

# **Objectivity and Balance: Conceptual and Practical History in American Journalism**

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Section 396(g)(1)(A) of the Communications Act of 1934, as amended, authorizes CPB to “facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature”. As part of its efforts to carry out these duties, CPB commissioned several white papers to independently examine CPB’s objectivity and balance mandate and provide feedback on its efforts to meet those obligations. This document is one of those white papers. The views expressed herein are solely those of the author(s) of this paper and not of CPB. CPB did not contribute to the contents of this paper, does not express an opinion about the views presented herein, and does not endorse its findings.

How do journalists sift and winnow the limitless number of possible items that could conceivably be reported as “news” to determine which stories will be read, seen or heard across the range of communication channels? Though journalists may resist the notion, media sociologists argue that news is a social construction. “To say that a news report is a story, no more, but no less is not to demean news, nor to accuse it of being fictitious,” wrote sociologist Gaye Tuchman. “Rather, it alerts us that news, like all public documents, is a constructed reality possessing its own internal validity.”<sup>1</sup> To understand objectivity and balance – as both idea and application – across the history of American journalism, then, requires consideration of fundamental questions about the nature of news and, as a corollary, the professionalism of journalists.

### **Perspectives on News Production**

Media historian Michael Schudson notes three approaches to scholarship on the production of news.<sup>2</sup> First is the political economy perspective, which relates news production to issues of political and economic structure and control. For some scholars, this means news tends to reflect the views of the political elite, or of the large corporations that own major media organizations or support them through advertising. Prominent examples include Ben Bagdikian’s characterization of a “media monopoly,” those conglomerates that own more and more of the world’s communication channels,<sup>3</sup> and Edward Herman and Noam Chomsky’s “propaganda model,” which argues that media “serve to mobilize support for the special interests that dominate the state and

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<sup>1</sup> Gaye Tuchman (1976). “Objectivity as strategic ritual: An examination of newsmen’s notions of objectivity.” *Journal of Communication* 26, 97.

<sup>2</sup> Michael Schudson (1996). “The sociology of news production revisited.” In James Curran and Michael Gurevitch (eds.). *Mass Media and Society* (2<sup>nd</sup> ed.), New York: St. Martin’s Press, 141-159.

<sup>3</sup> Ben H. Bagdikian (2004), *The Media Monopoly*, Boston: Beacon Press.

private activity.”<sup>4</sup> Some scholars have examined the marginalization of U.S public broadcasting through this lens, arguing, for instance, that it serves the dominant commercial broadcasting industry to have an ancillary public system providing content that is not viable for commercial purposes.<sup>5</sup>

The second approach involves the influence of the social organization of the journalistic processes. “The story of journalism, on a day-to-day basis,” wrote Schudson, “is the story of the interaction of reporters and bureaucrats.”<sup>6</sup> Put another way, “the world is bureaucratically organized for journalists.”<sup>7</sup> This approach also encompasses the role of public relations in shaping the news agenda by making potential stories easily available to journalists. Some adherents to the organizational perspective also contend that the personal values and social backgrounds of journalists shape the news product, whether in terms of political bias or coverage of underrepresented groups.<sup>8</sup>

Whereas the social organizational perspective emphasizes personal relations, the third approach – a cultural view – stresses cultural and symbolic aspects. For example, this perspective contends that news stories may be framed in terms of cultural stereotypes: helpless single mothers or senior citizens being denied benefits by anonymous bureaucrats, hard-partying frat boys out of control on spring break, failed corporate CEOs dismissed with multimillion dollar “golden parachutes.” This argument also holds that the requirements of narrative form and structure – the inverted pyramid,

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<sup>4</sup> Edward S. Herman and Noam Chomsky (2002), *Manufacturing Consent: The Political Economy of the Mass Media*, New York: Pantheon, p xi.

<sup>5</sup> Willard D. Rowland (1986), “Continuing crisis in public broadcasting: A history of disenfranchisement,” *Journal of Broadcasting & Electronic Media* 30, 251-274.

<sup>6</sup> Schudson p. 147.

<sup>7</sup> Mark Fishman (1980), *Manufacturing the News*, Austin: University of Texas Press, p 51.

<sup>8</sup> S. Robert Lichter, Stanley Rothman and Linda S. Lichter (1986), *The Media Elite: America’s New Powerbrokers*, Bethesda, MD: Adler & Adler; Kay Mills (1988), *A Place in the News: From the Women’s Pages to the Front Page*, New York: Dodd, Mead.

the television standup, the soft-news “kicker” that ends the local TV newscast – bear upon journalistic substance.

### **Historical Evolution of Objectivity**

With these various theoretical perspectives in mind, the ideal of journalistic objectivity and balance may be seen in multiple dimensions: practical, strategic, economic, ideological. This informs our understanding of the historical evolution of objectivity. The American press was at times partisan, sensational and activist prior to the 20<sup>th</sup> century.<sup>9</sup> While Colonial printers emphasized advertising and business information, eschewing the political for fear of offending the authorities, Revolutionary era pamphlets and newspapers became linked to political parties, beginning a tradition of outspoken political criticism. It’s interesting to note that some of the nation’s founders, after independence was won, were less willing to entertain criticism of government. Indeed, the Federalists, who controlled the White House and both houses of Congress, enacted the Sedition Act of 1798, part of the infamous Alien and Sedition Acts, which made it a crime to publish “false, scandalous and malicious writing” against the government. About 25 editors of opposition Republican newspapers were arrested under the Sedition Act. The act was ultimately allowed to expire during the administration of Thomas Jefferson. Only then did journalistic “opposition begin to be grudgingly accepted” and the nascent First Amendment “begin to accrue a legal tradition consistent with the broad protections of its language.”<sup>10</sup>

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<sup>9</sup> Jean Folkerts and Dwight Teeter (1994), *Voices of a Nation: A History of Mass Media in the United States*, New York: Macmillan.

<sup>10</sup> Michael Schudson and Susan E. Tifft (2005), “The nature and sources of news,” in Geneva Overholser and Kathleen Hall Jamieson (eds.), *The Press*, New York: Oxford University Press, p. 20.

Well into the 19<sup>th</sup> century, most of American journalism remained fiercely politically partisan. Later in the century, another strain of subjective journalism developed as a group of reform-minded reporters known as “muckrakers” took on the economic inequity and political corruption of the Gilded Age. But the necessary conditions for a journalistic ethic of objectivity were emerging. One was the increasing influence of the independent urban “penny press” newspapers, named for their newsstand price, which were more interested in building circulation and profit than winning hearts and minds. In addition, journalism was increasingly seen as a profession, with a distinct culture and conventions of reportorial practice and behavior.

The 20<sup>th</sup> century brought profound change to American journalism: chain ownership of newspapers, widespread use of photojournalism, the rise of national newsmagazines, and radio as a news medium. Further, the cooperative gathering and dissemination of news through wire services, newspaper syndication, and broadcast networks contributed to a shared conception of what constituted news as well as an emphasis upon fact-based reporting. Journalism became accepted as an academic discipline in the first half of the century, and educators taught impartiality as a core value for the field. The American Society of Newspaper Editors adopted a code of “Canons of Journalism” at its first convention, in 1923, stating, “News reports should be free from opinion or bias of any kind.”<sup>11</sup> Objectivity had emerged as “a kind of industrial discipline to help keep reporters in line, but it was also a natural and progressive ideology for an aspiring occupational group during an era when science was god...(and) efficiency

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<sup>11</sup> Quoted in Michael Schudson (2003), *The Sociology of News*, New York: Norton, p. 82.

was cherished.”<sup>12</sup> It also served to distinguish journalism from the new field of public relations, which became prominent from President Woodrow Wilson’s communications campaign to promote U.S. involvement in World War I.

### **Boundaries of Objectivity**

Even as objectivity was becoming “universally acknowledged to be the spine of the journalist’s moral code,”<sup>13</sup> its limits were becoming apparent. Prominent critic and philosopher Walter Lippmann contended during the 1920s that journalism tended to condense complicated ideas and issues into stereotypes, and that the press failed to serve democracy adequately.<sup>14</sup> He called for the creation of a journalistic intelligence elite to serve to transmit information between government and the public. Lippmann’s intellectual antithesis, educator John Dewey, agreed that journalism was flawed but called upon the press to help engage the public in deliberation and conversation about the issues of the day.<sup>15</sup>

Other leading journalists and educators argued that the complex world on the brink of another world war required interpretation as well as description, and political commentary in newspapers and on radio flourished. The Hutchins Commission, in its 1947 critique of the press, called on journalists to provide a “truthful, comprehensive and intelligent account of the day’s events in a context which gives them meaning.”<sup>16</sup> But it was coverage of Senator Joseph McCarthy’s anti-Communist crusade in the 1950s that really illuminated the need for more skeptical, interpretive reporting. “The national

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<sup>12</sup> Schudson and Tiftt, p. 28

<sup>13</sup> Schudson and Tiftt, p. 27.

<sup>14</sup> See, for example, Walter Lippmann (1920), *Liberty and the News*; and (1922), *Public Opinion*, both New York: Harcourt Brace.

<sup>15</sup> See John Dewey (1927), *The Public and its Problems*, New York: H. Holt.

<sup>16</sup> Commission on Freedom of the Press (1947), *A Free and Responsible Press: A General Report on Mass Communication*, Chicago: University of Chicago Press.

media dutifully reported McCarthy's accusations; denials of the accused, generally in later editions or newscasts, never overtook the charges."<sup>17</sup> As J. Herbert Altschull argued: "The McCarthy experience caused journalists to question their traditional value system for it became clear how easy it was for the code of objectivity to be used by unscrupulous politicians to present utter falsehoods to the public."<sup>18</sup>

Edward R. Murrow's famous 1954 CBS *See It Now* telecast that challenged McCarthy reflected the evolving conception of objectivity and balance. Murrow and producer Fred Friendly edited film clips of McCarthy's public presentations to demonstrate his use of unsupported allegations and bullying techniques. "The actions of the junior senator from Wisconsin," said Murrow in closing the program, "have caused alarm and dismay amongst our allies abroad and given considerable comfort to our enemies. And whose fault is that? Not really his. He didn't create the climate of fear, he merely exploited it – and rather successfully. Cassius was right: 'The fault, dear Brutus, lies not in our stars, but in ourselves.'"<sup>19</sup> Murrow's summation, clearly subjective, has been called "the most forceful editorial ever delivered on radio or television"<sup>20</sup> and violated "CBS' most holy commandment," the network's policy against editorializing.<sup>21</sup>

The turmoil of the 1960s furthered the journalistic transformation. Reporters sent to the Deep South to cover the civil rights movement were shaken by the racism they witnessed. Journalist and educator Edward Bliss noted their struggle: "Correspondents might strive for objectivity, but their prejudice on behalf of blacks often showed. Even

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<sup>17</sup> Alan G. Stavitsky (1995), *Independence and Integrity: A Guidebook for Public Radio Journalism*, Washington: National Public Radio, p. 15.

<sup>18</sup> Quoted in Stavitsky, p. 15.

<sup>19</sup> Quoted in Edward Bliss (1991), *Now the News: The Story of Broadcast Journalism*, New York: Columbia University Press, p. 239.

<sup>20</sup> Id. at 240.

<sup>21</sup> Id. at 241.

the neutered report – just the facts – could be an appeal.”<sup>22</sup> Said broadcaster Daniel Schorr: “Television, including me, was involved with the radicalization of the black community.”<sup>23</sup> Southern TV-network affiliates complained that the network coverage was overwhelmingly negative.

Then came Vietnam. Media coverage came to reflect growing public disillusionment with the war, particularly following the Tet Offensive early in 1968. A month later, CBS anchor Walter Cronkite returned from a trip to Vietnam and told viewers that “it is increasingly clear to this reporter that the only rational way out then will be to negotiate, not as victors, but as an honorable people who lived up to their pledge to defend democracy and did the best they could.”<sup>24</sup> Noted for his impartiality, Cronkite’s commentary was as stunning as Murrow’s had been 14 years earlier, and represented another breach in the ethical ideal of objectivity.

The relationship between government and the news media was by now increasingly adversarial, and the government fought back. The Nixon Administration illegally wiretapped prominent journalists and Vice President Spiro Agnew, in a nationally broadcast 1969 speech, attacked the TV networks for “endless pursuit of controversy,” implied that many protests and demonstrations were staged for news cameras, and hinted at censorship, saying it was “time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.”<sup>25</sup> In 1971, the Nixon Justice Department, for the first time in the nation’s history, obtained a court order to block a newspaper in advance from publishing a news story, in this case

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<sup>22</sup> Id. at 322.

<sup>23</sup> Quoted in Bliss, p. 322.

<sup>24</sup> Quoted in Bliss, pp. 351-352.

<sup>25</sup> Bliss, pp. 407-408

the *New York Times* and the Pentagon Papers. (In defiance, the *Washington Post* and the *Boston Globe* published the Pentagon Papers, and the U.S. Supreme Court ruled in favor of publication.) Coverage of the Watergate scandal during the next few years only exacerbated the adversarial relationship, which persists to the present.

### **News as Commodity**

Television was becoming the dominant journalistic medium during the second half of the 20<sup>th</sup> century, driven by its dramatic coverage of McCarthyism; the assassinations of President John F. Kennedy, Martin Luther King, Jr., and Robert F. Kennedy; the civil rights movement; Vietnam; the moon landing, and Watergate. Given the enormous potential for profit that television could generate, the ascendance of television journalism had profound implications. It fostered a shift from journalism as a public service to citizens who watched, read and listened to the news of the day as an act of civic engagement. Increasingly, news had become a commodity, with tremendous commercial value.

An anecdote involving the legendary CBS news executive Richard Salant captures the transformation. As recounted by journalist Bill Buzenberg, in 1986 Salant was summoned to a meeting at Black Rock, CBS' corporate headquarters in Manhattan.<sup>26</sup> Upon returning from that meeting to the newsroom, he convened an emergency, all-staff meeting. Anxious journalists streamed onto the floor of the set of the *CBS Evening News with Walter Cronkite*.

Salant announced that he had "good news and bad news." One nervous staffer said, "Give us the good news first, Dick."

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<sup>26</sup> Susan and Bill Buzenberg (1999) (eds.), *Salant, CBS and the Battle for the Soul of Broadcast Journalism*, Boulder: Westview Press.

“OK,” said Salant. “The good news is that for the first time in the history of CBS, the News Division, by itself, has made money without any help from Sports or Entertainment.” He paused.

“And that’s also the bad news.”

Salant grasped what others would soon come to understand: that news departments everywhere, in print and electronic media, would have to become “profit centers,” returning larger and larger audiences and profit margins to their parent companies on an annual basis. After retiring from CBS, Salant briefly served on the board of NPR. In 1989, he resigned in protest over what he considered to be undue influence of funders upon news coverage. “You can’t say ‘I’m going to be unethical because it costs too much to be ethical,’” Salant said.<sup>27</sup>

Conceptions of objectivity and balance were subtly, but powerfully, influenced by the changing metrics of journalistic success. Editorial decision-making became increasingly market driven, emphasizing audience interests and foregrounding such genres as human-interest features, entertainment and consumer news, at the expense of public affairs and international coverage. Further, three episodes hastened the transformation in how the news culture and American journalism were seen by practitioners and citizens:

- The end of the Cold War: This allowed many news organizations – both print and broadcast – to rethink and reduce their commitment to international information. Through the 1990s, these news organizations – with some notable exceptions – downsized their international reporting. Management consultants were engaged

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<sup>27</sup> Quoted in Ralph Engelman (1996), *Public Radio and Television in America: A Political History*, Thousand Oaks, CA: Sage, p. 105.

to maximize audiences and profitability by identifying those aspects of newsgathering that were most costly and deemed to be of less interest to the news audience. While some news organizations increased their commitment to global news after 9/11 and the Iraq War, the amount of international news remains lower than in previous eras.

- The O.J. Simpson Trial (1995): The fascination with this event influenced American journalism by concentrating on the sensational aspects of the trial – crime, sex and race. It may be argued that the seeds of the current saturation of “reality television” are to be found in the around-the-clock coverage of this trial: a compelling story, relatively inexpensive to report. The Simpson case is therefore highly relevant in helping us understand how journalistic practice interacts with market forces.
- The digital revolution and emergence of the Internet: This has changed fundamentally the ways in which journalists gather and disseminate the news, and the ways in which audiences consume news. The Internet represents powerful and revolutionary change in information delivery and consumption on the order of the printing press, the telegraph, broadcasting and satellite communication. It has also been a disruptive agent, altering traditional business models and forcing media organizations to find new ways to “monetize” news content. Further, the participatory nature of the Net profoundly changed the one-way dynamic of mass communication, and brought the audience into the conversation.

## **The Regulatory Framework**

The history of broadcast regulation has been marked by tension between industrial claims of free speech protection and public policy intended to foster content diversity and local service on the airwaves. Broadcasters are considered to be public trustees of the spectrum, which is a scarce public good, and are licensed to serve the “public interest, convenience or necessity,” to use the language of the Communications Act. The Supreme Court noted in 1969, in *Red Lion Broadcasting Co. v. FCC*, that, “It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount...It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by Government itself or a private licensee.”<sup>28</sup>

This philosophy justified the building of a regulatory infrastructure, with implications for our discussion of objectivity and balance, dealing with issues of ownership, local orientation and treatment of issues of public importance. To ensure diversity of programming, the Federal Communications Commission established limits on the number of radio and television stations that a broadcaster could own, at both the local and national levels. The commission established a ban on cross-ownership of broadcast stations and newspapers, or cable systems, in the same market, to seek to limit dominance of the communication outlets in a community. The FCC later expanded its ownership diversity policies to grant preference to racial minorities and women.<sup>29</sup>

The local orientation of U.S. broadcasting was inherent in the licensing of stations to communities large and small, as opposed to the development of most international

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<sup>28</sup> *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969) at 390.

<sup>29</sup> Alan G. Stavitsky (1992), “The rise and fall of the distress sale,” *Journal of Broadcasting & Electronic Media* 36, 249-266.

broadcast systems, which were based more upon national service, with powerful transmitters covering the country. Localism became a policy ideal in the United States, though in practice stations took much of their programming from national networks or program suppliers.<sup>30</sup> Local ownership was granted regulatory preference, and licensees were required to ascertain issues of interest to the community and provide programming to address those needs.<sup>31</sup>

“Public interest requires ample play for the free and fair competition of opposing views,” the FCC wrote in a 1929 policy statement, “and the commission believes that the principle applies...to all discussions of importance to the public.”<sup>32</sup> For a time in the 1940s the FCC sought to ensure such balance by banning licensees from editorializing, but overturned the ban in a 1949 ruling that established the Fairness Doctrine.<sup>33</sup> The doctrine, which was codified in 1959 as an amendment to the Communications Act, required broadcasters to present balanced coverage of controversial issues of public importance, but left the treatment of such issues up to the broadcaster’s editorial discretion.

In sum, as communication policy scholar Robert Horwitz has written, “The public interest in broadcasting was translated to mean the preservation of diverse viewpoints, some degree of local control and local program orientation, the provision of news and information, a general balance of programming...and equitable treatment of political

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<sup>30</sup> Alan G. Stavitsky (1994), “The changing conception of localism in U.S. public radio,” *Journal of Broadcasting & Electronic Media* 38, 19-34.

<sup>31</sup> Robert Horwitz (2005), “Communication regulation in protecting the public interest,” in Geneva Overholser and Kathleen Hall Jamieson (eds.), *The Press*, New York: Oxford University Press.

<sup>32</sup> Quoted in Horwitz, p. 289.

<sup>33</sup> Horwitz, p. 289.

candidates.”<sup>34</sup> This public-interest infrastructure, however, has now been largely dismantled during a generation of deregulation. Ownership limits were eliminated or relaxed in the 1996 rewrite of the Telecommunications Act; the FCC has proposed ending the broadcast/newspaper cross-ownership ban; stations are no longer required to conduct ascertainment of community needs; and the Fairness Doctrine was eliminated in the 1980s. “The new version of the public interest,” Horwitz wrote, “is predicated on presumptions of media abundance and regulatory forbearance.”<sup>35</sup> (It should be noted that there is a groundswell of support for a degree of *reregulation* from members of Congress and a media reform movement vitalized by concentration of media ownership resulting from the 1996 act. The FCC has proposed new rules to enhance local service, and there are ongoing discussions in and around Congress regarding renewed limits on ownership.)

### **Context of the Public Broadcasting Act of 1967**

The political and journalistic turmoil of the 1960s was coincident with public broadcasting’s formative period. The Public Broadcasting Act of 1967 emerged from a crucible of intrigue:<sup>36</sup> There was widespread dissatisfaction with the state of commercial TV, which FCC chairman Newton Minow in 1961 famously termed a “vast wasteland,” and network executives supported the idea of a noncommercial broadcasting system that would provide cultural and educational programs thought to be costly and unprofitable. President Lyndon Johnson came from a commercial broadcasting background, and his White House inner circle, behind the scenes, guided the deliberations of the Carnegie Commission on Educational Television, whose recommendations provided the basis for

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<sup>34</sup> Id. at 290.

<sup>35</sup> Id. at 296.

<sup>36</sup> John Witherspoon, Roselle Kovitz, Robert K. Avery and Alan G. Stavitsky (2000), *A History of Public Broadcasting*, Washington: Current Publishing.

the 1967 Act. The Byzantine organizational structure of public broadcasting resulted in part from attempts to marginalize National Educational Television (NET), seen by educational TV stations as arrogant and New York-centric, and by politicians as too liberal. There were divergent perspectives on editorial independence: NET leaders feared Congress wanted a domestic USIA (United States Information Agency), while Congress feared criticism from a tax-supported broadcasting service beyond its reach.

In this context, some of the chronically problematic aspects of the Public Broadcasting Act that pertain to editorial independence may be better understood. For one, the act provided for the public broadcasting system to be funded by regular Congressional appropriation, rather than, as recommended by the Carnegie Commission, through an excise tax on the sale of television sets, which would have been opposed by the TV industry as well as by members of Congress. Further, though the Carnegie panel sought a diverse, apolitical CPB board of directors, the reality of a board appointed by the President with Congressional consent dictated otherwise.

Then there's the delicate balance between independence and accountability in the Act. CPB is charged with affording public broadcasters "maximum protection from extraneous interference and control" and assuring "maximum freedom from interference with, or control of, program content or other activities."<sup>37</sup> This is the so-called "heat shield" function, to protect public broadcasting from governmental interference. At the same time, however, Congress included a provision in the act requiring CPB "to facilitate...strict adherence to objectivity and balance in all programs or series of

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<sup>37</sup> Public Broadcasting Act of 1967, Public Law 90-129, 90<sup>th</sup> Congress, Nov. 7, 1967, Sec. 396 (a)(6).

programs of a controversial nature.”<sup>38</sup> So, as noted in public radio’s *Independence and Integrity* ethics guide, “on the one hand, the legislation called for public broadcasters to be free from external interference, while on the other hand, ‘objectivity and balance’ were mandated.”<sup>39</sup>

The tension between CPB’s role as builder of the “firewall” and steward of balance was ratcheted up in 1992, when Congress amended the Act to mandate additional responsibilities related to objectivity and balance. CPB was required to:

- Review its existing efforts to ensure adherence to objectivity and balance;
- Provide opportunity for citizens to comment on public broadcast programs;
- Review public broadcasting’s national programs on a regular basis;
- On the basis of public comments and the corporation’s review, award programming grants as necessary to correct imbalance; and
- Disseminate information about objectivity and balance to stations and producers so that they might apply findings to local editorial decisions.<sup>40</sup>

Toward this mandate, the corporation solicits public comment, produces annual “Open to the Public” objectivity and balance reports, and funds ethics symposia and reports.<sup>41</sup>

Review of the legislative history indicates that the amendment was added by Senators Daniel Inouye and Ted Stevens to placate leading Republicans, including Senator Robert Dole (R-Kansas), who was at the time running for president and had complained about liberal bias in public broadcasting.<sup>42</sup> The amendment built upon

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<sup>38</sup> Public Broadcasting Act of 1967, Public Law 90-129, 90<sup>th</sup> Congress, Nov. 7, 1967, Sec. 396 (g)(1)(A).

<sup>39</sup> Stavitsky, *Independence and Integrity*, p. 7.

<sup>40</sup> Public Telecommunications Act of 1992 (H.R. 2977), Sec. 19, available online at: <http://www.current.org/pbpb/legislation/obj&bal92.html>

<sup>41</sup> Available online at: [www.cpb.org/aboutcpb/goals/objectivity](http://www.cpb.org/aboutcpb/goals/objectivity)

<sup>42</sup> See remarks by Inouye and Stevens during deliberation for S1504, Public Telecommunications Act of 1991, in *Congressional Record*, June 2, 1992, pp. S7341-7343. The House agreed to the Senate amendment without debate. See H.Res. 535 in *Congressional Record*, August 4, 1992, pp. H7262-7263.

existing statutory language in the Act requiring adherence to objectivity and balance, but now for the first time CPB had an affirmative obligation to monitor it.

### **The Firewall in Practice**

The legislative protection of the Public Broadcasting Act was put to the test early. PBS' first season, 1970, featured a documentary, *Banks and the Poor*, dealing with redlining practices and singling out members of Congress with ties to the banking industry. A White House aide sent a note to a CPB board member, calling the program "clearly inappropriate for a government-supported organization."<sup>43</sup> The program inflamed an administration that already believed public television was biased. The Nixon White House launched an assault against public television, using the guide of a "return to localism" as a means to destabilize the system. PBS survived the offensive, in a weakened condition, by entering into a complex partnership agreement with CPB that reduced PBS' influence to a largely technical function, operating the system's interconnection, and gave CPB, which was more sensitive to political influence, more bureaucratic control over program development. The Nixon assault provided important lessons about the Public Broadcasting Act, historian Ralph Engelman argued: "The failure of the (Act) to address the problem of long-term financing...clearly made public television vulnerable to political pressure. The CPB had failed abjectly in its mission to provide insulation and ensure independence for the system."<sup>44</sup>

Later episodes underscored the systemic problem of political influence. The Carter administration in 1980 sought to pressure PBS to cancel broadcast of a documentary, *Death of a Princess*, about a Saudi princess executed for an affair with a

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<sup>43</sup> Witherspoon, Kovitz, Avery and Stavitsky, p. 40.

<sup>44</sup> Engelman, p. 172.

commoner.<sup>45</sup> The Saudi government had protested at a time when the U.S. sought to improve relations with oil-producing nations. Mobil Oil, a major PBS underwriter, also brought pressure. Though PBS President Larry Grossman refused to cancel the broadcast, many PBS affiliates, including those in oil regions such as Houston, refused to carry it.

Cases of political pressure continue to the present day. Noted filmmaker Ken Burns raised the ire of Latino activists and members of Congress for a lack of Latino representation in his PBS documentary *The War*.<sup>46</sup> The Congressional Hispanic Caucus went so far as to meet with the program's underwriters and hint at a boycott. Eventually Burns agreed to reedit the film to include Latino veterans. Another case involved *Islam v. Islamist: Voices from the Muslim Center*, a program commissioned by CPB for *America at a Crossroads*, a series about the nation in the wake of 9/11. The program was rejected by PBS and the series' coordinating station, Washington's WETA, for failing to meet editorial standards, after producer Frank Gaffney, a former Reagan Administration official and conservative spokesman, refused to make changes. Gaffney claimed the program was rejected for ideological reasons, and Republican lawmakers complained to PBS and CPB. Eventually CPB brokered a compromise through which the program found a new distributor, Oregon Public Broadcasting, and was carried by a number of public TV stations.<sup>47</sup>

PBS Ombudsman Michael Getler noted that both *The War* and *Islam v. Islamists* involved "direct, and ultimately successful, challenges to PBS and CPB by groups of

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<sup>45</sup> Witherspoon, Kovitz, Avery and Stavitsky, p. 62.

<sup>46</sup> Karen Everhart (2007, March 26), "Burns' omission seen as Latino civil rights issue," *Current*, p.1.

<sup>47</sup> Paul Farhi (2007, May 25), "Rejected by PBS, film on Islam revived by CPB," *Washington Post*, p. C1.

federal lawmakers with special interests...and both ended with outcomes that bypassed the editorial decisions previously made by PBS.”<sup>48</sup>

### **Improving Quality: The Public Radio Experience**

Public radio began to systematically address the issue of improving the quality of news coverage and public affairs programming resulting from a focus on objectivity and balance in the 1990s. Although there was a perceived need for regular discussion and workshops among journalistic staff, ongoing training has been inconsistent. In cases where a specific need was acknowledged, efforts have been successful and generally well received by journalists and management. Indeed, public radio has always recognized the need for high standards and best practices, drawing from the real experiences of public radio journalism at both the local and network levels.

That need for training and development goes back to NPR’s first Mission and Goals statement, in 1970. As Bill Siemering first articulated it, “National Public Radio...will regard the individual differences...with respect and joy rather than derision and hate; it will celebrate the human experience as infinitely varied rather than vacuous and banal; it will encourage a sense of active, constructive participation, rather than apathetic helplessness.”<sup>49</sup>

That powerful evocation of creating the best of public journalism, has remained at the heart of the American public radio system ever since. The question is whether the values of public radio journalism have been consistently taught, discussed, updated, applied and passed along to all its stakeholders and to the next generation of public radio

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<sup>48</sup> Michael Getler (2007, June 1), “At PBS, the pressure is on before the TV goes on,” available online at: [http://www.pbs.org/ombudsman/2007/06/at\\_pbs\\_the\\_pressure\\_is\\_on\\_before\\_the\\_tv\\_goes.html](http://www.pbs.org/ombudsman/2007/06/at_pbs_the_pressure_is_on_before_the_tv_goes.html)

<sup>49</sup> Bill Siemering (1970), “National Public Radio Purposes,” available online at: <http://www.current.org/pbpb/documents/NPRpurposes.html>

journalists. The scope of training and engagement has been extremely varied.

Individual journalists and managers expressed commitment to training and professional development around issues around objectivity and balance. But too often the press of events and the urgency of producing programs and reporting resulted in a lack of resources and an inconsistent appreciation at the management level of the value of journalistic training.

A real, if unpleasant, fact of journalistic life is that daily deadlines tend to deform, delay and deflect the need for ethical training and standards. Public radio has tried to surmount these impediments, but not always successfully.

### ***Independence and Integrity: The Process***

In the early 1990s the need for openly stated and espoused ethical standards became apparent. In the aftermath of the First Gulf War, NPR came to assume a more prominent role in the national mediascape. Management became aware that NPR's larger journalistic aspirations included a significant obligation to impart its editorial standards to its growing staff and audience. The objectivity and balance amendments to the Public Telecommunications Act in 1992 underscored the urgency of that commitment. This was not a new pressure from Congress, but it came at a time when the role of public broadcasting was once more, under scrutiny -- amplified by the so-called Gingrich Revolution of 1994, when majority control in Congress was passed to the Republican Party for the first time in 40 years. Calls from conservatives for the abolition of public funding for public broadcasting also spurred greater self-examination by public broadcasters.

In 1994, a major conference of public radio journalists was convened, funded by the CPB, at the Poynter Institute for Media Studies in St. Petersburg, Florida. The aim of the conference was to create a set of shared ethical standards and practices that could be adopted by the public radio community as a whole. As part of the commitment to this project, management and journalists from NPR, Public Radio International and PRNDI (Public Radio News Directors Inc.) were brought to Poynter. Observers were also invited from the Canadian Broadcasting Corporation and the British Broadcasting Corporation.

The result of the conference was a document entitled *Independence and Integrity: A Guidebook for Public Radio Journalism*.<sup>50</sup> Known as *I&I*, the document became the basis for further discussion and elucidation of the complex and difficult issues that are unique to public radio journalism. Public radio built on this tradition of ethical workshops at the annual gatherings of public radio. Whether at PRNDI, PRPD or at the now defunct PRC, sessions were scheduled to allow journalists to share and discuss approaches to the thorniest of dilemmas and how to respond to critics of their journalism.

### **This Ombud's for You**

In 2000, NPR took the issue of ethical guidance to a new level by appointing its first independent news ombudsman who would act as the agent within NPR for the listeners.<sup>51</sup> The position was intended to allow for a more transparent and accountable level of journalism. The Ombudsman would engage with the public and, as invited, with NPR member stations to receive and adjudicate comments and complaints about NPR programming on matters of accuracy, fairness, balance and good taste.

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<sup>50</sup> See note 15. Disclosure: one of the authors of this white paper authored the book.

<sup>51</sup> Disclosure: one of the authors of this white paper served as NPR's first ombudsman.

This role was, for a time, unique in U.S. network broadcasting. As other news organizations found themselves involved in scandals around accuracy and plagiarism, NPR was able to sustain its reputation for fair and balanced reporting. The role of the Ombudsman was also useful when NPR came under attack from pressure groups for its coverage of specific issues, such as the Israeli-Palestinian conflict, the war in Iraq or the disputed presidential election of 2000. Through writing an online column, attending town hall meetings or appearing on the radio, the Ombudsman allowed the public to make its concerns known to NPR. In return NPR was seen as being open to criticism, taking its lumps as appropriate and getting credit from its critics for doing so.

As a neutral observer, the Ombudsman was also instrumental in pointing out to management where deficiencies existed in NPR's existing policies and practices. One example was the lack of a consistent policy on corrections. Should they be on air, or only on line? Should NPR correct only for points of factual accuracy or admit to more egregious errors of tone or defamation? How quickly, and often, should corrections appear? The Ombudsman also worked with the NPR Office of General Counsel to organize brown-bag discussions on points of law regarding slander, libel and defamation.

In addition, NPR took the significant step of posting all contentious transcripts online for stories of particular interest or importance to the listeners. This allowed critics to see for themselves whether reports were as fair or unfair as an impressionable first hearing would allow. NPR further assisted listeners by contextually locating stories or commentaries that might be considered partisan: that is, listeners were informed that the "other side" would be heard the following day. The next day, listeners were informed

that the “other side” had been broadcast the day before and that both reports could be found on the NPR website. This approach did much to mollify critics.

### **Ethics Guide Updated**

In 2003, CPB approached the NPR Ombudsman to update the first ethics guide. This was a timely intervention. Although *I&I* still retained much of its intellectual and ethical relevance, the changes to journalism over a ten-year period, especially around the Internet, had been transformative and the need for a second edition of seemed apparent.

As before, the Poynter Institute was the venue for the gathering of a cross section of public radio and television journalists, producers and managers, along with a group of media lawyers and ethicists. The result was a document that addressed the changing needs of the public radio community, after being “road tested” at three stations – representing small, medium and large markets.<sup>52</sup> In addition, it was posted on the CPB website and on many station sites, where it remains.<sup>53</sup>

After the release of the document, stations were encouraged to host the authors to workshop the issues at their stations. Even though CPB offered to fund the cost of hosting these workshops, only 10 stations took up the offer to make their staffs available. After the creation of *I&I 2*, NPR also committed to creating an ethics guide of its own which would address issues specific to its role as a network program and journalism producer. That ethics guide remains on the NPR website as well.<sup>54</sup> The results of those elements – the writing of two CPB ethics guides, the NPR ethics guide and the

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<sup>52</sup> Participating stations were KQED (San Francisco), Minnesota Public Radio, Wisconsin Public Radio.

<sup>53</sup> Available online at: <http://www.cpb.org/stations/radioethicsguide/>

<sup>54</sup> Available online at: <http://www.npr.org/about/ethics/>

establishing of a news Ombudsman -- has resulted in a greater appreciation of the values of public radio journalism by both journalists and the public.

### **Improving Quality: The Public Television Experience**

PBS has also been actively involved in promoting its journalistic standards through collaboration with NPR and the hiring of an ombudsman. But public television's decentralized production and distribution structure – without a national production center, in the manner of NPR, and with a significant independent producer community – has made it more difficult to establish consensus standards of journalistic objectivity and balance.<sup>55</sup> A variant of the Poynter conference model was attempted in 2004 in New Orleans, under the auspices of the Best Practices in Journalism project, in which a group of public TV managers met with the conveners of the public radio ethics projects to consider similarities and differences in the ethical environments. However, the public TV ethics event was not followed up with “road tests” at stations, or with sessions at industry meetings.

### **Ethics as Process**

Raising consciousness inside news organizations and stations about standards of objectivity and balance is, in our experience, as much about process as outcome. If a news organization at either the network or the local level is committed to the principles of fairness and objectivity, this needs to be reinforced on a continual basis so that, eventually, an ethical newsroom becomes entrenched inside the culture of the organization. This requires a level of “buy-in” from top to bottom and must involve all

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<sup>55</sup> PBS does have a published set of editorial standards, available online at: [http://www.pbs.org/aboutpbs/aboutpbs\\_standards.html](http://www.pbs.org/aboutpbs/aboutpbs_standards.html)

aspects of the organization, including the non-information side such as communications, development, human resources and IT.

The ethical “muscle” that exists in all of those who labor in a journalistic environment needs to be exercised -- otherwise, like any other muscle, it can atrophy. That is why regular, systematic discussion about ethics should be a requirement at all levels of the public broadcasting system. This is necessary because there is also a countervailing cultural reporter and producer resistance to the idea of ethical oversight. Journalists – whether public or commercial – too often bridle at the thought that an ethics guide is necessary. There are fears that an ethics guide could limit managerial authority or the ability of a news organization to respond to events in a timely manner. Worse is the fear that the codification of journalistic practices might make journalism less instinctual and more legalistic, even though these fears have proven again and again to be unfounded. As journalism becomes more professionalized through journalism schools, and in-house training, the threat to the concept of journalism as craft, with attendant apprenticeship, is undermined along with the authority of senior managers and practitioners.

On the contrary, the clarity of journalistic thinking is often enhanced by the presence of an ethics guide since it denotes an appreciation of the consequences of journalism and its role in civil society.

### **Ethics Guide as Talisman**

In recent years, there have been a number of, by now, sadly notorious and high-profile journalistic disasters. Notable among these are Dan Rather’s flawed reporting on President Bush’s military service for CBS and the *New York Times*’ reporting on the

Chinese-American scientist Wen Ho Lee. The *Times* has also suffered from its questionable use of sources in Judith Miller's "weapons of mass destruction" reporting and revelations Jayson Blair's plagiarism and fabrication. It should be noted that both CBS News and the *New York Times* have ethical guidelines for their journalists that are considered within the profession to be exemplary for such documents.

It is also worth noting that neither public radio nor public television have suffered from lapses of a similar nature. Although there have been controversies around aspects of public broadcasting coverage, these imbroglios are not about failures of journalistic practice in a comparable manner. Yet it would be unwise for public broadcasters to feel smug or immune. As an NPR news executive once observed, "We are always only one bad edit away from disaster."

Why the relative difference between these ethical lapses in commercial media and the relatively unscarred pubcasters? Both have similar ethics guides with mutually applicable high standards and solid values. The difference may be that the heightened competitive pressures facing commercial journalists make it easier for high-stakes mistakes to occur. And for too many news organizations the presence of an ethics guide is often regarded as a talisman against ethical lapses. Unfortunately, these excellent ethics guides often remain unread on a newsroom bookshelf.

Another reason why ethics guides are little used is cultural. Journalism in America guards its prerogatives jealously, often invoking the First Amendment as the essence of a free press. Indeed, this is the case. But the culture of American journalism also includes a strong element of libertarianism, which interprets managerial oversight of any kind as an affront to journalistic independence. It is the obligation of news

management to balance these two often-conflicting elements of press freedom and accountability, so that the listeners, viewers and readers are properly served as citizens first and as consumers of media second.

If there is a danger in public broadcasting, it is that the ethical standards are assumed to be in place, especially when compared to commercial journalism, in commercial broadcasting, newspapers or online. This is not always the case and, indeed, may indicate a level of hubris. The public does indeed retain a higher level of trust in public broadcasting, but it is a level of trust that needs to be earned on a daily basis through active managerial intervention and ongoing ethical training.

### **Common Threads**

This historical review indicates that objectivity and balance is multi-dimensional in concept and practice. It has been manipulated for political purposes, commodified to gain commercial advantage (as in Fox's "Fair and Balanced" promotional slogan), and – in extraordinary times such as the Red Scare, Vietnam and Watergate – even suspended. Journalists need to understand this conceptual and practical ambiguity, for it sends us back to the clarity of journalism's core principle: "to provide people with the information they need to be free and self-governing."<sup>56</sup> Bill Kovach and Tom Rosenstiel, in their seminal book *The Elements of Journalism*, argue that fairness and balance are "too vague to rise to the level of essential elements of the profession."<sup>57</sup> They contend that "(t)he concept of objectivity has been so mangled it now is usually used to describe the very problems it was conceived to correct."<sup>58</sup>

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<sup>56</sup> Bill Kovach and Tom Rosenstiel (2001), *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect*, New York: Crown Publishers, p. 12.

<sup>57</sup> Id. at 13.

<sup>58</sup> Id.

Instead, they refer to verification, independence, comprehensiveness and proportionality, among other terms. Regardless of terminology, there is considerable agreement, as reflected in the various ethical standards, as to journalism's essential elements. The challenge, then, is to infuse them into professional journalistic culture so that ethical practice becomes instinctual.

### **Moving Forward**

Concurrently, journalists must increase the transparency of the editorial process, explaining why we do what we do – and admitting when we do it wrong. Today, journalistic and business decisions are dissected by and for professionals on blogs and web sites such as Romenesko on Poynter Online and Gawker. Romenesko's influential site, according to former *New York Times* editor Howell Raines, has become "a high-tech tom-tom for angst-ridden members of a dying tribe."<sup>59</sup> To be embarrassed by unflattering publicity on the site has come to be known as being "Romenesko'd." "Even newsrooms are part of the emerging market for an unprocessed sprawl of information," Raines wrote, "delivered immediately and with as few filters as possible between the fingertips of one laptop user and the eyeballs of another."<sup>60</sup>

Factor in the work of the increasing number of ombudsmen in print and media critics on the air and websites, and citizens are more informed than ever before about journalism. There's no going back to the days of scant media criticism, when the mainstream media operated without much public scrutiny and elite journalists considered their editorial decision-making above reproach. Journalists must be active participants in the burgeoning media literacy movement, taking advantage of our channels of

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<sup>59</sup> Howell Raines (2008, July), "The Romenesko Empire," *Conde Nast Portfolio*, p. 34.

<sup>60</sup> Raines, p. 34.

communication to explain, justify and, when necessary, apologize. This is especially critical for public media professionals, whose roots are in education and whose mission statements invoke civic responsibility.

Journalism in the digital age is no longer a spectator sport. It is daunting to serve audience members who have seen behind the curtain and have the technology to bypass us, to say nothing of producing their own content. In this mediascape it is no longer sufficient to rely upon a legacy concept such as objectivity and balance, which is laden with ambiguity and contention. We must re-conceptualize objectivity and balance to account for profound structural and technological change.

This new conception, for example, must accept the ascendance of so-called distributed, or “wisdom-of-the-commons,” journalism, as practiced by such widely read websites as Talking Points Memo and the Huffington Post. Minnesota Public Radio and Oregon Public Broadcasting, among others, have adopted this through their “public insight” networks that engage listeners as expert sources.<sup>61</sup> A fresh approach to objectivity and balance would take advantage of digital multicasting by allowing for a range of subjective, point-of-view programs, perhaps organized by blocks or channels, such as the Sirius satellite-radio network has done.<sup>62</sup> Individual programs, or indeed channels, may not be balanced, as long as a broad range of perspectives is reflected across the multi-platform schedule. Public broadcasters may solicit user-generated content for these program blocks, which is another way to welcome a younger demographic. (Why not foster this by having public broadcasters partner with

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<sup>61</sup> See, for example, OPB’s Public Insight Network at: <http://news.opb.org/pin/about/>

<sup>62</sup> Sirius presents a Sirius Left channel that highlights the liberal perspective, and a Sirius Patriot channel that skewers liberalism. See <http://www.sirius.com/politicaltalk>

educational institutions to provide “backpack journalism” training for community members?).

Such approaches are in keeping with the spirit of the ideal of objectivity and balance that has governed public broadcasting, while acknowledging, if not embracing, the transformative changes in technology, economics and audience behavior. (The Huffington Post, as a case in point, views journalism as “a shared enterprise between its producer and its consumer”<sup>63</sup>). Reimagining objectivity and balance for the digital age will not be easy. As this paper has described, operationalizing the concept has long been challenging. But public media organizations must find innovative ways to apply the essential principles of journalism to the technological promise of the multi-platform, participatory environment in order to remain relevant and viable.

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<sup>63</sup> Eric Alterman (2002, March 31), “Out of Print,” *The New Yorker*, p. 50.