He voted against when it was considered on February 28, but one non-Catholic council member voted for it, and the measure passed by a 7-6 vote.

Conclusion of the Council: In 1974, in another complaint involving *The New York Times*, the News Council recommended that the practice of identifying religious affiliation in news accounts follow that generally applying to race and national origin — that all such designations be avoided unless the information is relevant and material.

In the complaint at hand, there was adequate justification for mention of the role of the Catholic church in the Akron abortion debate. It develops, however, that *The New York Times*'s reference to a "Roman Catholic-dominated" Council was, in this instance, misleading. One of the Catholic members of the Council had already declared opposition to the ordinance, and therefore the issue of "dominance" was debatable. By failing to provide sufficient information, the *Times*'s identification was, in fact, gratuitous. The Council supports the complaint as warranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

March for Life: was it news?

Issue: Did two of the television networks suppress news by failing to cover a national anti-abortion demonstration in Washington, D.C.?

Complaint: Virginia P. Denny, president of the Longview, Texas, Right to Life organization, complained that CBS and NBC had failed in their evening news programs of January 23, 1978, to cover a national March for Life held in Washington, D.C. that day.

Ms. Denny characterized the absence of coverage as "suppression of news." The bias of NBC was worse, she said, because that same night the network ran a "pro-abortion" story concerned with the effects of cutbacks in Medicaid funds for abortions. She also noted that ABC News had covered the March for Life.

NBC, responding to the complainant, said: "It is NBC News' intention to report this story as objectively and fairly as possible. . . . Our records indicate that this issue is being covered fairly and we assure you that we shall continue this practice." The network's response also said that on the night in question there were three pro-abortion marches elsewhere in the country which it also did not cover.

CBS noted that it had mentioned the March for Life in advance of the event on its *Morning News* of January 23.

Conclusion of the Council: Any complaint charging suppression or censorship is of major importance. It implies wilful distortion. It also implies that the public has been deliberately deprived of relevant news coverage.

A large demonstration in a given locale is not necessarily national news automatically. The networks on January 23 were appraising three types of reports dealing with the abortion issue: (1) the demonstration in Washington, (2) three pro-abortion demonstrations outside of Washington, and (3) the effects of Medicaid cutbacks on abortions.

Each of the networks judged the news differently. NBC chose to cover the Medicaid issue and not to include either the Washington march or the three other demonstrations. ABC elected to cover the Washington march. CBS mentioned the Washington march twice on its morning news program in advance of the event, and decided not to cover on the later cycle. What these differences demonstrate is that editors often differ as to what is or is not news and how to present it.

There is no evidence that the editors at the networks were doing anything other than exercising normal news judgment. The charges of suppression and censorship appear to be without foundation.

The complaint is found unwarranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Must all newscasts be balanced?

Issue: Does coverage of an issue such as abortion require the presentation of balancing viewpoints on a daily basis in order to be fair?

Complaint: Florence D. Smith, district coordinator of the Prince Georges (Maryland) Right to Life organization, complained that a series of news reports

on WJLA-TV (Washington, D.C.) concerned with Maryland state funding for abortion had failed to accurately or completely present the anti-abortion point of view. The reports were aired on November 29, 30, and December 1, 1977. Ms. Smith also complained that the station's report on the national March for Life in Washington, D.C. on January 23, 1978, had underestimated the number of participants and displayed an anti-Catholic bias, in her opinion, by depicting the event as a "Catholic issue."

Responding to the complaint, the station's news director, Sam Zelman, declared that the anti-abortion position had been aired many times—not only on newscasts, but also on other station programs such as *AM Washington*. He invited Ms. Smith to appear on one of the station's "Speakouts"—one-minute statements by citizens on the subject of their choice.

Conclusion of the Council: The Council has affirmed in many of its past decisions that all sides of a complex and controversial issue cannot be expected to be covered in one news broadcast or story. The situation to which Ms. Smith refers regarding the use of Maryland state funds for abortion purposes is such an issue.

On the night of November 29, the news was that the court had issued an order forbidding the state to pay for non-therapeutic abortions. The interviews with persons at an abortion clinic were a logical follow-up that did not require balancing by additional comments of an anti-abortion spokesman. With the order still in effect and an appeal pending, an interview the following night with Dr. Neil Solomon, the state's health secretary, was also a reasonable exercise of editorial judgment on the station's part.

The news story on December 1 on the fact that the court order had been overturned reported the issue from both points of view, pro- and anti-abortion, including the argument of the anti-abortion movement that state officials "were breaking the law when they used tax dollars for abortions." No interviews were presented with either side in giving the report on the judge's decision.

All of these news accounts, in the Council's opinion, were matters about which the news personnel of the station exercised their editorial judgment in a reasonable manner.

The script of the station's coverage of the January 23, 1978, March for Life shows no evidence of the anti-Catholic

bias alleged by Ms. Smith. As to the crowd estimate offered by the reporter, no entirely reliable barometer exists for such estimates at public events, and as a result they often vary in individual news reports.

In all of its aspects, this complaint is found to be unwarranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

A medical miracle on '60 Minutes'?

Issue: CBS followed the stories of three heart patients who appeared to improve dramatically at a California treatment center. Was the network irresponsibly promoting a claim that heart disease could be easily conquered?

Complaint: Dr. Michael J. Halberstam of Washington, D.C., charged that a segment of the CBS program *60 Minutes* (October 16, 1977), entitled "The Heart You Save," was biased in favor of a new treatment for heart disease.

60 Minutes followed the progress of three heart patients before, during, and after their month-long stays at the Longevity Research Institute, a treatment center in Santa Barbara, California. At the institute, run by Nathan Pritikin, patients receive a special low-fat diet combined with exercise.

Dr. Halberstam complained that *60 Minutes* was unfair (1) to patients by implying that heart disease could be rapidly improved and (2) to medical organizations by implying that they opposed the treatment and not allowing representatives of the organizations to appear on the program.

Responding to the complaint, CBS said that *60 Minutes* had never claimed that the patients who were filmed had been cured—only that they had felt better after treatment and had been able to function more normally. CBS cited a portion of the program in which the reporter, Morley Safer, summed up the experiences of the three patients:

But their cardiograms, although improved over four months, show that they still have heart disease. That has not been reversed, not been cured. Nevertheless, all three are changed men.

To make sure that these patients were not unusual, CBS commissioned a survey of 500 patients who had attended the institute and found that, by and large, they also had positive experiences.

Conclusion of the Council: The first part of the complaint charges CBS with over-promoting a new treatment for heart disease. After reviewing the transcript, we feel that *60 Minutes* was careful not to present the Pritikin regimen as a miracle cure. What the producers did was to film the experiences of three patients in a straightforward manner and refrain from drawing sweeping conclusions about those experiences.

The second part of the complaint contends that CBS unfairly characterized medical organizations. The only references to these groups were part of an on camera interview that Mr. Safer conducted with Mr. Pritikin.

SAFER: Why would the American Heart Association, the A.M.A., the medical establishment in this country, be so unsupportive of you, when for the most part doctors here and there have been recommending a lot of what you've been saying over the years?

PRITIKIN: I think doctors have been recommending change in diet, but not as limited, perhaps, or restrictive as some of our diet ideas are. . . . The American Heart Association finds our approach very strange yet.

Did the program misrepresent the positions of the medical organizations? In the course of its research for the program, CBS asked the American Heart Association for a statement about the Longevity Research Institute. The statement said, "The AHA has long been a proponent of diet and supervised exercise in the treatment of coronary heart disease." Referring to the institute, however, the statement said:

The diet prescribed for LRI patients is unusual by American standards. It is difficult to follow, requiring extensive knowledge about nutrition. The foods in the diet require longer preparation times. . . . There is a real question whether this diet can be followed by the general U.S. population, living in unstructured environments, for a long period of time.

According to spokesmen for the American Medical Association, that organization has never issued a statement on the Pritikin regimen and has made no attempt to evaluate the treatment.

On the basis of this information, we believe that Mr. Safer's judgment that the medical organizations were not supportive of Mr. Pritikin was a reasonable one. In any case, this point was men-

tioned only in passing and was not a major theme of the show.

We find both portions of the complaint unwarranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Statement on threats to international press freedom

The National News Council has repeatedly stressed its conviction that full, free, and understanding reporting in the world press represents an important contribution to economic and social development in the emerging countries of Africa, Asia, and Latin America. The high stake that these nations share with the rest of the free world in removing barriers to the full flow of information makes the Council view with apprehension the suggestion by representatives of twenty nonaligned countries, meeting in Havana last week, that their governments consider the establishment of restrictions on the movement of news out of and into their nations.

Though the professed purpose is to cut off what speakers at the meeting called "disinformation," the inevitable effect of the projected guidelines would be government-imposed censorship and a retreat from freedom in countries that have struggled valiantly over many years of exploitation to achieve self-rule. The need, as the Council noted last November in deploring plans for a monopolistic intergovernmental news agency to control news in Africa, is not for less coverage of the developing countries. Rather, it is for all newspapers, news agencies, and the electronic media to do a better, more thorough, and more understanding job in the whole field of international reporting.

There is need for speedy implementation of programs for improved training of journalists in the emerging countries and for reinforcement of the support structures aimed at more effective and comprehensive news coverage in areas about which the world still knows far too little.

Recent experience in suppression of press freedom in Indonesia is a brutal re-

minder of the speed and inexorableness with which independent expression is snuffed out once government takes over the power to decide what is or is not news. This is the latest in a long series of such abridgements of press freedom.

At its Nairobi conference in October 1976, UNESCO wisely set aside proposals for a government-operated news consortium that would have bordered on thought control in the management of news relating to the third world. New versions of the same basic idea are currently under consideration by a UNESCO commission, which convened in Stockholm April 23-27 for exploratory talks with news-agency representatives from all over the world.

A resolution that would revive the proposal originally considered at Nairobi will be up for adoption at the coming biennial conference of UNESCO in Paris this fall. It would make all communications originating within any country subject to control by its government. The certain result would be a spread of the creeping information blackout that already mantles such countries as Cambodia and Tanzania, shutting them away from the rest of the world.

The National News Council is sensitive to the discontent long felt by many leaders of the third world over perceived inadequacies in present news coverage of developments in their countries. However, the Council believes that the remedy for the distortions the developing countries accuse the Western news agencies of perpetrating cannot be found in government-enforced restraints on the press or in the substitution of government-dominated news agencies for free ones. The only acceptable answer lies in higher standards of competence in news gathering and in greater access to information by reporters and editors operating in an atmosphere of freedom. It would be a tragic error for the developing nations to start down an opposite path in the disastrous direction of censorship and suppression.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Methadone reconsidered

Background: At its January meeting, the Council issued a report [CJR, March/

April] on complaints against a *New York* magazine article about methadone maintenance for heroin addicts. Appearing in the October 17, 1977 issue, the article was titled "Psst, Kid . . . Wanna Be a Junkie? Try Methadone!" The complaints were filed by Dr. Vincent Dole of Rockefeller University and Lee Koenigsberg of the Methadone Information Center in New York City.

The Council found several complaints about the writer's reporting techniques unwarranted. But on the charge that the article's general portrayal of methadone therapy was "grossly slanted" the Council divided evenly and emerged with no decision. Four members voted to find the complaint warranted, four members to find it unwarranted, and two members abstained.

The complainants asked the Council to reconsider the issue of the article's "broad generalizations" about methadone treatment and the Council agreed to the request.

After hearing testimony from both sides, the Council issues the following conclusion.

Conclusion of the Council: The *New York* article was obviously one-sided in its presentation of evidence about methadone therapy. It was not intended as an objective review of the methadone debate. It would have been desirable for the magazine to have clearly labeled the article as advocacy journalism.

In our opinion, the public is best served by the free interchange of viewpoints — even biased or unorthodox ones. To attempt to compel adherence in this type of article to a hypothetical — and probably unattainable — standard of total objectivity would be to stifle the robust debates so important to a free society.

Another factor to be considered is that, after publication of the original article, the magazine devoted considerable space to letters to the editor that criticized the article.

We find the complaint unwarranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Renick, Rusher, and Scott.

Dissenting: Lawson, Lacayo, Pulitzer, and Roberts.

Concurring opinion by Loren Ghiglione: Are Blake Fleetwood (the author) and the editors of *New York* magazine less concerned with pursuing the truth, what-

ever its subtleties and ambiguities, and more interested in publishing lively, opinionated articles regardless of whether they may be misleading?

Fleetwood argues that his methadone article should not be judged by the standards applied to *The New York Times*, *Time* or the network nightly news programs. He says *New York* is a "journal of opinion and commentary," like *The New Republic*.

But "Fear of Frying: A Guide to Buying and Cooking Fish," "Summer Scholar: A Guide to Vacation Study Programs," and other *New York* articles suggest the magazine's role also is heavily informational. *New York* is not strictly a journal of opinion.

The readers of *New York* might benefit from the magazine's identification of contents — those articles intended as "slanted," "one-sided," and "biased" opinion pieces, and those where readers can expect a closer adherence to the traditional journalistic standards of accuracy and fairness, and the search for truth. As matters now stand, *New York* appears to mislead its readers, dressing personal opinion in the garb of fair, truth-seeking reporting.

Opinion of James Lawson and Henry LaCayo: Much of the *New York* article was based on the writer's personal experiences at a methadone clinic. We have no basis for disputing his observations. In fact, we believe this kind of investigative reporting to be one of the press's most important functions.

The article went further, however, and made the sweeping generalization that the entire methadone program has been of negligible value in rehabilitating addicts. It appeared to review the statistical evidence on methadone maintenance. But the article cited only those studies that supported the anti-methadone viewpoint and ignored all other studies.

We do not know whether the article was right or wrong about methadone. We do know that there is a substantial body of evidence favorable to methadone treatment that was not hinted at in the article.

We recognize the value of robust opinion journalism and would never suggest that journalists be held to some hypothetical standard of complete objectivity. Editors are entitled to considerable latitude in deciding what evidence to emphasize or omit. There are instances, however, when omissions are so gross that they amount to a serious distortion

of available information. We believe that this article was one of those instances and did harm more than it enlightened the readers. A stronger case for robust journalism could be made if the editors had also published an article on the other side.

One particularly misleading aspect of the article was the impression it left that methadone makes patients "very high." The article never mentioned the fact that patients on stable doses develop a physical tolerance to methadone — a tolerance that minimizes the drug's effects.

The article's unqualified characterization of patients as "junkies" who join programs simply to "get all this free methadone to mix with all the other drugs they are taking" was unfair to those patients who are making sincere efforts to rehabilitate themselves.

We find the complaint about the magazine's general portrayal of methadone maintenance warranted.

Opinion of Michael Pulitzer and Sylvia Roberts: We dissent for the reasons expressed in our original opinion in this case (CJR, March/April 1978).

Statement on S. 1437

The National News Council is not a lobbying organization. For that reason it has abstained from direct involvement in the long public controversy over proposals in Congress for far-reaching changes in the federal criminal code. The proposals are encyclopedic; many would add to the effectiveness and equity of the criminal-justice system; others would exact a high price in peril to individual liberties.

Important as the final version of this legislation will be for all Americans, a public assessment by the National News Council of the full range of the bill's complex provisions would clearly carry the Council beyond its declared mission "to serve the public interest in preserving freedom of communications." However, it is thoroughly consistent with that mission for the Council to set forth its views on those sections of the bill that bear on the freedom of the press to fulfill its responsibilities to the American people.

Such comment is particularly necessary, in the Council's estimation, because S. 1437, the version of the legislation that cleared the Senate in January

and is now under study in the House Judiciary Committee, contains several provisions that could gravely impair the capacity of the media to expose official misdeeds or to protect confidential sources of information.

It is true that the present draft is vastly less dangerous in its potential impact on press freedom than its predecessor, S. 1, but that provides scant warrant for complacency. Section 1324 of the measure would, for example, make reporters, editorialists, and news organizations vulnerable to possible criminal prosecution for any action that "improperly" subjected a witness before Congress, the courts, or an administrative agency to economic loss or to injury in his business or profession. Other provisions would expose reporters to contempt citations or punitive action for refusal to disclose confidential news sources even under court orders subsequently held unconstitutional (Section 1331) or for refusing to give notes or film out-takes to law-enforcement officials (Section 1311).

The News Council believes that such provisions of the bill and of comparable measures pending in the House represent disquieting new steps toward secrecy and censorship in the criminal-justice system. They would severely curb the press in the necessary exercise of its investigative and informative role. In expressing hope that these potential infringements of press freedom, whether intended or inadvertent, will be eliminated from the bill's final draft, the Council reiterates that it is passing no judgment on the merits of the total reform package.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

New story, old photo

Issue: Was the caption that a magazine used under an old photograph showing a monk burning himself in Vietnam misleading?

Complaint: Joseph Belden of San Francisco complained about unfair reporting in two articles in the October 1977 issue of *Conservative Digest*, a monthly magazine.

The first article, "Civil War in Vietnam," described organized resistance to

the Communist government in southern Vietnam. The article featured a photograph of a man engulfed in flames. The caption read: "Buddhist monk burns himself to death in Saigon. Such symbolic resistance to Communist rule is spreading, though our liberal press gives it no publicity."

In a letter to *Conservative Digest*, Mr. Belden contended that the photograph had been taken in the early 1960s, long before South Vietnam came under Communist rule.

The photograph was credited to Wide World Photos, Inc. Wide World told Council staff that the picture was taken on June 11, 1963.

Responding to the complaint, Brien Benson, editor of *Conservative Digest*, wrote, "I had no intention of implying the photo was recent. The caption meant to communicate that Buddhist self-immolations were currently happening. . . ." To support this position Mr. Benson sent the Council a copy of a news report from the *London Daily Telegraph* (June 30, 1977) describing Buddhist self-immolations under Communist rule in Vietnam.

Mr. Belden's complaint also said that an article entitled "Guilt-Ridden Rich Kids Help Radicals," which described the activities of the Haymarket Peoples Fund of Cambridge, Massachusetts, was unfair and used numerous quotations without attribution. In particular, he cited the lead of the article:

In 1974 a small group of wealthy young radicals "embarrassed to be connected to their money" organized the Haymarket Peoples Fund . . . as a tax-exempt operation to provide money to groups in New England involved in political "organizing" for "social change" and who are not able to obtain funds from other sources.

Mr. Belden noted that there was no indication where the phrases in quotation marks came from.

Investigation by the Council staff revealed that some quotations came from a *New York Times* article about the Haymarket Fund dated March 4, 1977; other quotations came from the Fund's 1976 annual report.

Mr. Benson of *Conservative Digest* confirmed these sources of the quotations and wrote:

I suppose the source of the quote "embarrassed to be connected to their money" should have been identified, but this seems to me no more than a quibble, since the phrase is obviously a value judgment rather than a statement of fact. Indeed, our point would

have been stronger had we attributed the phrase to *The New York Times*.

Conclusion of the Council: We turn first to the article about the Haymarket Fund. Although we believe it would have been preferable for *Conservative Digest* to have identified the source of the quotations, we have no evidence that the quotations were inaccurate or unfair to the Fund. We therefore find this aspect of the complaint unwarranted.

More serious is the other charge raised in the complaint: the use of a misleading caption under an old photograph. The caption below the 1963 picture distorts history. The picture actually portrayed the self-immolation of a Buddhist monk protesting the then anti-Communist regime. Readers of the caption, however, might be led to believe that the picture was of a current self-immolation by a monk in protest of the current Communist regime. We find this aspect of the complaint warranted.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, and Scott.

Abstention: Rusher.

A TV station tunes out a complaint

Issue: Why did a television station fail to answer a legitimate journalistic inquiry by a critic for a national publication?

Complaint: Karl E. Meyer of Weston, Connecticut, television columnist for *Saturday Review*, complained to the Council in his column of February 4, 1978, that WABC-TV, New York City, had failed to respond to a journalistic inquiry he had made concerning one of the programs in its *Like It Is* series.

Mr. Meyer's inquiry concerned a program on the visit of a group of black journalists to Uganda and raised questions about who paid the travel expenses of the journalists to Uganda, as well as the extent of their journalistic inquiry.

Beginning on February 8, 1977, Mr. Meyer sent a series of letters first to WABC-TV and then, later, to Roone Arledge, president of ABC News. WABC-TV is owned and operated by the American Broadcasting Company.

Having received no answer to any of his letters, Mr. Meyer contacted the Council. The staff wrote to Mr. Arledge inquiring why ABC had made no response. Mr. Meyer subsequently received a letter from Mr. Arledge who pointed out that the program in question was a responsibility of the station. He expressed certainty that Mr. Meyer would soon hear from a WABC-TV official. That was in September of 1977.

Finally, when there was no further reply from anyone, Mr. Meyer placed a formal complaint before the Council, doing so publicly in a column which he wrote for the *Saturday Review* of February 4, 1978.

In his column, Mr. Meyer declared his belief that it is often difficult to get broadcasters to respond to inquiries. He said:

As the story I am about to relate suggests, it is sometimes impossible to obtain any answer whatsoever to a legitimate question. So strongly do I feel about my own personal experience that I am filing a complaint with The National News Council.

The column went on to describe what had happened.

On March 20, 1978, following numerous phone inquiries from the Council staff, Seymour Horowitz, program director for WABC-TV, did answer Mr. Meyer, apologizing at the same time for "the inordinate delay in responding to your inquiries." Mr. Horowitz said:

With a number of departments involved, each apparently assumed that the other had handled the matter. Obviously no one did. In any event the matter has been carefully reviewed and the following information was assembled.

Statement of the Council: No further Council action is needed. The Council, however, reemphasizes a belief it has had since its inception: that a free press serves its freedom best by being responsive to the public it serves.

Mr. Meyer is preparing a column for *Saturday Review* based on the response from Mr. Horowitz.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Gauging the miners' mood

Issue: Did a wire-service story surveying the reactions of West Virginia coal min-

ers to a contract offer designed to settle the nationwide coal strike give unfair prominence to comments of miners against the contract?

Complaint: Michael Ryan of Morgantown, West Virginia, complained that a U.P.I. story which appeared in the *Morgantown Dominion-Post* on February 27, 1978, highlighted the views of miners opposing the proposed contract settlement while the opinions of those favoring it were buried at the end of the story. He said that U.P.I.'s "implication" that most miners opposed the offer appeared to be based on conversations with only two miners.

He also objected to what he called "two completely irrelevant paragraphs" which hinted at "the possibility of some relationship between the United Mine Workers and the Communist Party." The U.P.I. story said that a West Virginia newspaper, the *Welch Daily News*, had claimed in a front-page editorial that the Communist Party in Washington had advance knowledge of the proposed settlement because of access to top U.M.W. officials.

H.L. Stevenson, U.P.I.'s editor-in-chief, wrote to the Council saying that the story was a regional reaction that quoted representative people involved in the strike. "While I could not disagree that the people who praised the new contract should have had higher prominence in the story, I don't think it is seriously flawed," he concluded.

Conclusion of the Council: Examination shows that the regional wire story in this instance sought to reflect some of the opinions of West Virginia coal miners as they prepared to vote on the proposed contract. While quotes were used from only two miners opposed to the contract, the wire-service editors apparently felt justified in using them high in the story. To have used balanced quotes high in the story could have conveyed an inaccurate reading of general sentiment as it prevailed at the time. The miners subsequently rejected the first proposed settlement.

By including the reference to the *Welch Daily News* editorial alleging Communist access to United Mine Workers officials, the wire service was performing one of its conduit functions. In situations of this kind, editors of newspapers are free to include or exclude information of this type, according to their individual judgments. The wire

service simply included a statement that appeared in another newspaper and left the judgment to the editors.

The Council finds the complaint unwarranted.

Concurring: Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

Abstention: Ghiglione (possible conflict of interest).

Brando as Chinese Godfather?

Issue: Did a magazine article about San Francisco's Chinatown contain racist language, illustrations, and headlines?

Complaint: The Media Alliance, a San Francisco-based organization of journalists, photographers, publicists, and filmmakers, complained that a *New Times* magazine article about Chinatown had "racist overtones." Entitled "The Golden Dragon Labor Day Massacre," the article appeared in the October 28, 1977 issue.

The Alliance cited six specific aspects of the article as follows:

(1) The cover photograph which has been retouched to give Marlon Brando (as the "Godfather") certain stereotyped features associated with Asians;

(2) The photograph in the table of contents above the story title showing what appears to be an Asian individual smoking an opium pipe; not only is this a stereotyped image, but it does not relate to the story;

(3) The illustrations on pages 28 and 29 which also rely on stereotyped features and are particularly sinister;

(4) Incredibly, the photograph on page 35 of a street scene with a dead man; the caption concerns an "old tong war," but the photograph is not taken from San Francisco's Chinatown nor does it offer clues that it was taken in any Chinatown in this country; its relevance to the story seems minimal;

(5) The use of the term "oriental" which... carries a connotation similar to "colored person";

(6) The caption "Clazy Joey," which... is simply racist.

In a letter to the Council, a copy of which was sent to Media Alliance, Jona-

than Z. Larsen, editor of *New Times*, commented on the six points of the complaint as follows:

The complaint about the picture on page 35 has blindsided us here at *New Times*. That photograph came from a group of pictures that our picture researcher produced for this story. The caption information indicated that the photograph depicted the scene of an old "tong war" killing. That information, along with what city, year, etc., should clearly have been in the picture caption. But I do not quite understand the concern about it—I much more clearly understand some of the Alliance's other concerns.

To wit: (1) the cover. I do not like the cover much myself. I hardly think it is racist, I just think it is a poor cover. If you are suggesting that to give anyone, Brando or whomever, Asian features, is in and of itself racist, that is to suggest that there is something wrong with Asian features, which is ridiculous. The Alliance mentions certain "stereotyped" features associated with Asians. Have we all gotten to the point where we would like to believe that nationalities have no characteristic features?

(2) The opium pipe was probably just about as stupid, but I hardly think that picture on the contents page a slur of any kind, even if it had nothing to do with the story. Stupid is my word, again.

(3) The illustrations on page 28 and 29 were drawn after photographs of the people mentioned in the article. Is there any more to say? I'll admit that they are not great illustrations. They remind me of *Mother Jones's* recent illustrations of Larry Flynt—bad, but not malignant.

(4) The term "oriental." Come on. Really! There is an area in this world called the Orient. And until the Alliance's letter, I was certainly not aware that the word oriental had become taboo. Last week, I ate at a Chinese restaurant in Florida—its name: "Oriental."

Finally, the headline "Clazy Joey." Absolutely inexcusable. Not just stupid, but racist. Here the Alliance has an all too valid point. It probably does not help matters much to say that the editor responsible is no longer with the magazine, and that that particular headline touched off a small furor in our own office.

In any case, our apologies all around. And our thanks to the Alliance and the National News Council for rubbing our noses in this. We deserve it.

Statement of the Council: We commend *New Times* for the refreshing candor of its response and hope that it will inform its readers of its position. No further action by the Council is needed.

Concurring: Ghiglione, Huston, Isaacs, McKay, Otwell, Pulitzer, Renick, Roberts, Rusher, and Scott.

REPORTS

"For Sale or Rent," by Gail Rubin, Peter Maier, Josh Spielberg, and Charlie Donaldson, **Center for Study of Responsive Law**, 1978

There are just two things wrong with real estate sections, according to this report: the stuff that gets printed and the stuff that doesn't. In its critical study of 350 pages of real estate news in forty-two papers across the country during a sample week in September 1977, the Center's Housing Research Group found too many promotional pieces of developers, real estate agents, and industry associations, too little coverage of substantive issues, analysis of trends, reports on regulations, and hard consumer information on leases, mortgages, home safety, and improving the consumer's position in the real estate market. Some cases in point: one-third of the papers, including the *Philadelphia Evening Bulletin* and the *Los Angeles Herald-Examiner*, had no real estate hard news at all. The *New York Post*, the *Los Angeles Times*, and the *Dallas Times Herald*, while publishing page after page of industry pieces, found no room for consumer news. Such papers as the *Orlando Sentinel Star*, the *St. Louis Post-Dispatch*, and *The Washington Post* used pieces by realtors, brokers, and appraisers. In the *Baltimore Sun*, the *Boston Herald American*, the *New York Post*, the *Philadelphia Evening Bulletin*, and *The Washington Star*, press releases were substituted for news articles (by way of contrast, the report commends the *Kansas City Star* for a related article describing an industry press release as "overoptimistic"). More than a dozen developer stories were published by the *Sacramento Union*; the *Dallas Times Herald* ran fourteen such pieces. (*Newsday* had none) And the only paper studied that published an even slightly critical appraisal of a new subdivision was the *Detroit News*. What is needed most of all, the authors believe, is a fundamental change in attitude in which elementary standards of journalism are expected to apply. For in its present sorry state, the evidence suggests, the purpose of the real estate section is not to inform, but to sell.

"Lori Wilson, the Senator from Gannett," by Bill Sloat, **The South Magazine**, March 1978

The romance between politics and the press is an old story, but when the wedding knot is actually tied, things can get complicated.

The situation at hand involves Lori Wilson, state senator of Florida, and her home-town paper, the influential *Cocoa Today*, one of the seventy-nine-paper Gannett chain headed by the senator's husband, Allen Neuharth. By giving the boss's wife preferential treatment in its pages, the author suggests, *Today* may be compromising its journalistic integrity: he cites an overgenerosity in using the senator's quotes, an instance of front-page overlay (on Neuharth's instruction) of a senatorial photograph, the reworking of news stories to present the senator in a more complimentary light, the publishing verbatim of a senatorial press release under a political reporter's by-line, and perhaps most important, the absence of any critical examination of the senator's legislative performance. While fear of retaliation, according to Sloat, keeps present employees quiet, and the Tallahassee press corps generally maintains a hands-off attitude, former staffers are more open about voicing complaints and raising questions of ethics posed by the politician-publisher union. Rumors of reporters fired for not writing enough, or favorably enough, about "the senator from Gannett," as well as the testimony of a former Gannett bureau chief assigned to laying in the champagne for Neuharth's annual lavish bash for capitol heavies, take on added interest in view of Wilson's reported ambitions for a United States Senate seat. *Today's* present editors are quoted as denying the charges of favoritism and claiming that Wilson is treated just like any other politician; Wilson is quoted as denying the charges of favoritism and claiming that if anything, *Today's* bias is against her. Comment from Neuharth is not included.

"Muckraking Lincoln Steffens," by Stephen J. Whitfield, **The Virginia Quarterly Review**, Winter 1978

As its ambiguous title suggests, this essay by a professor of American studies at Brandeis University attempts both to describe and to expose the dean of American muckrakers. In the author's view, most Steffens scholars not only admire his journalistic exploits but also accept, less justifiably, his self-evaluation as thinker, philosopher, theorizer, and revealer of systems and patterns, and it is these latter claims that Whitfield has chosen to place "between the cross-hairs of critical analysis." He looks briefly at the paradox of

Steffens's public postures and private loyalties — professing radicalism while living high on Wall Street investments, for example — but Whitfield's primary concern is less with the inconsistencies between Steffens's life and thought than with his "habitual failure to make the discriminations essential to intelligible discourse," and he has marshaled ample evidence of the journalist's contradictory attitudes toward business, crime, politics, corruption, revolution, religion, and reform. More interested in how the cities might be run than in how the masses might be represented, according to Whitfield, and without genuine sympathy for the common people or identification with their fate, Steffens was no democrat; and failing to defend civil rights and liberties or to champion private economic rights, he argues, Steffens was no liberal, either. More properly, in Whitfield's judgment, Steffens falls in the category defined by philosopher Sidney Hook as "totalitarian liberalism." A strongly argued and provocative presentation, Whitfield's article is best avoided by those who prefer their journalistic gods without feet of clay.

"U. S. Journal: Seattle, Wash.," by Calvin Trillin, **The New Yorker**, April 10, 1978

These engaging observations on the alternative (not to be confused with the underground) press were prompted by a recent meeting in Seattle of about thirty representatives of alternative weeklies. Although, as Trillin emphasizes, "alternative" in this context refers not so much to styles of living as to varieties of news that the daily press is not delivering, the papers themselves are nonetheless shy of the term and not the least item of the convention's business was a fruitless search for an acceptable substitute (the group's eventual working title: the National Association of Newsweeklies). Ranging from the *Pacific Sun* to the *Maine Times*, from Boston's *Real Paper* and *Phoenix* to the *San Francisco Bay Guardian*, from the *Alaska Advocate* to the *Baton Rouge Gris Gris*, and reflecting differences in format (tabloid, broadsheet), ownership (independent, chain), staff experience (dailies, underground), and content emphasis (news, features), the papers would appear to resist collective description. More revealing — and oddly dismaying — is Trillin's account of their shared concerns: taking market surveys, collecting accounts receivable, worrying about distribution, meeting editorial payrolls, analyzing "upscale demographics." To such realities, apparently, alternatives have yet to be invented. G.C.

When I told her about my raise last night,
she said, "Don't spend it all in one place."



A diamond is forever.

To give you an idea of diamond values, the bracelet shown is available for about \$4,200.
Your jeweler can show you other diamond jewelry starting at about \$300. De Beers.

The Lower case

Farmer Bill Dies In House

The Atlanta Constitution 4/13/78



SEN. JOHN TOWER
He led the assault

Chicago 7's Hoffman accused of impartiality

The South Middlesex (Mass.) News 5/8/78

That routine has often been broken by Vance's frequent travel, a duty he dislikes, although he is beginning to sleep better aboard the department's aircraft. His demanding tasks have kept him away from his family, which includes four daughters and a son, far more than he would like.

Time 4/24/78

Tornado kills foreign family

MONTICELLO, Miss. (UPI) — Four members of one family were killed before dawn today

The Telegraph (Painesville, Ohio) 4/18/78

High Winds Force Tower Evacuation

San Francisco Chronicle 5/4/78

Dead man noted among realtors

The Province (Vancouver, B.C.) 3/16/78

Lucky Man Sees Pals Die

The News American (Baltimore, Md.) 4/4/78

Officials said Cynthia Hamann, 24, a shift supervisor at the Brimfield Work Release Center near Peoria, was in good condition, although she was examined at Memorial Hospital in Clarksville.

The Tennessean 3/28/78

SURVIVOR OF SIAMESE TWINS JOINS PARENTS

Ogden (Utah) *Standard-Examiner* 3/28/78

New Vaccine May Contain Rabies

Daily Press (Newport News, Va.) 5/1/78

Khrushchev is buried in encyclopedia

Cleveland Press 3/28/78

Court adds right to drunken driving

Des Moines Tribune 1/18/78

Mental health prevention begins with children

Valley News-Tribune (Eugene, Ore.) 5/9/78

Chester Morrill, 92, Was Fed Secretary

The Washington Post 4/21/78

Women abuse topic of speech

The Morning Union (Springfield, Mass.) 4/18/78

Thousands of chickens killed over bad feed More poultry expected in mess halls

The Daily Journal American (Bellevue, Wash.) 4/13/78 Page C8

The Daily Journal American (Bellevue, Wash.) 4/13/78 Page C8

Stud tires out

The Ridgewood (N.J.) *News* 3/30/78

FOR \$6645* YOU CAN BUY A CHEAP CAR. OR AN EXPENSIVE ONE.

It's no longer true that you get what you pay for. At least, it isn't true among the 1978 models.

That's because—for about the same money—you can become the disappointed owner of a cheaply made car or the satisfied owner of one that's well made.

Luckily, the cheap ones can give themselves away to anybody who bothers to look closely. Doors, hood and trunk lid don't fit properly. The paint job is dribbled in some places, spotty in others (especially on top of the hood). The trunk is a wasteland of raw, unfinished surfaces. Rattles are constant companions.

Volvos, on the other hand, are known for being

solidly built and painstakingly finished. And Volvo owners confirm it. In a recent independent national survey, a significantly higher percentage of owners of new Volvos rated their cars "excellent" in terms of overall quality of workmanship than did the owners of all 57 American makes surveyed†

The amazing thing is that, for the price of many of the cheap cars, you can own an expensively built, well-equipped Volvo...the 1978 Volvo 242 in a dealer's showroom near you.

Why settle for less when the price is no more?

VOLVO

*Suggested retail price P.O.E. for the Volvo 242, local taxes, dealer preparation, delivery charges and "Lambda Sond"™ emission control system additional †Survey of owners of new cars bought in May, 1977



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