



# Journalism's Ethical Progression

*A Twentieth-Century Journey*



Edited by **GWYNETH MELLINGER**  
and **JOHN P. FERRÉ**

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We dedicate this volume to our colleague and friend Mike Sweeney, a consummate teacher, scholar, and raconteur.





# Introduction

## *Journalism's Ethical Progression*

Gwyneth Mellinger

At the core of the American journalistic enterprise lies a peculiar set of ethical tensions produced by the free-press guarantee. In exchange for functions essential to democracy—namely, informing the electorate, monitoring government, and holding the powerful to account—journalism enjoys constitutional sanction and protection from government restraint and censorship. Thus distinguished from other free speech, journalism is a higher calling shaped by this reciprocal obligation and its democratic mandate. In 1800, James Madison recognized journalism's essential contribution to democracy, as well as its essential imperfection, when he credited the press's role in formation of the United States: “[T]o the press alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression.”<sup>1</sup> Even as journalism's values and professional standards have evolved, the democratic necessity of the Fourth Estate and its inherent fallibility have coexisted as conflicts within the American press.

A century after Madison offered his assessment, American journalism had arrived at a historical crossroads when a sufficient number of editors and reporters were willing to begin a self-reflexive process of examining the “abuses” that Madison associated with an unfettered press. Spurred by a mix of conscience and sensitivity to public criticism, journalism at the dawn of the twentieth century embarked on a distinct period of heightened self-awareness and self-reform,<sup>2</sup> of reevaluating its obligations to the public it was bound to serve, and of assessing its performance of that service. This appraisal was an emerging recognition of the need for *self*-improvement, as the First Amendment, which prohibited regulation of the press, permitted only journalists to alter the output of their labor.<sup>3</sup> Other press critics, whose only enforcement mechanism was public pressure, were easily dismissed. From the outset,

consensus on the need for and approach to self-reform was elusive, and for some journalists and editors throughout the twentieth century, ethical choices that entailed self-restraint would sometimes feel like a compromise of standards rather than an affirmation of them. In a profession that claimed editorial autonomy based on the First Amendment, many practitioners worried that rights unexercised would atrophy; they struggled, for example, to find virtue in a decision *not* to publish information that was constitutionally protected. On this point, press reformer Norman Isaacs noted “an arrogance that seems to place journalism’s rights above everything else in society.”<sup>4</sup> As such, the ethical agency of journalists and their employers became a consideration in the ongoing debate over accountability.

This move toward higher standards of ethics and professionalism, which shaped journalism in the pre-internet twentieth century, can be measured in concrete terms by the moral, social, and political distance between ethics codes.<sup>5</sup> Formal guidelines for professional conduct, which are both reactive and proscriptive, provide a snapshot of ethical concerns at one moment in time. In 1923, the American Society of Newspaper Editors (ASNE) established the baseline for journalism’s push for self-reform by adopting its Canons of Journalism, the profession’s first widely acknowledged code of ethics. Significantly, the ASNE’s decision in the 1920s not to enforce its Canons of Journalism affirmed that ethics codes were advisory, that individual conscience would guide newsroom decision-making. Moreover, the ASNE’s first code was as concerned about preserving press freedom as with serving the public. Of the six ethical categories (responsibility, freedom of the press, independence, sincerity, impartiality, and fair play) listed in the ASNE’s Canons of Journalism, the first three speak to the press’s rights. The canon on responsibility, which opens the code, says that “the right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare”<sup>6</sup>—and “public welfare” is not defined.

Fifty years later, the profession’s heightened ethical sensibility demanded more comprehensive guidelines for professional conduct, and new codes appeared not only for the ASNE and the Society of Professional Journalists (SPJ), but also for other organizations and many news outlets. The ASNE’s Statement of Principles, adopted in 1975, used the same six categories as the 1923 Canons of Journalism, but the professional expectations had evolved considerably. Whereas the preamble for the Canons had listed skills a journalist should possess, the preamble to the new principles highlighted “a standard of integrity proportionate to the journalist’s singular obligation.” And the definition of responsibility had been recast to emphasize the press’s duty to the public: “The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time.”<sup>7</sup> Previously known as

Sigma Delta Chi, the Society of Professional Journalists (SPJ), which had borrowed the ASNE's Canons since the 1920s,<sup>8</sup> developed its own code of ethics in 1973 and staked out clear guidelines for journalistic conduct with a section on ethics that emphasized duty and individual choice. The 1973 SPJ code states that "journalists must be free of obligation to any interest other than the public's right to know," which it designates as "the overriding mission of the mass media."<sup>9</sup> In 1996, the SPJ overhauled its code to address four categories of ethical concern—seek truth and report it, minimize harm, act independently, and be accountable—which blended attention to journalistic duty with a commitment to social responsibility. For example, the 1996 SPJ code advises journalists to "give voice to the voiceless," "avoid stereotyping," and "examine their own cultural values and avoid imposing those values on others."<sup>10</sup> Journalists continually reenvisioned and redefined their sense of professional and moral duty from one code to the next, and the intervening evolution in ethical consciousness is the focus of the chapters in this collection. These chapters, all written by media historians, offer research-based, historically contextualized case studies and analyses that demonstrate changes in journalists' thinking about the profession and their role and responsibilities within it.

Examining journalists' professional ambition and decision-making at successive points in a twentieth-century chronology shows that journalists responded to political and social circumstances by recalibrating their ethical standards and coming to see themselves as ethically minded professionals responsible for the impact of their work on the broader community.<sup>11</sup> For example, the same profession that endorsed journalists' work as propagandists and censors for the Creel Commission, formally known as the Committee on Public Information, during World War I, insisted on government transparency in a "people's right to know" movement following the next war. As American political culture changed during the first half of the twentieth century, so did journalists' sense of duty and ethical orientation. Following World War II, many journalists came to view government secrecy as a breach of faith with the public and advocated for government transparency out of a refocused sense of ethical responsibility and citizenship. This change was evidence of a significant shift in journalistic values.

Similarly, in the post-World War II years, journalists would gradually and to varying degrees incorporate a social responsibility perspective into their work, although many in the profession bristled when the Commission on Freedom of the Press (the Hutchins Commission) made that suggestion in 1947. During their annual convention that year, ASNE members, for example, vented at length about the report's perceived encroachment upon editorial decision-making and, in what one member described as a "visceral" response, approved a resolution condemning it.<sup>12</sup> Thirty years after it had

argued against the Hutchins Commission's recommendations from a strong libertarian position, the ASNE leadership would recognize and embrace the press's social responsibility by launching an initiative to diversify newsroom employment.<sup>13</sup> As scholars have noted, despite the newspaper industry's initial resistance to the recommendations of the Hutchins Commission, "the notion of 'responsibility' appealed to the media on a commonsense level . . . and most of the specific recommendations of the Commission have become mainstays of the workplace culture of journalists."<sup>14</sup> In that vein, the chapters in this volume consider how journalists' own attitudes about journalism employment evolved, often in conflict with the publishers who paid their wages. For example, journalists reenvisioned news work in light of the capitalist realities of newsroom employment in the early decades of the twentieth century. In particular, the founding of the Newspaper Guild in 1933, which unionized many newsrooms, offered a clear sign that the work of reporting and editing, once viewed as a calling, had become a labor transaction and one that might sometimes be regulated by the federal government.

The chief curiosities of this project are the social and political circumstances surrounding such changes in thought and practice, and the personal and professional processes that led journalists to redefine their ethical choices and sense of reciprocal obligation to society under the democratic mandate. Scholarship offers at least three theoretical approaches that are useful in explaining this evolution in moral consensus.<sup>15</sup> First, the normative values that define journalism at a given point in time can be viewed as a paradigm, but a paradigm is not static. The question then becomes, how does a paradigm shift or become replaced with a new one? To this end, Tim Vos and Joseph Moore have theorized a dynamic journalistic paradigm in five stages that include experimentation, reconsideration, and innovation, as well as formalization and normalization.<sup>16</sup> In his study on the transformation of journalism during 1897, W. Joseph Campbell also reminds us that paradigms are socially and historically contingent and that multiple paradigms coexist and compete for dominance within journalism.<sup>17</sup>

Second, Theodore Glasser and James Ettema turn to theories of common sense to explain the process of ethical change. "Common sense," they write, "refers to the kind of instrumental 'know-how' acquired through experience, a kind of competence developed through coping with everyday problems."<sup>18</sup> Common sense is, they explain, "journalists' first and at times principal source of knowledge of what needs to be done—technically or ethically."<sup>19</sup> Their elevation of journalistic experience acknowledges that changes in ethical standards have been responses to shifting circumstances within and pertaining to the profession of journalism. Although ethics codes set forth guidelines for conduct and judgments, journalists have established degrees of ethical practice on the job, in the context of doing news work.

And third, because journalism clearly is a social institution and its participants form a community constituted in language and practice, journalism ethics can be analyzed at the level of discourse.<sup>20</sup> John Fiske writes that discourse must be viewed as a social process because it “can never be abstracted from the conditions of its production and circulation in the way that language can.” Of primary interest in discourse analysis are relations of power and inequity that contribute to meaning. “Discourse,” Fiske writes, “is the means by which those conditions are made to make sense within the social relations that structure them. It is structured and structuring, for it is both determined by its social conditions and affects them.”<sup>21</sup> Moreover, a discourse, such as one about the ethical practice of journalism, always contains the potential for transformation. “No discourse event is ever complete in itself but always carries traces of the other, competing, discourse events that it is not,” he writes.<sup>22</sup> Drawing upon Fiske’s conceptualization, every new discourse about media ethics has competed with discourse aligned with status quo practices of journalism. “Discourse offers continuous but unequal opportunities for intervention,” he writes.<sup>23</sup>

## A PROFESSION RIPE FOR CHANGE

When Madison remarked upon the press of his day, he was thinking primarily of the lower circulation, local publications in the era before steam-powered printing. Very quickly during the nineteenth century, industrialized mass production and the telegraph expanded the reach and influence of the American newspaper such that most literate Americans had access to multiple publications each day and were exposed to information that originated beyond the reader’s locale.<sup>24</sup> The independent, for-profit nature of much of the American press, a business model that, in theory, ensured the press’s critical distance from government, infused journalism with capitalism. Among other effects, capitalism spurred a proliferation of newspaper startups, such that during the 1880s the industry recorded the net addition of about two newspapers a day.<sup>25</sup> In the process, the need for profitability defined the rules of the game. By the end of the nineteenth century, the newspaper’s increased reliance on advertising revenue had complicated the mission of the press and invited questions about a newspaper’s ability to serve both its readers and the mercantile interests in the community. During this period of dynamic transition, the competitive emphasis on scoops, which played into the revenue formula for advertising, produced both the sensationalistic turn toward yellow journalism in the 1890s and the impulse toward reform-minded muckraking in the early years of the twentieth century.<sup>26</sup>

In that era of journalism history, the press had plenty of encouragement to engage in professional introspection.<sup>27</sup> For example, the ASNE, the

association that became the journalistic standard bearer for much of the twentieth century, was founded in 1922 specifically to elevate the profession in response to public criticism of press excesses. Adopting the Canons of Journalism was one of the first orders of business. That same year, Frederick L. Allen, who later would edit *Harper's*, identified a distinct shift in public attitudes toward the press. "It is a significant fact," he wrote, "that public interest in newspaper ethics and the conduct of the press was never so widespread in the country as it is to-day." Allen noted that before World War I, the public was most concerned about advertiser influence on the news and the impact on public morals of news about scandals. After World War I, those concerns changed: "The war, however, with its censorship, its development of the art of propaganda, and the improvement which it brought about in methods of swaying masses of men by controlling or doctoring the news, has made us realize that the problem of newspaper conduct is larger and more fundamental than we had supposed it to be. We now see that it is immensely important that the press shall give us the facts straight."<sup>28</sup>

As journalists reconsidered their work and what it meant to be accountable to society, they embraced the notion that news work had a moral dimension. Leon Flint, chair of the Department of Journalism at the University of Kansas, tapped into this theme in 1925 by publishing *The Conscience of the Newspaper*. In one of the first four books about the ethics of journalism, Flint surveyed criticisms of the profession, which centered on "journalistic usages and policies" and "the manifold relationships of the press—relations with society as a whole, with one particular community, with the readers of the paper, with advertisers, with political or other groups, with individuals."<sup>29</sup> He also urged journalists to heed public critics in reforming their profession, but to give the greatest weight to scrutiny from within the newsroom, as "the source of such criticism lends to it the authority of expert opinion."<sup>30</sup> Flint's book presented case studies, many with ethical implications. Offering guidance for solving journalistic quandaries, *The Conscience of the Newspaper* reenvisioned news work as a profession with the potential for virtue. "There is not, to be sure, a special set of moral laws for the journalist," Flint wrote. "He is a man like other men and one moral law is over all." Using the example of truthfulness, "universally a virtue," Flint explained that the journalist deals with truth in forms different from other professions, often with greater consequences, and that the complications of journalistic truth become apparent on the job. "Just as there are many canons based on the one moral law," Flint writes, "so each canon has many aspects which stand revealed when application of principles to practice is attempted."<sup>31</sup>

Besides contributing to the public discussion of press shortcomings, higher education played a significant role in the ethical transformation of journalists.<sup>32</sup> In 1908, the first journalism school was founded at the University of

Missouri, and other schools and departments of journalism would follow at universities across the country. “By 1920,” Barbara Kelly notes, “the first graduates of journalism schools were becoming a seasoned crew of journalists, not only trained but also educated in their field, a field that had changed from a trade to a profession.” Thus prepared for news work based on normative journalistic protocols and attributed reporting, these newly minted professionals enjoyed “enhanced status as participants in America’s social and political discourse,” Kelly writes.<sup>33</sup>

Of the approaches to reporting taught in the early journalism classrooms, objectivity, which emphasized factual, verified, accurate, balanced, and impartial journalism, was the most significant for both journalists’ attitudes toward their work and how routines and formulas for journalism became embedded into news work. Although Walter Lippmann had written about objectivity in 1919 and 1920 as a method for gathering and testing the information used in news reporting, within a decade objectivity had been transformed into an ethical concept and was validated in emerging journalism curricula. “In the profession of journalism,” writes Kathy Roberts Forde, “objectivity came to be more a value than a method, an assumption about the nature of knowledge implying that a one-to-one correspondence existed between the language of a news report and the reality it was meant to represent.”<sup>34</sup> Objectivity coincided, she adds, with the professionalization of journalism and the rise of formal journalism education.

In an analysis of the treatments of objectivity in journalism textbooks published from 1890 to 1940, Tim Vos found that “after 1920 the texts portrayed editorializing in the body of a news story and invention of colorful details as illegitimate practice.” Despite discussion of concrete standards such as these and growing concern about the shortcomings of objectivity, journalism textbooks presented objectivity as an uncomplicated norm. “The texts mythologized objectivity by portraying it as a mechanical process overseen by journalists who were like scientists and professors,” Vos writes. “Objective journalists were heroic figures—*homo journalisticus*—who had mystical connections to the needs and desires of audiences.”<sup>35</sup> Journalism education’s emphasis on objectivity, which equated journalism with pure, knowable truth, was empowering. According to Kelly, “The imposition of academic and professional standards on journalism . . . established a new identity for the press as agencies charged with presenting facts and truth as the raw material of democracy.”<sup>36</sup> Despite criticisms of objectivity as a method and value, the profession would be slow to relinquish it as an ethical aspiration. Although the 1973 SPJ code states that “truth is our ultimate goal,” it continues to hold that “objectivity in reporting the news is another goal which serves as the mark of an experienced professional. It is a standard of performance toward which we strive. We honor those who achieve it.”<sup>37</sup>



The newspaper industry's focus on journalism education was not confined to education just about journalism. For the first time, college education itself, with a broad grounding in an array of subjects, was viewed as a desirable qualification for journalists. A year after its charter, the ASNE, whose founders included men without college degrees, initiated a Committee on Schools of Journalism to participate in the development of standards for journalism education, work that laid the foundation for a system of accreditation that still today carries a general education requirement. In 1930, that committee urged future journalists to be educated in the arts and sciences, because "it is far more vital to the welfare of mankind that the men who make its journals of public opinion be culturally superior than it is that the surgeon or corporation lawyer be a man of manifold intellectual attainments."<sup>38</sup> Prioritizing a liberal arts education ensured that journalists and editors would have sufficient general knowledge to prepare news on a variety of topics and to provide appropriate context to readers. In addition to ensuring a well-trained and more worldly newsroom workforce, attention to the quality and breadth of journalism education contributed to the professionalization of journalism. Over time, it also increased journalists' understanding of the social and political implications of ethical decision-making and gradually encouraged ethical standards that transformed journalistic practice.

Even so, most reporters and editors did not view making decisions on the job in complex terms. They functioned under deadline pressure and within a fairly straightforward rubric of right, wrong, and shades of gray that required judgment calls based on individual reason and virtuous intention. Conscious of the U.S. Constitution's free-press guarantee, many journalists performed their work from a sense of duty, framed as citizenship or service to the public good, and sought to make moral choices. Importantly, in *The Conscience of the Newspaper*, Flint referenced Plato ("When we see the good clearly, we . . . must choose it") in urging journalists to learn to identify good journalism, follow its example, and be virtuous in performing their work. "Journalism will do its part of the world's work if it manages to be as good as the people are at their best," Flint wrote.<sup>39</sup>

## THE DEMOCRATIC PARADOX IN JOURNALISM

Although individual journalists retained moral agency and choice in their work, throughout the twentieth century their employers played an increasingly significant role in setting and policing ethical and professional boundaries. Employers enforced standards by implementing newsroom policies and monitoring journalistic decision-making, but hiring was their most powerful mechanism for shaping the professional culture. Journalism standards

changed in the twentieth century as employers hired college-educated journalists who shared a normative sense of professional duty and were at home in the newsroom culture that embraced it. But as ethics entered the daily conversation in the workplace, employers excluded certain journalists as unworthy of admission to the profession.

On this point, any discussion of journalism ethics must take note of the democratic paradox inherent in the structure of the American press. Despite a universal free-press guarantee, only an elite segment of the population, determined by ownership capital, historically has had genuine access to a mass audience. In addition to this issue of class, the American press has segregated along racial lines, such that the majority press, traditionally under white ownership, has represented “the press” in the popular imaginary and has constructed its version of published reality from white points of view.<sup>40</sup> Similarly, histories of American journalism such as this one typically focus on the majority press, and marginalize, if not ignore, journalists and journalism that do not comport with its norms. It is important to note that even ethical precepts for journalists, which hint at moral absolutes but usually require situational decision-making, can be undemocratic and exclusionary.

Among nonwhite presses publishing counternarratives of news and opinion, the black press, which dates at least to 1827, has the longest continuous history,<sup>41</sup> yet many white journalists and editors traditionally dismissed black newspapers as advocacy publications that did not subscribe to accepted standards of journalism. Particular points of conflict were disparities in style, news values, and standards of objectivity<sup>42</sup>—all of which are social constructions that evolve over time in response to social and political circumstances, and not essential, immutable qualities of journalism. Objectivity, a journalistic ideal that aims for accuracy and fairness, is often determined by social location and subject position. A double standard illustrates this point. Many twentieth-century white journalists considered the black press’s advocacy for civil rights and emphasis on news about and of interest to African Americans to be subjective, even as they accepted as objective the majority white press’s historical acquiescence to and defense of a discriminatory racial status quo on both the news and editorial pages, as well as its exclusion of black news subjects. This ethical tension on race was documented by the National Advisory Commission on Civil Disorders (the Kerner Commission) in 1968, which excoriated the majority media for reporting news “from the standpoint of a white man’s world.” In its published report, the Commission criticized the white-owned media, noting that “far too often, the press acts and talks about Negroes as if Negroes do not read the newspapers or watch television, give birth, marry, die, and go the PTA meetings.”<sup>43</sup>

Efforts to correct unethical and undemocratic practices in journalism sometimes exposed further inequity. Even as the newspaper industry moved,

beginning in the 1960s and 1970s, to hire nonwhite journalists, its overriding emphasis on correcting racial exclusion marginalized gender, despite strong evidence that misogyny and discrimination against women had coexisted with racist hiring practices. Like African American journalists, women were deemed incapable of objectivity. In addition, until the later decades of the twentieth century, the ethical sensibilities reflected in various codes and widely adopted by the majority media made little allowance for other moral frameworks that guided journalists in their work. Just as the mainstream press rejected the black press's claim of a moral imperative in its crusade for civil rights and regarded women as second-class journalists, it also failed to recognize religious conviction as an appropriate prism for ethical decision-making in journalism.

As journalism's self-improvement effort set down markers of accepted professional conduct, those ethical guidelines and journalism standards were the product of a professional culture that reflected and legitimated social distinctions in society at large. The sense of mission and responsibility to democracy that motivated journalism's reform movement produced its own ethical tensions, which must be reckoned in any history of the press. Journalists and editors were motivated by self-interest that sometimes, but not always, aligned with the higher, more exacting sense of journalistic duty that increasingly defined professionalism. The chapters in this volume show that, even as the ethical evolution in journalism transformed the profession, the potential for change was always constrained by competing social, political, and economic interests.

## CHAPTER SUMMARIES

The volume opens with Ronald R. Rodgers's chapter, "The Progressive Era's Social Awakening and the Soul of the News," which grounds the historical discussion in the chapters that follow. In the sweep of social upheaval at the turn of the twentieth century, a response to industrial capitalization and modernization, the partisan press was eclipsed by a journalism more concerned with social duty and distinguished by its foregrounding of both individual and professional conscience. Rodgers's analysis of a range of source material documents the broad contemporary recognition of a journalistic soul, which enabled the focus on public accountability that motivated the early ethics codes and allowed journalists to see their work as a special calling with distinct obligations. The journalism that emerged was more self-aware, but this transformation in professional attitudes did not occur in isolation. Rodgers contextualizes the journalist's newly acknowledged ethical agency within philosophical shifts in society at large, most particularly a broad concern

about a lack of morality in a mass society and earnest calls, both within and outside newsrooms, for greater professionalism in journalism. Importantly, Rodgers's analysis anchors the profession's twentieth-century journey on a historical continuum, allowing us to emphasize the process of ethical conflict and reconciliation that would occur in coming decades, as journalism evolved in response to public criticism and calls for self-reform.

Journalism's first prominent, national ethics code, adopted in 1923 by the American Society of Newspaper Editors, is the focus of the collection's second chapter, "'A Failure to Take Itself Seriously': The Canons of Journalism and the Model of Inaction." Ken J. Ward chronicles development of the ASNE's Canons of Journalism, which would guide the profession for fifty years, as well as the controversy over enforcement of the code that divided the organization almost immediately when one of its members was publicly implicated in ethical malfeasance. In 1924, Frederick Bonfils, *Editor & Publisher* of the *Denver Post*, testified before a U.S. Senate committee investigating the Teapot Dome scandal involving Wyoming oil contracts and was accused of threatening an oil baron with blackmail, specifically a demand for payment in exchange for Bonfils ending negative publicity about him in the *Post*. Of particular significance in this chapter are Ward's analysis of the professional concerns that the ASNE targeted with the Canons and the ASNE's pivotal decision during its first decade not to enforce the code against Bonfils. By denoting the Canons as professional guidelines, subject to individual conscience but not professional sanction, the ASNE set policy on journalism codes of ethics that has influenced both the organization and the profession ever since. Although codes reflect professional norms, compliance was delegated to the individual's interpretation of moral duty.

Central to journalistic views of the press and democracy are the philosophical threads that run through the writings of Walter Lippmann and John Dewey. In the third chapter, "The Lippmann-Dewey 'Debate': The Roles and Responsibilities of the Press in a Democratic Society," Tim Klein and Elisabeth Fondren review Lippmann and Dewey's critiques of the press during the early decades of the twentieth century and analyze how their work paralleled and intersected. As public intellectuals whose positions on social matters were widely disseminated, Lippmann and Dewey exerted influence beyond journalism, but they directly shaped the way journalists and journalism educators viewed the press's accountability to the public. Both writers were alarmed by a press that had failed in its obligation to inform the public, and their prescriptions for change shaped the conversation within and about journalism for decades. Lippmann, with a call for use of the scientific method in newsgathering and reporting, elevated objectivity as an enduring value of journalism. For Dewey, who attempted to start a sociological newspaper in the 1890s to give greater context to the news, scientific inquiry also was

essential for comprehensive and accurate journalism. Lippmann and Dewey's arguments are distinct, but Klein and Fondren demonstrate that they were motivated by similar concerns. Other scholars have framed Lippmann and Dewey's writings as a "debate," but Klein and Fondren argue that such a conceptualization misrepresents the nature of their discourse.

In chapter 4, "Francis Biddle and the Jennings Case in 1934–35: A Labor Union, the First Amendment, and Government Oversight," Patrick S. Washburn and Michael S. Sweeney focus our attention on a central question for journalists and their employers as they developed ethical sensibilities about news work during the interwar years: Was rank-and-file newsroom employment merely a job, subject to labor protections, or did the First Amendment, which barred government intervention in the press, place journalism in a separate category of employment? The answer disappointed journalists of the time, who learned that the First Amendment accorded stronger free-press guarantees to publishers than to newspaper employees. Although the federal government had standing in labor disputes, the free-press protection exempted publishers from oversight that might have ensured ethical and equitable treatment of newsroom employees. In their chapter, Washburn and Sweeney recount the founding of the American Newspaper Guild in 1933 and the firing of Dean Jennings, a Guild officer working for the *San Francisco Call-Bulletin*. Jennings's case became a lightning rod for publishers' assertion that newsroom unionization threatened the free press and that their discrimination against employees who joined the Guild was constitutionally protected. The chapter's cast of characters includes Francis Biddell, chair of the National Labor Relations Board; President Franklin Roosevelt; Guild founder Heywood Broun; and newspaper magnate William Randolph Hearst.

Following the case study of Dean Jennings, who was fired from his newsroom job for acting on his convictions, chapter 5 introduces another 1930s journalist who also took a career-defining stand on ethical grounds. In her chapter "Dorothy Day and the *Catholic Worker's* Legacy of Pacifism," Bailey Dick describes how Day's strong activism and uncompromising religious conviction made her ill-suited for the "objective" journalism being taught in the college journalism classrooms of the time. Importantly, Day founded the *Catholic Worker* in 1933 as an outlet for journalism that comported with her individual ethics and radical theology, but Day would struggle to balance competing loyalties when Day's Catholic readership and church hierarchy objected to her editorial positions. In this chapter, Dick examines the contrary editorial position Day took on the Spanish Civil War, which was fought partly over the church's control of social and political life in Spain. Dick focuses on Day's unwavering pacifism and leads us through her efforts to both challenge and appease the church leadership during the war. Ultimately, Day's

steadfastness influenced church positions on pacifism and built support for her canonization. Even if reporting jobs had been readily available to women in the 1930s, and Day's activism had not disqualified her for traditional news work, opportunities to write about the social issues that concerned Day would have been difficult to find in traditional journalism.

Gender and war are revisited in chapter 6, "War Correspondents, Women's Interests, and World War II," but the focus there is on the U.S. military's discrimination against women journalists. Although policies made no distinction between male and female journalists at the beginning of the war, Carolyn M. Edy demonstrates that the military altered its credentialing process to institutionalize gender discrimination against women correspondents. By 1944, women journalists labored under greater limitations than men, such that veteran female reporters, who had worked freely before, bristled at the new restrictions on access to military news. This chapter also describes War Department efforts, headed by Oveta Culp Hobby, executive vice president of the *Houston Post*, to encourage military news presumably of interest to women, in order to engage women in the patriotic cause and counter antiwar sentiment that had built since World War I. Edy shows that women correspondents were not monolithic in their perceptions of gendered restrictions. Some women correspondents objected when limited to writing the lighter fare defined as women's interest stories, but others seized upon the women's angle assignment as an opportunity. Press coverage of women correspondents, even by the news outlets that employed them, as well as references to women journalists in military officials' correspondence, could be demeaning and stereotypical, documenting a male view that women did not belong on the military beat in wartime.

In the postwar years, renewed scrutiny of press conduct brought an intensified emphasis on professionalism and public accountability in journalism. *A Free and Responsible Press*, the Hutchins Commission's 1947 report, challenged journalists to consider that the libertarian view, which privileged the rights of the press over its obligations to society, could be incompatible with the ethical practice of journalism, as it was now understood. The final three chapters examine journalists' efforts from the 1950s through the 1970s to realign the practice of journalism with the social responsibility theory of the press, which had altered the ethical calculus for the profession. In chapter 7, "Conflicts of Interest in Journalism: Debating a Post-Hutchins Ethical Self-Consciousness," I use a ten-year debate within the American Society of Newspaper Editors to illustrate that the concept of a conflict of interest in journalism was unfamiliar to many in the profession during the 1950s but that members of the organization would view the issue differently a decade later. Following emphasis on conflicts and the appearance of conflicts by the *Columbia Journalism Review*, an organ of press criticism founded in 1962,

and the Securities and Exchange Commission, which scrutinized business journalists who benefited financially from their reporting, the profession acknowledged the ethical imperative of disinterested journalism. Ultimately, the Society of Professional Journalists elevated conflicts of interest to a prominent concern when it revised its code of ethics in 1973.

In chapter 8, “Ethical Duty and the Right to Know: Sam Ragan’s Crusades to Provide the Public with Access to Information,” Erin K. Coyle profiles Ragan, executive editor of the *Raleigh News & Observer* and an unwavering advocate for the people’s right to know movement in the 1960s. Through his work on press access on behalf of the Associated Press Managing Editors, American Society of Newspaper Editors, and American Newspaper Publishers Association, Ragan crusaded for government transparency as a fulfillment of the watchdog function of the press, and specifically for press access to the courts and criminal records. Coyle contextualizes Ragan’s advocacy as a response to heightened press criticism in the 1960s that accused the press of impeding the free-trial rights of criminal defendants. On this point, Coyle examines Ragan’s advocacy following press criticism in the 1964 release of the report of President’s Commission on the Assassination of President John F. Kennedy, commonly referred to as the Warren Report, and the U.S. Supreme Court’s 1966 ruling in *Sheppard v. Maxwell*. Coyle demonstrates that the people’s right to know movement, a response to increased government secrecy following World War II, was grounded in a free-press concern for editorial autonomy and recognition of an ethical duty to inform the public and hold government accountable, two mainstays of democracy.

In the final chapter, “Blackening Up Journalism’: An Ethical Imperative for Newsroom Diversity,” Coyle and I consider the ethical dimension of the movement to hire nonwhite journalists, which emerged in the newspaper industry following the civil rights movement. Using the frameworks of social responsibility theory, which had been gaining traction in the profession since release of the Hutchins Report in 1947, and John Rawls’s concept of a “veil of ignorance,” which seeks decision-making without respect to personal stakes and identity, we examine the ethical urgency of newsroom diversity and resistance to it from within daily newspaper newsrooms. The focus of the analysis is Goal 2000, the American Society of Newspaper Editors’ formal effort to diversify the print journalism workforce from 1978 to 1998. In addition to a push for nonwhite hiring and promotion, newspapers were asked to increase opportunities for women, but the ASNE’s diversity programming neglected them during this period. Without consensus on an ethical imperative for diversity of all kinds, one that clearly linked a diverse newspaper staff to professional values for journalism, the newspaper industry’s response was mixed, and white editors and journalists had great latitude in resisting the argument that diversity was essential to professional integrity.

Taken together, the chapters in this collection document journalism's historically contingent ethical progression during the pre-internet twentieth century, when the profession's standards came in for continual revision. Even at a century's remove from the early ethical debates about journalistic duty, the concerns about press accountability that motivated journalism's self-reform movement in the 1920s seem familiar. Public criticism of the news media is still prevalent and journalists still grapple with both situational decision-making and professional philosophy—but today's newsroom is a strikingly different place than it was a hundred years ago. Contemporary journalists benefit from a professional culture that has been shaped by the challenges and introspection of a profession in rapid transition during the previous century. These episodes tell the story of that dynamic ethical journey.

## NOTES

1. Madison praised the press as “the same beneficent source [to which] the United States owe much of the lights which conducted them to the ranks of a free and independent nation, and which have improved their political system into a shape so auspicious to their happiness.” Gaillard Hunt, ed., “Report on the Virginia Resolutions,” *The Writings of James Madison*, vol. 6 (New York: G. P. Putnam's Sons, 1900–1910), 385–401.

2. Scholarship documents that a concern for ethics developed throughout the nineteenth century. On this point, Hazel Dicken-Garcia wrote, “The word *ethics* appeared in discussions by 1850, but it remained rare through the 1880s. Writers generally used the word *moral* when referring to desired journalistic conduct. Nevertheless, a trend toward formulating some guidelines was clear.” *Journalistic Standards in Nineteenth-Century America* (Madison: University of Wisconsin Press, 1989), 219.

3. This is the classical libertarian theory of the press, outlined in Fred S. Siebert, “The Libertarian Theory of the Press,” in *Four Theories of the Press*, ed. Fred S. Siebert, Theodore Peterson and Wilbur Schramm (Champaign, IL: University of Illinois Press, 1956), chapter 2.

4. Norman E. Isaacs, *Untended Gates: The Mismanaged Press* (New York: Columbia University Press, 1989), 5.

5. For a comparative analysis of ethics codes and their cultural development, see Lee Wilkins and Bonnie Brennan, “Conflicted Interests, Contested Terrain: Ethics Codes Then and Now,” *Journalism Studies* 5, no. 3 (2004): 297–309.

6. Paul A. Pratte, *Gods Within the Machine: A History of the American Society of Newspaper Editors, 1923–1993* (Westport, CT: Praeger, 1995), 205–7.

7. Pratte, *Gods Within the Machine*, 209–10.

8. Sigma Delta Chi, “1926 Ethics Code,” <http://spjnetwork.org/quill2/codedc/ontrovesey/ethics-code-1926.pdf> (accessed February 1, 2019).



9. Society of Professional Journalists, Sigma Delta Chi, "1973 Ethics Code," <http://spjnetwork.org/quill2/codedcontroversy/ethics-code-1973.pdf> (accessed February 1, 2019).

10. Society of Professional Journalists, "1996 Ethics Code," <http://spjnetwork.org/quill2/codedcontroversy/ethics-code-2009.pdf> (accessed February 1, 2019).

11. John Merrill takes a historical view in arguing that ethical change in journalism is possible because journalists have an innate desire to be ethical. "They may not always know exactly what is the right (or best) thing to do, but they can have ethical action as their objective." John C. Merrill, *Journalism Ethics: Philosophical Foundations for News Media* (New York: St. Martin's, 1997), 27. In Chapter 2 of this book, Merrill elaborates on "The Desire to be Responsible," which includes discussion of the stages of ethical development, 28–30.

12. Isaacs, *Untended Gates*, 103. For an illumination of the Hutchins Commission's impact on journalism, see Margaret Blanchard, "The Hutchins Commission, the Press, and the Responsibility Concept," *Journalism Monographs* 49 (1977).

13. For discussion of the social responsibility perspective on the press, see Theodore Peterson, "The Social Responsibility Theory of the Press," in Siebert, Peterson, and Schramm, *Four Theories of the Press*, chapter 3.

14. John C. Nerone, ed., *Last Rights: Revisiting Four Theories of the Press* (Urbana: University of Illinois Press, 1995), 78.

15. For a discussion of the legitimating function of normative theory, see Clifford G. Christians et al., *Normative Theories of the Media: Journalism in Democratic Societies* (Urbana: University of Illinois Press, 2009), 73–75.

16. Tim P. Vos and Joseph Moore, "Building the Journalistic Paradigm: Beyond Paradigm Repair," *Journalism: Theory, Practice & Criticism* (2018), <https://doi.org/10.1177/1464884918767586> (accessed February 1, 2019).

17. W. Joseph Campbell, *The Year That Defined American Journalism: 1897 and the Clash of Paradigms* (New York: Routledge, 2006).

18. Theodore L. Glasser and James S. Ettema, "Ethics and Eloquence in Journalism: An Approach to Press Accountability," *Journalism Studies* 9, no. 4 (2008): 514.

19. Glasser and Ettema, "Ethics and Eloquence in Journalism," 522.

20. Thomas Hanitzsch and Tim P. Vos, "Journalistic Roles and the Struggle over Institutional Identity: The Discursive Constitution of Journalism," *Communication Theory* 27, no. 2 (2017): 118–22. See also Kimberly Meltzer and Emily Martek's application of the community of practice model: "Journalists as Communities of Practice: Advancing a Theoretical Framing for Understanding Journalism," *Journal of Communication Inquiry* 40, no. 3 (2017): 207–26.

21. John Fiske, *Media Matters: Race and Gender in U.S. Politics* (Minneapolis: University of Minnesota Press, 1996), 3.

22. *Ibid.*, 4–5.

23. *Ibid.*, 6.

24. On the impact of the telegraph, railroad, and industrialization on the news audience, see James W. Carey, *Communication as Culture: Essays on Media and Society*, rev. ed. (New York: Routledge, 2009), 155–77.

25. William A. Dill, *Growth of Newspapers in the United States*, master's thesis, University of Kansas (1928), 83.

26. The history of yellow journalism is discussed in W. Joseph Campbell, *Yellow Journalism: Puncturing the Myths, Defining the Legacies* (Westport, CT: Praeger, 2001). For examples of the investigative journalism published in *McClure's* magazine in 1903, see Ellen F. Fitzpatrick, *Muckraking: Three Landmark Articles* (Boston: Bedford Books, 1994).

27. For a comprehensive bibliography and discussion of American press criticism, see Yasmine Tarek Dabbous, "Blessed be the Critics of Newspapers': Journalistic Criticism of Journalism, 1865–1930," PhD diss., Louisiana State University, 2010.

28. Frederick L. Allen, "Newspapers and the Truth," *American Monthly*, January 1922, 44. Historical accounts of the founding of the American Society of Newspaper Editors mention Allen's article as an irritant that spurred the charter members to action; however, those accounts erroneously place the article in the *Atlantic Monthly* or *Harper's*. Pratte, *Gods within the Machine*, 2.

29. Leon Nelson Flint, *The Conscience of the Newspaper: A Case Book in the Principles and Problems of Journalism* (New York: D. Appleton-Century Co., 1925), 5. The other three early books on journalism ethics were Nelson A. Crawford, *Ethics of Journalism* (New York: Alfred A. Knopf, 1924), William F. Gibbons, *Newspaper Ethics: A Discussion of Good Practice for Journalists* (Ann Arbor, MI: Edwards Bros., 1926), and Albert F. Henning, *Ethics and Practices in Journalism* (New York: R. Long & R. R. Smith, 1932).

30. Flint, *The Conscience of the Newspaper*, 4.

31. *Ibid.*, 6–7.

32. For a comprehensive history of journalism education, see Jean Folkerts, "History of Journalism Education," *Journalism and Communication Monographs* 16, no. 4 (2014): 227–99.

33. Barbara Kelly, "Objectivity and the Trappings of Professionalism, 1900–1950," in *Fair and Balanced: A History of Journalistic Objectivity*, ed. Steven R. Knowlton and Karen L. Freeman (Northport, AL: Vision Press, 2005), 153.

34. Kathy Roberts Forde, *Literary Journalism on Trial: Masson vs. New Yorker and the First Amendment* (Amherst: University of Massachusetts Press, 2008), 49.

35. Tim P. Vos, "'Homo Journalisticus': Journalism Education's Role in Articulating the Objectivity Norm," *Journalism* 13, no. 4 (2011): 445.

36. Kelly, "Objectivity and the Trappings of Professionalism, 1900–1950," 153.

37. Society of Professional Journalists, Sigma Delta Chi, "1973 Ethics Code."

38. American Society of Newspaper Editors, *Problems of Journalism: Proceedings of the American Society of Newspaper Editors*, April 17–19, 1930, 44–45.

39. Flint, *The Conscience of the Newspaper*, 5–6.

40. Gwyneth Mellinger, *Chasing Newsroom Diversity: From Jim Crow to Affirmative Action* (Urbana: University of Illinois Press, 2013), 10.

41. For definitive histories of the black press, see Patrick S. Washburn, *The African American Newspaper: Voice of Freedom* (Evanston, IL: Northwestern University Press, 2006), and Armistead Scott Pride and Clint C. Wilson, *A History of the Black Press* (Washington, DC: Howard University Press, 1997).

42. For example, in 1945 a detailed analysis of the black press, published by *Fortune* magazine, critiqued its activism and sensationalism, and contrasted it with a presumably more objective and professional white daily press. James S. Twohey, "Fortune Press Analysis: Negroes," *Fortune*, May 1945, 233, 235–36, 238.

43. *Report of the National Advisory Commission on Civil Disorders* (New York: New York Times Co., 1968), 366 and 383.

## *Chapter 1*

# **The Progressive Era's Social Awakening and the Soul of the News**

Ronald R. Rodgers

Like other social institutions, journalism has shown through history a remarkable ability to evolve and adapt to changes in society. As one writer noted in 1909, “The various stages through which the newspaper has passed reflect the social conditions of the different periods.”<sup>1</sup> This chapter explores the association between the ruling conventions of journalism and the “social awakening”—a transformative “moral upheaval”<sup>2</sup> that promised “a new ethical life”<sup>3</sup> and became increasingly inset into the ethos of American life and thought in the early twentieth century. This “general awakening of the social consciousness”<sup>4</sup> occurred in the midst of the decline of the partisan press—“the slaves of political parties”<sup>5</sup> in which journalists knew well their roles and responsibilities—and the growth of the commercialized newspaper supported by advertising in which the key question became: Whom do journalists serve? The ideals of the social awakening informed a moral argument about that question, and thought leaders of the day sought to define the “true mission of journalism”<sup>6</sup> and the role of the journalist that superseded the demands of the market and its constraints on journalistic conduct and content.

One example of the early twentieth century's evolvment of ideas about journalism's role in society was on display in 1914 as more than 250 editors gathered at the University of Kansas for Kansas Newspaper Week to participate in lectures and discussions about the principles of journalism. Given the roster of progressive-minded speakers, one writer observed, it came as no surprise that “the discussions transformed editorial opportunity into social duty and how they changed the courses designed to teach the editors to make money into lectures on the ethics of publishing.”<sup>7</sup> That realization among those editors in Kansas that journalism's primary mission had come to embrace “social duty” was a corollary of the social awakening. This new

worldview involved a “sense of universal responsibility” that affected many walks of life, including “commercial morality.”<sup>8</sup> Merle Thorpe, who directed the gathering of journalists, called the conference “a crystallization of an ethical progress among newspaper men which would have been undreamed of a few years ago, and I think it marks the awakening of a professional consciousness among journalists.”<sup>9</sup>

This new worldview and its influence on the norms of the press can be traced back a decade before the Kansas conference. Joseph Pulitzer declared in the defense of his proposed college of journalism, “We are embarked, whether we like it or not, upon a revolution in thought and life.”<sup>10</sup> Pulitzer argued that journalism needed to recognize that it no longer operated in the past. Thus, the cornerstone of his call to professionalize the ranks of the press through formal education was predicated on the need to adapt to the unprecedented transformation that was “sweeping forward with accelerating force”<sup>11</sup>—what H. G. Wells two years before described as “the beginning of the greatest change that humanity has ever undergone.”<sup>12</sup> All the professions were making efforts to accommodate themselves to this changing world, Pulitzer wrote, except for journalism, which was stationary and “lost in self admiration.”<sup>13</sup>

Those strong words reflect a stream of thought and discourse embedded in a long conversation in the early twentieth century about what many observers described as a period of “social readjustment”<sup>14</sup> among all the institutions of society. For newspapers, the conversation was prompted by the slow reveal of the vanishing partisan press and the imposition of objective journalism—a “commercially grounded strategy of reporting”<sup>15</sup> in which news was unmoored from opinion, interpretation, and advocacy for a political party, a cause, or an ideal. In the commercialized newspaper, news was a commodity. News was neutered of the perspective of values—what Nietzsche described as the castration “of the intellect.”<sup>16</sup> Its rule of writing was to offend few and appeal to many because advertising was correlated with circulation. Its ethic rejected the view of journalists as “independent interpreters of events,”<sup>17</sup> promoted the notion of journalists as viaducts between authority and audience, marginalized advocacy and criticism, and disengaged journalists from the ideals of autonomy and service at the core and origin of their profession. The social awakening spoke to the disjuncture between the commercial ideal and the role of journalists as free moral agents in service to society. That is, the commercialized newspaper’s drive for advertising often acted as a constraint on journalistic conduct and content. As increasing dependence on advertising revenue helped sever the newspaper’s ties to partisan politics, it also generated calls for a new ethics of journalism because, as one editor put it, “journalistic traditions are shattered.”<sup>18</sup>

The renowned editor Henry Watterson summed up this situation when he charged that journalism had “no sure standards of either work or duty. Its intellectual landscapes are anonymous, its moral destination confused.”<sup>19</sup> The desire for a new ethic for a new age at the turn of the twentieth century provoked both counsel and complaints from a growing chorus of press critics. Many of those critics believed the press “had sold its soul to the devil incarnate, the capitalist class.”<sup>20</sup> News had become tainted, they charged, through redaction, distortion, or outright suppression as a way of increasing circulation and serving the needs of corporate and ideological interests rather than the public.

Many of the analysts of the age observed that criticism and discussion about the press's role and responsibility to society were sorely needed because modernity and industrialization were altering the world radically. During the social awakening, all the institutions of society were searching for a new social ethic for the burgeoning modern world. Early soundings about the problems of the press were heard even before the new century. In 1891, Reverend W. N. M'Elroy argued that a reassessment of modern journalism was especially crucial because it held as much power to affect society as the corporate world. “The press as we now have it is a comparatively modern thing, and in some of its phases entirely new,” he wrote. “Like trusts and combines in the commercial world, its ethical qualities are largely undefined, and are therefore subjects of diverse and conflicting views and opinions.”<sup>21</sup> Looking back years later, there were those who argued that journalism had adapted to the “moral awakening” more than any other institution in America.<sup>22</sup> For instance, journalism historian James M. Lee, who attended the conference in Kansas, argued in his *History of American Journalism* in 1917 that no other progress in journalism had outdone “the ethical advance” made by every department of the newspaper. It was an ethical response, he held, to the “era of moral awakening.”<sup>23</sup>

## THE AWAKENING OF THE SOCIAL CONSCIOUSNESS

The conversation about journalism's need for a new ethic did not proceed from a vacuum. To give it impetus, this general interrogation of a powerful societal institution required an ethos—created by “all the mainsprings of moral influence”<sup>24</sup>—of collectively and culturally shared moral values, what Durkheim called “the collective or common conscience.”<sup>25</sup> And sequestered among those “diverse and conflicting views and opinions” M'Elroy referred to were many prompts for this ethos leading to a growing inquiry into the role of the newspaper in the life of society. One writer of the time held that “the wide front of the moral revival” encompassed a general revulsion to

bossism and political corruption in many states and cities and a national scandal involving the insurance industry.<sup>26</sup> Other forces included the rise of industrialization, the ever-growing complexity of modern life, an emerging consumer society, a changing demographic following millions of immigrants flowing into America, a population shift from the country to the cities and the growth of urban areas, the rise of corporations and the rampant inequality of the Gilded Age, and the flourishing of democracy concurrent with an increasingly educated populace that meant more in society had stakes in the game. In other words, “new and strange” conditions were creating “a period of transition and of social readjustment,”<sup>27</sup> observed the Reverend Josiah Strong, a social reformer, editor, and influential sociological writer.

This transition and readjustment to an increasingly complex and modern world arose during a time when, as the Rabbi Stephen S. Wise observed, a “newly quickened conscience of the nation . . . has stabbed us awake,”<sup>28</sup> giving impulse to and buttressing the notion of the “social awakening” that approximates Kant’s arousal from a “dogmatic slumber.”<sup>29</sup> In this case, the awakening followed Social Darwinism and Herbert Spencer’s ethical system of laissez-faire politics and extreme individualism that had held sway for so many years. It was, the historian David W. Noble noted, the members of the middle class “coming to recognize their social nature and the basic goodness and rationality of man would revolutionize the government and the economic system.”<sup>30</sup> Indeed, the renowned Social Gospel leader Walter Rauschenbusch described the awakening as a “second war of independence”—not the product of political parties’ crusades but, instead, “the awakening of the better self of the nation.”<sup>31</sup>

This notion of a social awakening was expressed in various ways with an overlapping association of ideas hinged to it—William Howard Taft once called it the “quickening of the public conscience”<sup>32</sup>—and countless observers referred to it with little explanation because it had become such a commonplace concept.<sup>33</sup> This notion of an awakening or a quickened conscience, “with its thirst for absolute righteousness,”<sup>34</sup> drew on long-held religious conceits such as the earlier great religious awakenings<sup>35</sup> and the references to “quickening,” a concept drawn from religious references to the presence of a soul.<sup>36</sup> The nationally known editor of the *Emporia (Kansas) Gazette*, William Allen White, observed in his book *The Old Order Changeth: A View of American Democracy* (1917) that for the previous ten years this “distinct movement” had gradually been wending its way through America and growing in vigor. “It is now one of the big self-evident things in our national life. It is called variously: Reform, the Moral Awakening, the New Idea, the Square Deal, the Uplift, Insurgency, and by other local cognomens; but it is one current in the thought of the people.”<sup>37</sup>

White, one of the leading Progressives of his time, was linking the awakening to the Progressive movement. The social awakening was, he wrote, a struggle to ensure “a wider participation in the blessings of modern society.”<sup>38</sup> Franklin Henry Giddings, one of the founders of American sociology, described this empathetic view as the “consciousness of kind,” which “is that pleasurable state of mind which includes organic sympathy, the perception of resemblance, conscious or reflective sympathy, affection, and the desire for recognition.”<sup>39</sup> White, long a cultural critic and analyst of the American condition, also saw the social awakening as a redemptive moral counterweight to humanity’s past unconscionable conduct. That is, he found in the movement an indication that “in the soul of the people there is a conviction of their past unrighteousness,”<sup>40</sup> an assertion often associated with discussions about the social awakening.

And while many observers<sup>41</sup> ascribed the impulse for the awakening to President Theodore Roosevelt, others thought that attribution a bit facile. The president’s leadership and moral courage were influential, but as one editorial writer observed, “The moral upheaval does not depend on any one man, nor does it owe its increasing vigor and its promise for the future to any single career.”<sup>42</sup> Rather, the writer declared, the public had “risen in revolt” as it awakened to the ruinous effects of what the Progressive-era journalist Lincoln Steffens described as “the system” in which commercial interests had annexed the nation’s institutions.<sup>43</sup>

## JOURNALISM AND THE AWAKENING

At the annual convention of the Southern Newspaper Publishers’ Association in 1915, W. T. Anderson, *Macon (Georgia) Telegraph* publisher and president of the association, said he agreed with an earlier declaration by North Carolina Congressman James J. Britt that “the national awakening of conscience requires that the newspapers set their houses in order.”<sup>44</sup> Here is an example of how the conduct and content of newspapers in their drive for profit had become yoked to the “social awakening.” The Progressive leader and presidential candidate William Jennings Bryan went a step further and termed this movement a “moral awakening.”<sup>45</sup> He maintained that whether poor or rich, the previous generation in America had been “money-mad, and life has been measured by accumulations.” But he saw the awakening as both an end to “the measuring of life by a pecuniary standard” and a moral revolution in all the institutions of life. “An increasing number of our people realize that there is a higher end in life than the making of money,”<sup>46</sup> he said.

One of those institutions of life was the newspaper, which also needed to participate in the “great moral awakening” in America, Bryan told about 200



newspapermen at a dinner in his honor in 1906. To begin, he said, journalists must quit “the selling of consciences for a salary.” Bryan pointed to an infamous corporate corruption scandal that many editors knew of for years but failed to speak out about. “Why?” he asked, and a member of the audience immediately interjected: “We would have lost our jobs.” But Bryan continued, ignoring the interruption, “Because you had not the moral courage to voice your knowledge and convictions.”<sup>47</sup> An editorial response to Bryan’s speech in the influential newspaper trade journal *Editor & Publisher* noted with some chagrin that the round of applause by the newspapermen that ended his speech “was a sad commentary indeed on the system that dominates all too many newspaper offices.” It went on to urge: “Let us take from him all the inspiration we can and fight for our ideals as hard as the environment with which we are surrounded will allow.”<sup>48</sup>

Both Bryan’s provocative critique and *Editor & Publisher’s* vexed acknowledgment and call for action spoke to the recognition at the time of journalists’ struggle with commercialism. Yet there were signs that the newspaper was adapting to the demands of a changing society. One hopeful critic was Frank G. Kane, a former newspaper man, the head of the journalism department at the University of Washington, and a prolix diagnostician of the state of the press in the early twentieth century who wrote often about the changing conditions of the newspaper. He observed in 1914 that “we are enjoying, more or less, an awakening of conscience” in which journalists were “engaged in a readjustment of relations toward each other, toward institutions, ideas, and ideals.”

Among industries that were held to be strictly private in nature, this readjustment is forcing recognition of public interest. Among industries that, while privately owned and rather privately conducted, acknowledge fair measure of public interest, this readjustment is compelling outright public service. . . . The course of the newspaper as an institution for social service is marked out, and the institution itself is lifted from the status of quasi-public enterprise to one in which social responsibility and outlook is the principal feature. This involves a radical revision of the conduct, content and ideal of the newspaper.<sup>49</sup>

Many other observers of the press agreed that the newspaper was participating in the social awakening. That was because newspapers were “mirrors” that reflected daily life and “crystallize the moral sense of the community and the State,” Lafayette Young, Jr., general manager of the Des Moines (Iowa) *Capital*, said in a speech in 1915 on the service newspapers owed their readers. He went on to argue that newspapers had been “quickenened and improved by the great moral awakening” during the previous ten years.<sup>50</sup>

The newspaper as mirror was a conceit with a long pedigree,<sup>51</sup> but as so often happens with change, other conflicting views overlap in time. And here, it

should be emphasized, is manifest a juncture informed by the ethos of the social awakening that marks an evolving ethic of journalistic conduct and content. For within the same year as Young's speech, Frank Kane described the mirror analogy as a "comfortable, intellectually and morally lazy attitude."<sup>52</sup> Similarly, Owen Moon, Jr., publisher of the *Trenton* (New Jersey) *Times*, also rejected the positivist notion that a paper simply reflected what the "eye can see." He held that a modern newspaper in the early twentieth century must not only "possess a social conscience" and be devoted to advocating for "civic betterment," but it also must "have vision and a mind to analyze. It has to deal not only with men and events, but motives."<sup>53</sup> Of course, Professor Kane noted, rejecting the practice of presenting barren facts in the news pages involved "a readjustment of both news values and editorial outlook." In this new age, he wrote, newsrooms needed journalists "as familiar with the relations of political conditions and trends and events to the life of the public as they are with the relations of gossip to the transient interest of the public. They must come to a realization of the fact that if they are incapable of grasping large affairs, they are incapable of functioning adequately in journalism."<sup>54</sup>

These arguments were wrapped in the social awakening's demand that all—and in this case, newspapers—must act with conscience and a passion for serving society. That was a standpoint that would transform the conventions of the gathering and presentation of news. Indeed, Kane observed, the newspaper "falls short of its mission" if it isolates its advocacy and interpretative expressions to the editorial pages where most readers will not see them. The news pages, he said, must show the public the effect politics has on their lives. Thus, the professor argued, the newspaper must become "a force for the spiritual and material betterment of society."<sup>55</sup>

Others before 1917 had expressed this expanded notion of the vital function of news in a democracy and in a modern world growing more complex each year. One representative and instructive articulation of this idea came from the Reverend Simeon Gilbert, editor of the Congregational weekly *The Advance*. In an essay on "The Newspaper as a Judiciary" (1906) in the *American Journal of Sociology*, Gilbert declared that as the "awakening of the social consciousness" continued, "it is less and less true that people are interested in the news merely as something new. More and more they are interested, judicially, in the meaning, the character, the ethical and social bearing, of the current happenings, doings, movements, struggles, speculations, and opinions of the day."<sup>56</sup> That appeal for a new definition of journalism was, in a way, a return to the explanatory journalism of the partisan newspaper. It was a journalism whose key constituent was the prosecution of the facts of a story not unlike the proliferation of explanatory journalism websites today<sup>57</sup> and the current calls for news media to provide the public with explanatory, contextual journalism.<sup>58</sup>

Again, much as with Moon and Kane, Gilbert's counsel echoed the call for advocacy and interpretive news. Such journalism ran counter to those who insisted that news present facts without context and to allow readers to decide for themselves. This precept may well have prompted Henry Adams' declaration: "Nothing in education is so astonishing as the amount of ignorance it accumulates in the form of inert facts."<sup>59</sup> Such journalism echoed the Progressive era's faith in science as it applied to facts heard, for example, in Josiah Strong's assertion that "Facts are God's alphabet, from which we may decipher tendencies, and tendencies are prophetic."<sup>60</sup> Boiled down to its basics, this was a notion of the function of the journalist in a changing complex world as not unlike a prophet. Indeed, Sir Henry Irving, the chairman of the Newspaper Press Fund in Britain, contended that while others may be "content with the ideas of yesterday, the journalist must be equipped with the ideas of to-morrow." Thus, "the soul of journalism must be prophetic, because it has to do for a curious and wide-eyed public what was done for a much simpler generation by the alchemists and the astrologer."<sup>61</sup>

## THE SOUL OF JOURNALISM

In an essay on "The Ethics of Modern Journalism" (1902), the press critic Charles B. Connolly pointed to the modern newspaper's rapid development as "one of the greatest powers in the world." But, he complained, the era's endemic, sensational press indicated that "the soul animating the printed thought" had failed to progress. Modern journalism, he held, revealed either a downturn in the morals of readers or an erosion in editorial standards in the news profession—or both.<sup>62</sup>

This term "soul" is an ineffable notion with its own variants of meaning.<sup>63</sup> But at its most basic it is a metaphor for a quickening to conscious life allied with the "general awakening of the social consciousness" in which humanity begins to "look upon the world from a more sympathetic and more ethical point of view"<sup>64</sup> and in which the press is elevated to "a higher moral standard" and applied on the "side of righteousness."<sup>65</sup> Other observers saw it much more as "a spiritual development" and as "a quickening of conscience"<sup>66</sup>—in which, recall, "quickenings" indicated the presence of a soul.

Along those same lines, the *New York Times* declared in 1901 that the "news is the life and soul of a newspaper" in serving "the demand of the people to know what is going on in the world."<sup>67</sup> Similarly, Charles Ferguson, a pastor turned lawyer and editorial writer for Hearst Newspapers in New York, observed that the soul is part and parcel of a moral argument about news and service to society that trumped the demands of the market in which the "commercial system—the rule of the bankers and bourses—is a vast

symbol of soul-consuming Fate.”<sup>68</sup> For instance, Frank P. Glass, a former president of the American Newspaper Publishers Association, once complained that too many publishers tended to view the business office—rather than the newsroom—as the soul of a newspaper. And that meant, he said, that many newspapers had “deteriorated into mere factories for the production of advertising space.”<sup>69</sup>

One writer for *Editor & Publisher* who went in search of the soul of news was Charles Grant Miller, one of the founders of the Newspaper Enterprise Association whose résumé included stints as editor-in-chief of the *Cleveland Plain Dealer*, managing editor of the *Christian Herald*, and editorial writer for the Scripps chain. Miller was also a press critic of some renown, who wrote a series of investigative stories about organized postwar propaganda. In one of the series, he asserted: “Corporations may not have souls, but the men who control them sometimes have, and the human element must be sensed and set forth if news is to pulsate with interest, picture reality and interpret life.”<sup>70</sup> In a profile of the progressive and reform-minded *Brooklyn Eagle*, he began by asking, “As the human soul is greater than the body and its skill, is not the spirit of a newspaper of more importance than its physical plant and its routine methods?” The *Eagle*, he said, “shines steadily the light of a great soul.” However, Miller struggled with the inexpressible sublimity of the notion of the soul of a newspaper. It was difficult to reveal in words and define in specific terms, he said. He then proceeded to unearth its expression in the “manifestations” of the renowned public service mission at the core of the *Brooklyn Eagle* that used various means to engage with and aid its surrounding community.<sup>71</sup>

Arguably, the epitome of this public service mission was the radical reform journalist William T. Stead, whose reporting as a public service once went so far that he was imprisoned for three months after his exposé of child prostitution in London.<sup>72</sup> While Stead was known to sensationalize his reports, it was done with a seriousness of purpose. Indeed, his reference to “new journalism”—a term he coined—was originally an off-handed description used to distinguish his journalistic moral crusades from contemporary forms of journalism. Stead viewed the editor’s position as a “political pulpit”<sup>73</sup> and the chief objective of journalism as an attempt to “teach and preach zealously for the love of God.”<sup>74</sup> Reverend Herbert W. Horwill, the London correspondent for *The Nation*, observed that Stead was not really a journalist per se, but more a preacher who turned to journalism because the newspaper was better than the pulpit for “spreading his message.” Horwill noted that, as with much of the sensational new journalism, Stead conducted “stunts.”

But Stead never attempted a stunt for the stunt’s sake. His stunts were all crusades. They were inspired not by any eagerness for an increase in circulation

and consequently in advertising revenue but by an utterly unworldly passion for the achievement of some end which was to promote the welfare of his fellow-men. As he once put it himself, his purpose was to give a “soul” to sensational journalism.<sup>75</sup>

An elaboration on that remark about sensational journalism with a soul comes from an encomium to Stead after his death aboard the Titanic. He is reported to have said to fellow passengers that “he had impressed on Mr. (William Randolph) Hearst the importance of giving a ‘soul’ to ‘sensational journalism.’ By a ‘soul,’ he meant ‘a definite moral purpose in some social movement or political reform,’” which was the “essence” of his own journalism.<sup>76</sup> Stead’s position on the soul of sensational journalism was not a one-off. For instance, the renowned muckraking editor of *Collier’s* magazine, Norman Hapgood, once declared that what interested him most about any publication was “its soul—the thing it is undertaking to accomplish in the far-reaching struggles of the day.” Such publications, he said, must not reflect “money standards” but instead represent “moral freedom, disinterested thought, genuine enthusiasm for progress and for principles.”<sup>77</sup>

The notion of the soul of journalism is drawn from iterations of argument that the press existed not for profit or preferment, but to serve society as a load-bearing fulcrum of a democracy.<sup>78</sup> As Henry Watterson, the esteemed editor of the *Louisville Courier-Journal* and the nation’s “most widely quoted newspaper writer,”<sup>79</sup> declared in 1916, “The vital ethics—the source and resource—the very soul of journalism—is disinterestedness.”<sup>80</sup> By that, Watterson did not mean the notion of objectivity in which news is offered as facts without context or interpretation. Instead, he meant that in the reporting of news those in charge of newspapers rejected the seeking solely after profit or public office that would reflexively encumber service to their community. Similarly, that same year, Ralph Pulitzer said in a speech that a “newspaper has not only a body and a brain; it has also a soul.” He pointed out that news was more than a daily manufactured commodity. A newspaper’s “life-force lies in a higher function” as the news it publishes must be infused with service to society in the form of “public convictions, public principles and public ideals.”<sup>81</sup>

This notion of service in journalism had intertwining origins. They included an immigrant-driven shift in demographics that subsumed a Protestant nation in which the church was losing its sway over public opinion. They also included the growing awareness that the “complex civilization of the age”<sup>82</sup> and the “complex problems”<sup>83</sup> of modern life required a newspaper that rejected the constraints of the market that would bend or even redact the facts and taint the truth. Instead, a newspaper must act as a “moral and religious teacher”—as a prophet with a “supreme allegiance to truth,”<sup>84</sup> the renowned Reverend Washington Gladden argued. The press’s responsibility,

Gladden contended, came with its newfound role as “the principal agency for the creation of public opinion.”<sup>85</sup>

## THE SOULLESS CORPORATION

The market's influence on not just the news but also society in general has long been a point of consternation. As early as 1836—coincidentally around the rise of the penny press, the first inkling of commercialized and mass appeal news media—Ralph Waldo Emerson noted in his journal: “This age will be characterized as the era of Trade, for everything is made subservient to that agency.”<sup>86</sup> Decades later, Reverend M'Elroy observed that such things as type, presses, or the very newspaper itself could not be said to have a moral existence no matter how “pernicious” their ultimate influence. That moral existence rests, instead, with the man—or the corporation—that prints and publishes the newspaper. And that fact rested at the crux of the question, which was: “Does individual responsibility for moral acts or influence change or cease because the actor is hidden away behind an impersonality, or a business company or corporation?” In other words, the reverend asked, “Can he shift responsibility upon something that has no soul.”<sup>87</sup>

M'Elroy's indictment reflected a common argument about soullessness frequently embedded in debates about the influence of corporations—often the overseers of newspapers. In 1895, one critic described the corporation as a soulless “Frankenstein” that had become “the nightmare of this age.”<sup>88</sup> Such analogies to Mary Shelley's creation in discussions about the soulless and conscienceless corporation were not uncommon. In 1897, one writer aptly noted that the corporation was “an artificial creation, a thing of human manufacture, and is well called ‘corporation,’ from the Latin word *corpus*, which means ‘body,’ because it has no soul.”<sup>89</sup> The reviewer of a book on the history of the corporation in 1906 observed that “Frankenstein's monster is indeed comparable with the possible developments of the trading corporation—soulless and destructive of the society that has evolved it.”<sup>90</sup> Another observer explained that in struggles between labor and capital, the public generally sided with labor because the laborer was a human being while capital was “an abstract, statute-created Frankenstein in the shape of corporations.” The corporation's original purpose was as “a human soul seeking to aid and to cooperate with his fellows.” The problem was, the corporation was created “but the soul was not breathed in as a necessary element.”<sup>91</sup>

This debate over the practicality of corporate control of the news media was illustrated cogently in 1925, when Victor F. Lawson, publisher of the *Chicago Daily News*, died. In his will he left his estate, including his newspaper, to the Illinois Merchants Trust Company. That meant, one writer

noted, “one of the great newspapers” in America was directly controlled by a bank. That very fact prompted “a storm of discussion” both for and against the idea in newspapers in Chicago and elsewhere. A popular financial writer for the *Chicago Tribune* described this turn of events as “an effort to confer the continuity and impersonality of the corporation upon a form of property that has remained almost as personal as the first primitive enterprises of the capitalist era.” Here, the writer noted, this forced marriage of the private and the personal presented “a contradiction” that revealed the limitations inherent in defining and classifying different forms of property. He then called up the notion that the newspaper was like “the great public utilities” that served the community. “In its relation to its readers the newspaper has become subject to the same kind of social obligations that are imposed by law on public utilities and these unwritten obligations have been increasingly observed as newspapers have grown, because the penalty of non-observance is death—death inflicted at the news stands by the withholding of patronage.” Similarly, the *Chicago Tribune* said in an editorial that it had qualms about the ability to join the personal function of a newspaper with an impersonal corporation. It argued that “the physical property of a newspaper is rather less the newspaper than the physical body is the man after the vital spark has gone out.” Indeed, the Peoria, Illinois, *Transcript* declared, “A newspaper to appeal to the public imagination must have a soul, and a corporation has none.”<sup>92</sup>

Arguably the boldest and most well-known denunciation of soulless corporations was New York City Mayor William J. Gaynor’s declaration in 1911: “It is very doubtful whether corporations should be allowed to run newspapers. As the old saying is, ‘A corporation has neither a soul to be saved nor a body to be damned.’”<sup>93</sup> In a similar condemnation in a letter to his sister, Gaynor declared that the “journalistic scoundrels” responsible for sensationalist newspapers were “absolutely without souls.”<sup>94</sup> The mayor’s assertions went to the core of what he and many others perceived as the effects of pecuniary interests on journalistic conduct and content. And his essay was read by reporters, editors, and publishers across the country in *Editor & Publisher*. Gaynor was a renowned critic of journalism as it was being practiced then. His views carried weight because he and others blamed the profit-hungry sensationalist press for provoking an assassination attempt on his life in 1910. Here, the mayor was raising the issue of the effects of market forces on news—then at its height with the popular yellow press.

Just a year later, Livy S. Richard, editor of the *Boston Common*, asserted that any honest publisher would say that a newspaper’s primary purpose was to “make money.” But, he warned, publisher pronouncements about “serving the public interests” while being “fearless and independent” must be met with a healthy dose of skepticism because “the conditions of ‘making money’ require that he must somehow chloroform his soul.”<sup>95</sup> Richard spoke about

the ills of journalism from a unique perspective. He had earlier resigned from a newspaper in Rochester, New York, rather than editorially support a political boss's run for Congress.<sup>96</sup> He was also the first editor of the endowed *Boston Common*. The paper, an attempt to counter the effects on news by the commercial ideal, was published by a "cooperative company" consisting of more than 100 illustrious and socially conscious stockholders—including future Supreme Court justice Louis D. Brandeis and the landscape architect and conservationist Frederick L. Olmstead. At its founding, the *Boston Common* was described as "'a non-partisan, non-sectarian, unattached' weekly supplement to the daily papers, designed to give the news truthfully, untinged by prejudice or any fixed policy."<sup>97</sup> Its standard was "absolute freedom from partisanship, sectarianism, prejudice and the control and muzzling of influence."<sup>98</sup>

Opposition to the hobbling effects of the market on the mission of journalism was also behind his endowment of the School of Journalism at Columbia University, wrote Joseph Pulitzer in an essay countering criticisms of his proposed school. A review of the essay observed that "Mr. Pulitzer lets himself go, and luxuriates with unaccustomed freedom in the realm of the ideal."<sup>99</sup> In his essay, Pulitzer wrote that he hoped the school would create "a class feeling among journalists—one based not upon money, but upon morals, education and character."<sup>100</sup> Future journalists, he insisted, must be taught that they "work for the community, not commerce." And in fact, the school of journalism would be "anti-commercial" because its goal was to establish "ideals, to keep the counting-room in its proper place, and to make the soul of the editor the soul of the paper."<sup>101</sup>

The transformation of journalism in America began early in the century with the creation of the schools of journalism and state and regional codes of ethics.<sup>102</sup> It arguably culminated in the American Society of Newspaper Editors' adoption in 1923 of the Canons of Journalism,<sup>103</sup> the first nationwide code of ethics for journalism and the first formal call for press responsibility in the United States long before the Hutchins Commission report in 1947.<sup>104</sup> The code of ethics was a pivotal document that echoed the conversation of the previous decades. In describing journalism's "obligations as teacher and interpreter," its "considerations of public welfare," its "fidelity to the public interest," and its "high moral purpose,"<sup>105</sup> the Canons of Journalism encompassed the aspirations of the social awakening. And idealistic or not, Pulitzer's linking of journalism to the notion of service to society was informed in part by the social awakening. His and similar evolving ideas from other thought leaders a century ago about the role and responsibility of journalism are arguably the source of ideas about the service-oriented mission of journalism that editors and reporters have confronted over the past century and still struggle with today.<sup>106</sup>



## NOTES

1. James Edward Rogers, *The American Newspaper* (Chicago: University of Chicago Press, 1909), 193–94.
2. “‘The ‘Great Moral Upheaval’ Now Taking Place in America,” *Current Literature* 40, no. 5 (May 1906): 535–37.
3. “The Moral Upheaval,” *Outlook* 82, no. 14 (April 7, 1906): 780.
4. Simeon Gilbert, “The Newspaper as a Judiciary,” *The American Journal of Sociology* 12, no. 3 (November 1906): 290.
5. George M. Harvey, “Journalism, Politics and the University,” *North American Review* 187 (April 1908): 604.
6. Harvey, “Journalism, Politics and the University,” 603.
7. Ray L. Clapper, “Back to School from Kansas Sanctums,” *The Independent* 78 (June 1, 1914): 369. The speakers included James Melvin Lee, head of the School of Journalism at New York University; the Social Gospel leader the Reverend Washington Gladden; Hamilton Holt, editor of *The Independent*; Roy W. Howard, president of the United Press; Richard H. Waldo, business manager of *Good Housekeeping*; and Oswald Harrison Villard of the *New York Evening Post*. In addition, papers were submitted by the progressive American sociologist Edward Alsworth Ross, the Reverend Lyman Abbott of the *Outlook*, and Norman Hapgood of *Harper’s Weekly*.
8. Charles Stelzle, Jane Addams, Charles Patrick Neill, Graham Taylor, and George Peck Eckman, *The Social Application of Religion* (Cincinnati: Jennings and Graham, 1908), 5.
9. Clapper, “Back to School from Kansas Sanctums,” 369.
10. Joseph Pulitzer, “The College of Journalism,” *North American Review* 570 (May 1904): 663.
11. Pulitzer, “The College of Journalism,” 663.
12. H. G. Wells, *The Discovery of the Future* (London: A.C. Fifield, 1913), 58.
13. Pulitzer, “The College of Journalism,” 663.
14. Paul Revere Frothingham, “Industrial Peace,” *The New England Magazine* 45, no. 6 (February 1912): 637. See also: “The Common Welfare,” *The Survey* 27 (January 20, 1912): 1592. Joseph E. Cohen, “The Drift in Industry,” *The Annals of the American Academy of Political and Social Science* 85, no. 1 (1919): 36. Charles A. Ellwood, “The Psychological View of Society,” *American Journal of Sociology* 15, no. 5 (1910): 74–75. Josiah Strong, “Why the League for Social Service,” *Social Service* 6, no. 3 (September 1902): 43. James M. Lee, *History of American Journalism* (Boston and New York: Houghton Mifflin Company, 1917), 388–428.
15. James Carey, “The Communications Revolution and the Professional Communicator,” in *James Carey: A Critical Reader*, ed. Eve Stryker Munson and Catherine A. Warren (Minneapolis: University of Minnesota Press, 1997), 73.
16. Friedrich Nietzsche, *The Birth of Tragedy & The Genealogy of Morals*, trans. Francis Golffing (New York: Anchor Books, 1956), 256.
17. Carey, “The Communications Revolution,” 138.
18. J. W. Keller, “Journalism as a Career,” *The Forum* 15 (August 1893): 702.

19. Quoted in Lee, *History of American Journalism*, 388. See also: Willard Grosvenor Bleyer, *Newspaper Writing and Editing* (Cambridge, MA: The Riverside Press, 1913), 358. Bleyer argued: "Journalism, among the last of the callings to be generally recognized as a profession, has established neither standards of admission nor a formulated code of ethics. Only recently has the need of professional college courses in preparation for journalism been recognized by the public and by newspapers themselves. With the quickening of the public conscience in regard to political and social conditions has come a keener appreciation of the importance of the newspaper as the greatest single source of information in our democracy, and a realization of the dangers of abuse of this power by editors and publishers."

20. Margaret A. Blanchard, "Press Criticism and National Reform Movements: The Progressive Era and the New Deal," *Journalism History* (Summer 1978): 33.

21. "Agencies of the Church. Needs of the Preacher and Power of the Press. Topics Discussed by the Methodist Ecumenical Congress—Addresses by Bishop R. S. Foster, The Rev. H. P. Hughes, and others," *The New York Times*, October 13, 1891, 8.

22. Leonard Keene Hirshberg, "Newspapers and the Churches. Dr. Hirshberg Replies to the Criticism of the Rev. Charles M. Sheldon—Daily Press Second to None in Uplift Work; Independent, Honest and Truthful, He Contends," *Editor & Publisher*, August 24, 1912, 7.

23. Lee, *History of American Journalism*, 389.

24. "Address to the Friends of Peace," *The Advocate of Peace* 1 (June 1837): 11. These influences included "the pen and the tongue, the press and the pulpit, the church, the family, the Sabbath school, all seminaries of learning, all the great nurseries of knowledge and character in Christendom."

25. Emile Durkheim, *The Division of Labor in Society*, trans. George Simpson (Glencoe, Illinois: The Free Press of Glencoe 1893/1933), 79. The entire quote is as follows: "The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the collective or common conscience."

26. "The Moral Upheaval," 780.

27. Strong, "Why the League for Social Service," 42–43.

28. New York Chamber of Commerce, *Annual Report of the Corporation of the Chamber of Commerce, of the State of New York, for the Year* (New York: Press of the Chamber of Commerce, 1912), 114.

29. Gary Carl Hatfield and Immanuel Kant, *Prolegomena to Any Future Metaphysics That Will Be Able to Come Forward as Science: With Selections from the Critique of Pure Reason* (Cambridge: Cambridge University Press, 2004), 90.

30. David W. Noble, "The New Republic and the Idea of Progress, 1914–1920," *The Mississippi Valley Historical Review* 38, no. 3 (December 1951): 391.

31. Walter Rauschenbusch, *Christianizing the Social Order* (New York: Macmillan Company, 1912), 3.

32. "Sphinx Club Dines War Secretary: Mr. Taft Discusses the Moral Awakening of the United States," *The Fourth Estate*, April 25, 1908, 9.

33. See, for example: Mary Marvin Vorse, *Labor's New Millions, Etc.* (New York: Modern Age Books, 1938), 16. Vorse asserts: "There has been a social

awakening throughout the country, the coming of democracy in towns and industrial valleys where the Bill of Rights, such things as free speech, free assembly, and even the right to vote as one pleased, had been unknown." Robert A. Woods, "The Social Awakening in London," *Scribner's Magazine* 11, no. 4 (April 1892): 401–424. Walter Rauschenbusch, *For God and the People: Prayers of the Social Awakening* (Boston: Pilgrim Press, 1910). "The Books We Read," *The Wellesley Magazine* 7, no. 3 (December 10, 1898): 154. The writer describes "the evolution of freedom and democracy" as "the gradual awakening of social consciousness."

34. Samuel B. Haslett, *The Pedagogical Bible School: A Scientific Study of the Sunday School with Chief Reference to the Curriculum* (New York City, New York: Revell, 1903), 168.

35. The nationwide national religious revival of 1858 was known as "The Great Awakening." See also: "The Tripartite Nature of Man," *The American Phrenological Journal and Life* 49 (November 1869): 410. The writer asserted, "The deadened spirit must be quickened, and man brought thereby into new and conscious relations with God."

36. See, for example: "Commentaries on the Epistle to the Romans," *The Eclectic Review* 15 (June 1844): 680. "Nothing can meet this case but plain truth—truth that satisfies an enlightened and quickened conscience—truth that harmonizes with the real character of man, and with the real character of God."

37. William Allen White, *The Old Order Changeth: A View of American Democracy* (Milwaukee: Young Churchman Company, 1917), 35.

38. White, *The Old Order Changeth*, 35.

39. Franklin Henry Giddings, *Inductive Sociology; A Syllabus of Methods, Analyses and Classifications, and Provisionally Formulated Laws* (New York: The Macmillan Company, 1901), 99. See also: Franklin Henry Giddings, *The Theory of Sociology* (Philadelphia: American Academy of Political and Social Science, 1894), 60. Seven years before Giddings observed: "Human society truly begins when social consciousness and tradition are so far developed that all social relations exist not only objectively, as physical facts of association, but subjectively also, in the thought, feeling and purpose of the associated individuals. It is this subjective fact that differentiates human from animal communities. For when the society exists in idea, no less than in physical aggregation, the idea begins to react upon all the objective relations. The social idea, at first only a perception or a conception, becomes an ideal, which the community endeavors to realize. From this time on, the forms of association and of associated activity, determined in part by direct physical causation, are determined also in part by the social mind."

40. White, *The Old Order Changeth*, 35.

41. See, for example: Cyprian A. G. Bridge, "A Great Moral Upheaval in America," *The Nineteenth Century and After* 59 (February 1906): 207. "Theodore Roosevelt the Unique," *Zion's Herald* 88 (June 15, 1910): 742. The editorial writer asserted that "President Roosevelt's administration was notable for many positive and important achievements, but his greatest work was in the moral awakening of the people. He opened their eyes to things which they had never seen in their true light before. He changed the current of their thought. He set for them a different standard of

life and conduct. He gave them a new idea of citizenship. And the lesson will not be forgotten. The American people will never return to the conditions which prevailed in public life a decade ago." William Allen White, "Roosevelt: A Force for Righteousness," *McClure's* 28 (February 1907): 386–94.

42. "The Moral Upheaval," 781.

43. *Ibid.*, 781.

44. "Editors of the South: Meet in Asheville—Elect Anderson President—Will Advertise," *The Fourth Estate*, June 19, 1915, 27.

45. William Jennings Bryan, *The Commoner Condensed*, vol. 2 (Chicago: The Henneberry Company, 1908), 6. This first appeared two years before as a magazine article: William Jennings Bryan, "The Moral Awakening," *The Saturday Evening Post*, December 15, 1906, 3–4.

46. Bryan, *The Commoner Condensed*, 6.

47. "Bryan Says Newspapers Need Moral Awakening; Stop Selling Conscience for a Salary, He Urges. Tells of Early Struggles; Wouldn't Change Places Now with Rockefeller or Morgan, He Says to Newspaper Workers," *The New York Times*, September 2, 1906, 2.

48. "A Fight for Ideals," *Editor & Publisher*, September 8, 1906, 4.

49. Frank G. Kane, "The City Newspaper Reporter," in *Bulletin of the University of Washington: University Extension Series No. 10: The Better Newspaper: Addresses on News, Editorial, Advertising, Circulation, and Printing Given at the Second Newspaper Institute at the University of Washington January 15, 16 and 17, 1914* (Seattle, Washington: Published by the University, 1914), 10–11.

50. "Cleveland, Detroit and Rochester Join Ad Clubs of the World," *Editor & Publisher*, September 25, 1915, 372.

51. See, for example: "On the Moral Influence of Newspapers," *The Boston Weekly Magazine*, October 26, 1839, 63. "The newspapers are the representatives of the minds of the community, the mirrors of their feelings, taste and sentiments." "London Newspapers," *London* 5, no. 122 (1843): 350. "The daily papers are a class by themselves. They are in the news department less narrators of events than mirrors of the transactions themselves." "The Mirrors of a Degenerate World: The Daily Press Reflects the Spirit of a Corrupt Generation: It is a Potent Factor of Evil in the Hand of the Money Power," *The Flaming Sword* 13, no. 45 (September 29, 1899): 6. James Keeley, "Newspaper Work," in *University of Washington, The Making of a Newspaper* (Seattle: University of Washington Press, 1913), 77. "Newspapers of this class and others, for various other reasons, are satisfied with acting as a combination mirror, phonograph, and camera, recording and commenting on the events of the day and keeping strictly to that function." "The Power of Advertising is Told by Brisbane," *Editor & Publisher*, January 27, 1917, 31. "The newspapers are to the modern world what the public square was to ancient Athens. The man who complains about the newspaper should remember that it only mirrors things as they are." "Newspapers are the Mirrors of Life Today," *The Fourth Estate*, November 4, 1922, 10. The trade journal asserted: "The newspaper of today is what it always has been—a mirror of the life of the civilization that surrounds it."

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53. "Publisher Moon's View of Modern Journalism," *Editor & Publisher*, March 10, 1917, 23.

54. Kane, "The Newspaper and Politics," 316.

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## Chapter 2

# A “Failure to Take Itself Seriously”

## *The Canons of Journalism and the Model of Inaction*

Ken J. Ward

*Denver Post* Editor & Publisher Frederick G. Bonfils was in the hot seat.

For the preceding four months, a U.S. Senate committee had been investigating the way contracts to extract oil from a Wyoming reserve had been awarded. Before the matter was settled, dozens of prominent businesspeople and civil servants were called on to testify, both a former U.S. interior secretary and one of the country’s richest oil barons were jailed, and a handful of people connected to the controversy were dead.<sup>1</sup>

But on this day in April 1924, the full details of what would be called the Teapot Dome scandal had yet to be revealed. Many on the Senate committee were eager to learn what had happened. And they wanted to know how Bonfils was involved.

The rumor was that Bonfils had used his *Denver Post* to blackmail the oil magnate at the center of the controversy, Harry Sinclair, for a share of \$1 million by publicizing the scandal and calling for justice until being paid by Sinclair to drop the matter.

In a heated three-hour exchange before the committee, Bonfils proclaimed his innocence as senators peppered him with questions about his involvement in the affair.<sup>2</sup> In the process, they dug into his past, pressing him on various shootings in which he had been involved in Denver, bribes, and even lotteries he had run in Kansas City. Ashen-faced and furious, Bonfils dismissed the allegations against him and accused the committee’s chairman of speaking on behalf of Bonfils’s enemies in Colorado.<sup>3</sup>

It’s unclear whether Bonfils knew, when he finally stood and walked from the room after two days of testimony, that his involvement in the scandal would draw condemnation from journalists throughout the country who were

eager to distance themselves from such unethical behavior. And he certainly didn't realize he was sparking a controversy that would last for almost a decade in the two-year-old American Society of Newspaper Editors.

But he was. The fledgling ASNE, in its first annual conference in 1923, had drafted and adopted an ethical code, its *Canons of Journalism*, to address a number of issues, few of which dealt with the kind of malfeasance of which Bonfils was accused. Yet because he was a member of the ASNE, Bonfils's role in Teapot Dome would force an organization that had been content to celebrate merely *crafting* an ethical code to reckon with the prospect of *enforcing* it. In the years that followed, the Bonfils affair routinely interrupted otherwise harmonious proceedings at the annual ASNE conferences as the organization's leaders squared off on the matter of enforcement. And finally, it was the Bonfils affair that catalyzed the impotent ethics enforcement policy eventually adopted by the body, resolving the growing rift within the organization only after an unstated policy of nonenforcement had established itself.

The repercussions of ASNE's Bonfils affair continue to echo in American journalism. At the time, the society's adoption of its canons represented a step toward professionalism and was lauded as a much-needed response to press criticism in the postwar era.<sup>4</sup> The canons broadened the scope of the ethics codes that some local and regional organizations had adopted to cover all of the nation's journalists. Had the ASNE chosen to enforce that code in some manner—to hold journalists accountable formally, if not legally, to a set of practices and beliefs—it would have marked a clear turn in the history of journalism in the United States. As such, the decision not to do so is one that demands scholarly attention, as is the involvement of Bonfils, who is poorly studied—despite exercising significant influence on American journalism for nearly forty years, playing a crucial role both in forcing the issue of enforcement of ASNE's code and in directing that organization's eventual decision not to hold journalists accountable to it.

The ASNE's adoption of its canons has been studied in earlier works, most thoroughly in Pratte's *Gods within the Machine*, which reviewed both the initial drafting of the code and the debate over its enforcement and mentioned the role Bonfils played in spurring the organization's crisis.<sup>5</sup> Others have examined Bonfils' involvement in Teapot Dome as well as the dubious practices of the *Denver Post*'s owners.<sup>6</sup> This chapter extends these studies by focusing primarily on the matter of the ASNE's adoption and enforcement of its canons, the immense impact of Bonfils on that process, and the enduring influence the organization's policy toward enforcement had on journalistic ethics and professionalization.

It does so by interrogating the record of deliberation and decision-making preserved in *Problems of Journalism*, the published proceedings of the

ASNE’s annual conference, from the organization’s first regular gathering in 1923 through 1933.<sup>7</sup> With limited exceptions, the proceedings offer transcribed minutes of each conference’s official proceedings, including speeches, committee reports, debates, and vote counts on all business conducted. Passages in the proceedings pertaining to the canons were identified and analyzed, and an index of each member who spoke relating to the code and their contributions to the discussion was assembled and scrutinized. These proceedings were paired with the testimony of Bonfils and others before the U.S. Senate committee overseeing the Teapot Dome scandal as well as archival materials pertaining to other investigations and legal cases involving Bonfils’s earlier misdeeds.<sup>8</sup> Contemporary sources such as newspaper accounts of the Teapot incident and trade press reporting on the ASNE were consulted as needed.<sup>9</sup> The resulting collection of materials provided a substantial record from which to draw for this work.<sup>10</sup>

## BACKGROUND

Bonfils had developed an unsavory reputation long before his involvement in the Teapot Dome affair, most significantly in connection with his operation of the *Denver Post*, which he purchased with business partner Harry Tammen in 1895.<sup>11</sup> Precisely what Bonfils had done before arriving in Denver was, during his lifetime, something of a mystery. Born December 31, 1860, in Troy, Missouri, Bonfils attended the United States Military Academy at West Point until he flunked out three years later.<sup>12</sup> Thereafter he married, taught school briefly in Cañon City, Colorado, worked a stint at his hometown newspaper in Troy, and eventually moved to Kansas City to start a career in real estate. Though he initially struggled in his new job, he eventually found success, making shrewd deals in the Texas panhandle and Oklahoma. The legitimacy of some of those deals, namely the ways by which he discharged the land he had purchased, were later exposed as fraudulent—but not yet.<sup>13</sup> Likewise, the way Bonfils acquired the money he used to buy the *Post* remained contested throughout his time in Denver. He claimed he had won it in a lottery.<sup>14</sup> Others suspected that his “winnings” may have come from running the lottery and that he might not have been doing so on the square.

The *Post*, which Bonfils and Tammen bought in 1895, was decidedly unassuming. It had been founded in 1892 as a weapon of Colorado Democrats for prosecuting political campaigns. Outside of election seasons, it struggled to find an identity, failing to secure an audience’s loyalty or, as a result of its aged, gray appearance, the attention of passersby.<sup>15</sup>

All of that rapidly changed when Bonfils and Tammen took control. Tapping into the populist *zeitgeist*, they declared their paper one for the people,

free of political and corporate partisanship and zealous in the pursuit of the public interest. And they followed through on their promise. The *Post's* front page doggedly crusaded against Denver's various "trusts," including the water company, tramway, coal distributors, and a host of other entrenched powers in the city. They carried out such campaigns with the help of visual techniques that modernized the paper's appearance and attracted eyeballs. Large cartoons came to anchor the sensational headlines screaming on the *Post's* front page. By 1899, the paper was experimenting with color, playing with green, blue, and orange headlines before settling on the paper's trademark blood-red text, and halftone photographs appeared on the front page by 1903.<sup>16</sup> Bonfils had a knack for captivating readers, providing Denverites with a mix of vigorously written content that preferred the local to the national and never letting something as trivial as truth get in the way of a good story.<sup>17</sup>

The result was that the *Post* ascended to the top of Denver's newspaper market, quickly supplanting weaker competitors and, in 1907, pulling ahead of Colorado's first paper, the *Rocky Mountain News*.<sup>18</sup> In the decades that followed, the *Post* came to dominate the market. But the aggressive editorial and business tactics executed by the paper's owners, not to mention the hot temper of Bonfils, routinely drew both Tammen and him into conflict with prominent Denverites and, on a few occasions, into the city's courtrooms. In one incident, a *Post* crusade to free a cannibal from the state penitentiary resulted in both Bonfils and Tammen being shot, the latter almost fatally.<sup>19</sup> In another case, Bonfils assaulted the *News's* editor, U.S. Senator Thomas Patterson, for accusing Bonfils of blackmail.<sup>20</sup> Such accusations were common, if not in print, then in conversations around Denver, and *Post* staffers would later confirm some of them.<sup>21</sup> Regardless of how he did it, however, Bonfils molded the *Post* into the preeminent newspaper in the Rocky Mountain region and became a force in American journalism.

He did so at time when the nation's press was gradually professionalizing. For example, the American Newspaper Publishers Association, established in 1887, grew in importance, prodded by such factors as the industrialization and urbanization of the United States, ongoing consolidation in newspaper ownership, and the growing power of the federal government.<sup>22</sup> The unified voice of the nation's publishers was crucial when papers were faced with common challenges such as labor relations, mail rates, and rising newsprint prices.<sup>23</sup> But the industry's problems weren't limited to the business side. Years of widespread editorial sensationalism characteristic of the "yellow journalism" that had mushroomed since the mid-1890s—a tone the *Denver Post* had pushed to new heights—had weakened the public's trust in newspapers.<sup>24</sup> Such concerns intensified during and after World War I. Press critics such as H. L. Mencken and Walter Lippmann pointed to the press's role in

spreading government propaganda during the war and misleading the public in covering the Russian Revolution.<sup>25</sup> The growing list of professional organizations, including Sigma Delta Chi (which later became the Society of Professional Journalists) and state organizations, offered avenues for collectively addressing such concerns. So too did schools of journalism, which by 1930 numbered more than 200, being founded across the country.<sup>26</sup>

Yet newspaper editors, or at least a handful of them, still felt the opportunities for collective discussion and action on the industry's pressing matters were too few. In February 1922, five editors—Casper S. Yost of the *St. Louis Globe Democrat*, Erie C. Hopwood of the *Cleveland Plain Dealer*, George E. Miller of the *Detroit News*, E. S. Beck of the *Chicago Tribune*, and Charles E. Dennis of the *Chicago Daily News*—met at Chicago's Blackstone Hotel to outline a new organization comprised of editors from the nation's daily metropolitan newspapers.<sup>27</sup> A few weeks later, in April, they gathered newspaper editors together in New York to write the organization's constitution.<sup>28</sup>

The purpose settled upon by the society's early members was codified in the preamble to that constitution. Their goal would be "to promote acquaintance among members, to develop a stronger professional esprit de corps, to maintain the dignity and rights of the profession, to consider and perhaps establish ethical standards of professional conduct, to interchange ideas for the advancement of professional ideals and for the effective application of professional labors, and to work collectively for the solution of common problems."<sup>29</sup> It is telling that four of the six purposes stated in the preamble identified professionalization specifically. The development of journalism into a profession was not the target of a select few within the organization or a potential side effect of, for instance, the creation of a code of ethics. Professionalization was the destination; the deliberation over an ethical code was to be an essential waypoint along that journey.

Many journalists celebrated the society's founding as an important step forward for the press. The opinion page of *Editor & Publisher* lauded the society's members for "thinking in terms of journalism as a profession."<sup>30</sup> It warned readers that the route to professionalization was a long one and that it would be reached only "by a succession of slow steps, each planted firmly on the foundation of what ha[d] gone before." But it proclaimed that the "ascendant professional spirit" of journalists appeared limitless.<sup>31</sup> Some other professional organizations were eager to join forces in testing those boundaries. The American Association of Teachers in Journalism, for example, which represented the schools founded across the country that were themselves a major force of professionalization, offered to cooperate in creating an ethical code.<sup>32</sup> Buoyed by such support, the society's ranks grew. From the founding five, membership expanded to ninety-three by October 1922, and by the

society's first regular annual conference in April 1923, the ASNE boasted 124 members.<sup>33</sup> The group represented ninety-four daily metropolitan newspapers from fifty-four cities. It was estimated that more than 80 percent of the nation's major newspapers had editors taking part in the organization.<sup>34</sup>

## THE CANONS CREATED

Professionalization was the buzzword when the first annual conference began on the morning of April 27, 1923. The society's first president, Casper Yost, made it only three sentences into his opening remarks before mentioning professionalism by drawing those in attendance together as members of one profession, all trying to find their way.<sup>35</sup> They could do so, he said, by casting aside the individualism that had previously defined them, which had "been too intensive for the development of professional spirit and professional solidarity."<sup>36</sup> Invoking the New Testament, Yost said overcoming that past required creating a communal spirit:

We need to realize, as we have hertofore [*sic*] failed to do, that we are, as Paul says, members of one body, that we belong to a profession that is not only worthy of our pride but worthy of all honor from others. It is quite important, I think, that we begin to give recognition to journalism as an entity, something to be fostered and promoted in the whole. And we cannot do this unless we come together and reach some sort of understanding and agreement as to what it is and what it ought to be.<sup>37</sup>

Until journalists banded together in such a way, to think and communicate "from the standpoint of common interest rather than from that of individual interest," a profession could not emerge from the nation's press.<sup>38</sup>

The dominant item on the agenda was deliberation over and, hopefully, passage of a code of ethics, a task Yost identified as the society's most important.<sup>39</sup> It was on this point that public attention was drawn to the ASNE's first meeting. In the months before, state press associations in California, Iowa, Massachusetts, and Michigan had discussed or adopted codes, as had journalism students at Ohio State University.<sup>40</sup> A well-written code of ethics supported by the unified voice of the nation's editors, issued through the fledgling American Society of Newspaper Editors, could center those wide-ranging proclamations on a set of common standards. Such was precisely the challenge issued by *Editor & Publisher*, which called on the society to forge a strong code to which all journalists would be accountable: "Such a Code emanating from such a distinguished source—a Supreme Court of Journalism, as it were—will be seized with avidity by the press association [*sic*] of

the country and would prove to be the banner around which a militant press would rally in a new spirit of constructive, militant journalism."<sup>41</sup>

The responsibility for drafting the code fell to an ASNE committee on ethical standards led by H. J. Wright of the *New York Globe*.<sup>42</sup> Heading a group of editors scattered around the country, Wright opted to draft the code himself rather than build it collaboratively. He did so by reviewing the ethics codes that already had been written by others and then summarizing their most important points in a document that seemed to him "to cover the ground."<sup>43</sup> Driving his conceptualization of the code was a belief that journalists needed to begin to think and act as a profession, and he told ASNE members that "the chief weakness of American Journalism is its failure to take itself seriously."<sup>44</sup> Wright circulated his draft code among members of the committee, who called it "good enough to report," and then offered it to the membership on the opening day of the first annual conference, hoping it would be revised through debate and then taken up for a vote the following day.

Almost immediately after Wright presented his draft to the membership, the specter which would haunt the society for years—the question of enforcement—arose. "As to the wisdom of institutionalizing ethics in our profession, there can be no doubt," said Herbert Bayard Swope of the *New York World*. "As to how we may obtain practical results, there is grave doubt, because we have no way of sinking our teeth into any offender."<sup>45</sup>

But members were more interested in specific suggestions and concerns raised about the content of Wright's draft. The editors were troubled, for instance, by a passage that ruled out publishing "private statements" made by an individual without that person's permission. What qualified as private, and what if unauthorized publication was necessary to serve a public good? Editors wondered how far political partisanship had to go before becoming "unfair" and under what circumstances the public's interest in information allowed journalists to violate someone's privacy.<sup>46</sup> Such questions, it was agreed, required at least a night's reflection, and a vote on adopting the code was put off until the next day. Closing debate for the day, Yost urged members to focus on the code itself and not to worry about its enforcement. "The interpretation of this code, of the various sections of this code, would be a matter of individual reason and honor," he said. "I think we can go no farther in this beginning than to lay down fundamental principles. . . . We can later consider the question of the application of this."<sup>47</sup>

When Wright's ethics committee addressed the membership the following afternoon, it recommended only three revisions: cutting the passage regarding "private statements," removing a sentence holding art critics to what was decided to be an unattainably high standard, and modifying the passage pertaining to political partisanship.<sup>48</sup> After brief discussion and slight revision



to the point about partisanship, Wright's code was put to a vote. It passed unanimously. The ASNE had its code of ethics, which came to be known as the Canons of Journalism.<sup>49</sup>

Some editors in the room were satisfied to celebrate the establishment of the canons alone, including Yost, who called on members to be content for the time being. But immediately a group of editors pressed on the point of enforcement, with Wright, the drafter of the code, calling for the formation of a standing grievance committee to interpret and apply the canons as needed.<sup>50</sup> When another member questioned whether the body had the legal authority to sanction or prosecute members as could other professional organizations, such as bar associations, Swope picked up the argument he had begun the day before, insisting that an ethical code with no means of enforcement was worthless. To avoid having "indulged in a beautiful gesture that is perfectly meaningless," Swope called on members to define *what* should be done with those who might step afoul of the canons and leave only the *how* for later:

This will standardize and codify our conception of the best practices of our profession; in so far as we are able to obtain adhesion to it by voluntary consent, we will encounter no difficulties. So far as a situation arising in which there has been deliberate violation of these doctrines or tenets, we must meet that when we come to it—whether it be by expulsion, whether it be by exclusion from our assemblage remains to be determined; but meanwhile, because we lack teeth at this time, I see no reason for stopping short of setting forth our conception of what ought to be done. Later we can discover how that can be done.<sup>51</sup>

But the editors in attendance chose not to mobilize behind Swope's call. They feared that pushing too hard might scare nonmember colleagues from throwing their support behind the society. With prodding from both Yost and Hopwood, who was ASNE's secretary and a founder, the push for a grievance committee died.<sup>52</sup> For 1923, creation alone of the Canons of Journalism would be sufficient. Enforcement, if it was to be taken up at all, would have to wait.

That didn't stop spectators from heralding the ASNE's meeting as a turning point on the path to professionalization. One reporter called the conference "the most successful gathering for the advancement of the professional rights and privileges in the history of the journalism of this country" and claimed that the adoption of the code elevated the society to the plane of other professional organizations such as the American Bar Association.<sup>53</sup> *Editor & Publisher's* opinion page applauded the society for moving decisively "at a time when collective action was most needed" and proving that journalists could act together as a profession.<sup>54</sup> Meanwhile, the canons spread throughout newsrooms and universities, helped along by the society's printing of both the ethics code and the entire proceedings of the conference, which were provided to journalism schools for free.<sup>55</sup>

## THE CRISIS

ASNE president Yost had discouraged talk about enforcing the newly adopted canons on the grounds that such hypothetical matters could be dealt with later, if and when a violation took place. But such a violation wasn't so far off. In fact, at the same time that Yost and the other four ASNE founders had been currying interest in their nascent society in 1922, one of its eventual members, F. G. Bonfils, was finding a role for himself in one of the greatest political scandals in U.S. history.

As with most things in Bonfils's history, our understanding of his involvement in Teapot Dome comes not from a rich documentary record—he left researchers very little to work with—but from obtuse courtroom testimony and a great deal of hearsay uttered by spectators. What is clear is that on April 14, 1922, Bonfils signed a contract with a man named Leo Stack.<sup>56</sup> Stack had earlier made an agreement with an oil company that gave him a stake in lands within the federal oil reserve at Teapot Dome in Wyoming.<sup>57</sup> Without asking Stack, that company then sold its interest in the land to oil magnate Harry Sinclair, offering Stack \$50,000 for his share of the \$1 million sale.<sup>58</sup> Believing the company sold for far too low a price, Stack demanded more, and, when rebuffed, hired Bonfils to help prosecute his case.

Why Stack went to Bonfils in particular for assistance was a matter of interest when the latter eventually appeared before the Senate investigatory committee. Bonfils said that Stack was a friend who knew Bonfils was not only wealthy but also "a vigorous man and pretty alert."<sup>59</sup> Bonfils testified that Stack had approached him with his problem and that Bonfils had offered to advance him the money needed to pursue his case, including hiring an attorney and paying travel expenses involved in any negotiations with Sinclair. In return, Bonfils and Tamm were each to receive 23 percent of any settlement or judgment in Stack's favor, less the \$50,000 that had initially been offered to Stack.<sup>60</sup> As Stack believed his contract was actually worth at least \$5 million, he was ostensibly offering his friend more than \$1 million merely for loaning him the thousands of dollars it would cost to press his case.<sup>61</sup>

But Bonfils wasn't just any friend. He happened to own the *Denver Post*, the most powerful newspaper in the region. And he happened to share ownership of that paper with Tamm. Tamm does *not* seem to have been a friend of Stack's, insofar as Bonfils's and Stack's Senate testimony is concerned, yet he was to get just as much out of any settlement as was Bonfils. Thus, the *Post* seemed to play a role in the agreement reached between Bonfils and Stack. Furthermore, journalists at Bonfils's paper seemed to be particularly well informed about the Teapot Dome leases, reporting about the deal two days before it was signed by the secretary of the interior and nine

days before it was exposed in the *Wall Street Journal* in advance of a formal announcement by officials.<sup>62</sup>

The day after their contract was signed, an editorial in the *Post* condemned the Teapot Dome lease, and an even stronger attack followed the next day.<sup>63</sup> Later, Bonfils sent out veteran Denver investigative reporter D.F. Stackelbeck, who doggedly pursued rumors of corruption involved in the oil leases, following leads to New Mexico, Texas, Oklahoma, and even as far away as Mexico.<sup>64</sup> His investigations formed the core of the *Post*'s reporting on Teapot Dome in the summer of 1922, coverage that dug deep into the cheap price Sinclair paid for the leases and the illicit circumstances under which they were gotten. Stackelbeck's reporting proved helpful to the Senate investigating committee, and Stackelbeck himself traveled to Washington to provide additional information related to the investigation.

Meanwhile, Bonfils was busy making sure his investment in Stack's case paid off. In June, as Stackelbeck went on his first fact-finding mission, Bonfils and Stack drew up a formal legal complaint against Sinclair and a handful of others involved in the leases.<sup>65</sup> In July, Sinclair invited Bonfils and Stack to his offices in New York, but when they arrived, he brushed them off, saying that their complaint was with the original oil company, not him, and sending them away.<sup>66</sup> It's unknown whether Bonfils threatened at the meeting to use his *Post* against Sinclair, but regardless, the paper railed against Sinclair and the Teapot Dome leases in the months that followed. Stackelbeck was sent off for more ammunition in August and September. Then, on September 25, Bonfils and Stack met with Sinclair in Kansas City, where they struck an agreement worth \$1 million, with \$250,000 payable soon after the meeting and the rest in April 1924.<sup>67</sup> After Stack's guaranteed \$50,000 was accounted for, Bonfils was left with \$43,000 and assurances for another \$174,000.

Bonfils testified that the *Post*'s attacks on Sinclair were not discussed at the September meeting.<sup>68</sup> But following the trip to Kansas City, the *Post*'s criticism of Sinclair evaporated. To observers, it began to look as if Sinclair had purchased Bonfils's silence. When Bonfils eventually appeared, voluntarily, before the Senate investigatory committee a year and a half later on February 8 and 9, 1924, he adamantly denied that was the case, insisting that the payment was a valid settlement related to Stack's claim. His denial ignored the fact that his newspaper had blasted a Teapot Dome lease in which he himself claimed, through Stack, to have a part ownership interest. It also utterly failed to dissuade the public from viewing his behavior as, at a minimum, unethical.

This case presented the ASNE with a dilemma when it gathered for its second annual conference in April 1924, two and a half months after Bonfils's appearance on Capitol Hill. In the lead-up to the conference, several people had asked the society's ethics committee to consider whether "certain recent

disclosures at Washington" required a response.<sup>69</sup> Bonfils was not present and his name was not mentioned during the documented business of the gathering, nor would it be at any of the annual conferences throughout the period, but it did not need to be—the editors were well aware of what was alleged to have been done and by whom.

Between the first and second conference, the leader of the ethics committee and drafter of the canons, H. J. Wright, resigned his position.<sup>70</sup> Taking his place for 1924 was James T. Williams of the *Boston Transcript*. Williams had argued against enforcement the year before, warning that outsiders were wary that the society might overextend itself.<sup>71</sup> Now, tasked with leading the debate, Williams discouraged any action by the society. He argued that the canons had been created only to encourage positive behavior among editors, that they begged obedience but did not allow for enforcement.<sup>72</sup> He further claimed that the editors did not "have a full set of teeth" with which to pursue violations unless their canons were endorsed by the American Newspaper Publishers Association.

But the matter would not be dismissed so easily. Other editors responded with calls for action, setting aside other items on the agenda to face the question of enforcement squarely. "After this society has dared for the first time in the history of American Journalism to set down the bases of journalism, honest journalism, I don't want to waive the opportunity to say that we ought to equally dare to enforce them," retorted Arthur Vandenberg of the *Grand Rapids Herald*. He later continued, "When the public attention is concentrated on what seems to be magnified offenses against decency and against what we assume to be the ethics of journalism, I don't see how a convention of this Society can pass without taking notice of it."<sup>73</sup> Vandenberg was one of the strongest advocates for investigating Bonfils, although he steadfastly refused to name his target publicly to avoid prejudicing any case against him.<sup>74</sup>

Just as Bonfils's name remained unspoken, so too did the sections of the Canons of Journalism he was alleged to have violated. Though not stated, editors might have cited Bonfils's involvement in Teapot Dome as a violation of the ethic code's responsibility clause, which stated that "a journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust."<sup>75</sup> They could also have cited the code's section on journalistic independence, including sections that stated that "freedom from all obligations except that of fidelity to the public interest is vital" and that "promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism." Bonfils's malfeasance certainly flew in the face of the code's section on sincerity, truthfulness, and accuracy, which stated that "good faith with the reader is the foundation of all journalism worthy of the name."<sup>76</sup>

Well aware that they were setting precedent, the editors considered their options carefully. Casper Yost, who continued as ASNE president in 1924, urged members to proceed methodically. He wanted specific, written charges to be delivered to the ethics committee for investigation and for that body to offer a report to the membership as a whole.<sup>77</sup> After deliberation, this charge was later revised to place the investigation in the hands of the society's board of directors.<sup>78</sup> But questions remained. What sanctions were on the table—expulsion, suspension, or censure? The editors decided all three must be considered.<sup>79</sup> What about journalists outside the organization, or even newspapers? Could they be prosecuted? That proved to be a tougher issue that would have to wait for resolution. Throughout the discussion, a handful of editors continued trying to dissuade the group from enforcement. Williams suggested that it was inappropriate to censure Bonfils, who he said had already been tried and found guilty in the court of public opinion and had suffered enough damage to his reputation.<sup>80</sup> But others, such as the *Christian Science Monitor's* Willis J. Abbot, said that the “notorious allegations” made against Bonfils demanded investigation. “Should we ignore them altogether,” he asked, “and if so where does that leave this Association as a defender of a code of ethical principles?”<sup>81</sup>

Ultimately, despite a last-ditch effort by Williams to table the matter, Yost called for a vote. It passed, and the society ordered the board of directors to investigate and take whatever action it saw fit in punishing Bonfils.<sup>82</sup> The board then handed the task of the initial investigation to the ethics committee.<sup>83</sup> The Canons of Journalism would be enforced.

But any editors hoping for swift justice would be disappointed. When the society assembled for its third annual conference a year later in 1925, they found that little had been done to confront the issue and that the society's leader, Casper Yost, wasn't interested in discussing the case. Secretary Erie Hopwood disclosed during his opening report that the Bonfils affair had been discussed at length at the board of directors' usual October session, but he revealed nothing more.<sup>84</sup> The ethics committee reported that it had provided the board with a preliminary report on the investigation, but it said nothing further about the issue, and the program moved on to the next committee's report. Some editors were clearly confused. When the following report was finished, one interrupted the proceedings to ask whether any action was to be taken on any of the things reported by the ethics committee. The member was rebuffed by Yost, who said there wasn't time.<sup>85</sup> Later that afternoon, a new member, Verne Marshall of the *Cedar Rapids Evening Gazette*, spoke up to say he was excited to dive into the ethics report and couldn't understand why it wasn't being addressed. “Before we get so far along in these discussions that we are utterly drunk with what we are listening to, we ought to take some action.”<sup>86</sup> Yost again pressed ahead, citing time.

Not until the following afternoon, as ballots for new officers were being counted and the conference was winding down, did Yost reveal what had transpired in the preceding twelve months regarding the Bonfils affair. He explained that the ethics committee had pored over Bonfils's senate testimony and then met in Chicago to hash out what should be done. The contents of their report to the board of directors was not revealed, but Yost mentioned that the committee had recommended that Bonfils be granted a hearing before any sanctions were issued. Upon receiving the report, the board of directors decided to pause the investigation while it hired a lawyer to review the society's constitution and ensure that the board had the authority to proceed. After doing so, the board contacted Bonfils, who asked for a clarification of the charges he faced and a hearing. That was where things stood, and Yost said that the board thought it unwise to discuss this situation further.<sup>87</sup>

The editors obeyed—at least until the 1926 gathering, when conflict over Bonfils and the enforcement of the Canons of Journalism boiled over and consumed the conference's opening session. Secretary Hopwood said the board had "listened to a complete presentation of the position" of Bonfils and had then held a special meeting in January to make a final decision about the matter.<sup>88</sup> But before that decision was presented to the society, Yost took the floor to deliver his final presidential address, using the opportunity to frame the debate that was to follow. Gone from this speech was the ASNE built upon professionalism that he had envisioned in his opening remarks only three years earlier. In its place was an assembly of individuals who had "set forth general principles of sound practice as a statement of the 'ought to be' of good journalism."<sup>89</sup> And Yost's society wasn't one that interpreted the Canons of Journalism as a collective body or called for their application:

What was to have been expected, and what is expected, of this organization in relation to ethical standards of newspaper practice? Was it the belief of any of us that by coming together and giving collective expression to some ethical principles we could work an immediate and visible change in the moral conduct of our newspapers? Was it the belief of any of us that this, or any organization could so influence or control the ideas and the practices of men or of institutions as to alter materially and at once the thoughts, the methods and the habits of that portion of the press which does not conform to the principles enunciated by the Society?<sup>90</sup>

He dismissed any efforts to enforce the canons, noting that the language of the code itself admitted that "lacking authority to enforce its canons the journalism here represented can but express the hope that deliberate pandering of vicious instincts will encounter public disapproval or yield to the influence of a preponderant professional condemnation."<sup>91</sup>

Later that morning, Yost presented the board's resolution to the Bonfils affair: an amendment to the society's constitution that would give it clearer authority to prosecute offenses to the canons. It provided no immediate action on the Bonfils case. Yost himself opposed the amendment, citing "certain proceedings before the Board" that had "progressed" and made the proposal ineffective.<sup>92</sup> After considerable debate, the amendment died without a vote.

What Yost and the other members of the board of directors failed to clarify to members was that they had, in fact, voted to punish Bonfils. The board had decided that Bonfils's 1922 contract with Sinclair had put Bonfils in a position to reap enormous financial gains from a deal that his own newspaper deemed illegal. Thus, "holding that such a dual relation as that occupied by Mr. Bonfils to the oil operators on one hand and to his newspaper and the public on the other is conducive to the weakening or destruction of public confidence in the newspaper press, the Board believes that Mr. Bonfils should be censured and suspended from membership in the Society, and so orders."<sup>93</sup> While Yost himself may have been against administering the professional values enshrined in the Canons of Journalism, the board as a whole supported enforcement.

And perhaps Yost, too, had at one point supported enforcement, at least until Bonfils responded to the board's decision by threatening to sue, individually, every member of the board for defamation.<sup>94</sup> Faced with a lawsuit, Yost and the members of the board began to question the limits of professionalization and the extent to which their ethical standards might be enforced. Consequently, after the 1926 annual conference, the board formally decided it had no authority to discipline its members and rescinded its earlier decision to punish Bonfils. In return, Bonfils quietly resigned from the organization.<sup>95</sup>

The board's action went largely undiscussed at the 1927 meeting, in part because the ethics committee was led by William Allen White, who used his committee report to throw open for discussion the very definition of ethics in what was later described as an after-dinner speech.<sup>96</sup> But despite Bonfils's departure from the society, and despite the lack of appetite for conflict that characterized the 1927 gathering, the issue of administering the Canons of Journalism would not rest. At the 1928 conference, members tore open the scabbing question of enforcement and, for the first time in the debate, coalesced into factions. At issue again was the society's constitution. Dueling amendments were proffered, one empowering the board of directors to investigate and punish unprofessional conduct, the other stripping them of that power, the goal being to end the question of enforcement once and for all.<sup>97</sup> Loudly supporting enforcement once again was Willis Abbot, who emerged from the meeting as the faction's champion. Assailing the "lame, flat and impotent conclusion" to the Bonfils case, Abbot argued that far from

placating spectators who feared the society would overreach, the organization was failing to practice the professionalization it espoused. "While we are a very oratorical body of journalists," Abbot said, "while we profess very high journalistic ideals, while we have adopted an admirable code of professional action, yet we are either unable, afraid, or unwilling to do anything to give effect to that code or to punish those of our members who may willfully and flagrantly violate it."<sup>98</sup> He went further to claim that it was the society's duty not only to sanction its own members for ethical violations but, should papers force upon their journalists unethical practices, to censure the papers themselves.<sup>99</sup> Yost, who led the fight in favor of the competing amendment to absolve the board of any enforcement responsibility, had for years contended that the society had no such authority, and as the debate intensified in the years that followed, Yost increasingly opposed any strengthening of the board's ability to enforce the society's canons.<sup>100</sup>

It was a fight that, once thrown open in 1928, intensified with each passing conference. Almost every battle ended in defeat for Abbot. The 1928 debate ended with what appeared to be a win for enforcement supporters when a pro-enforcement amendment was passed in an eighteen to fifteen vote.<sup>101</sup> The following day, however, the society's secretary announced that, as a constitutional amendment, a two-thirds vote was necessary. Abbot accepted that result and, rather than rehashing the fight during the closing minutes of the conference, agreed to take it up the following year.<sup>102</sup> But in 1929, editors were loath to appear as censors. Looming over that year's conference were Minnesota newspaper gag laws that editors opposed as outright censorship. The same laws later spurred the landmark U.S. Supreme Court case *Near v. Minnesota* on prior restraint, which was then still languishing in Minnesota's state judicial system. The gag law came up repeatedly during the conference, and when debate opened on Abbot's enforcement amendment, the proposed change was compared to the same kind of censorship found in Minnesota.<sup>103</sup> Abbot's protests to the contrary were moot. Facing the threat of censorship from outside the organization, editors closed ranks and overwhelmingly voted the amendment down.<sup>104</sup> Abbot offered an enforcement amendment again the following year, in 1930, that time pulling together a supportive majority to secure a twenty-nine to thirty vote.<sup>105</sup> But he fell short of the two-thirds he needed. The editors' collective sentiment was well summarized by a statement approved by the society explicitly condemning the Minnesota gag law: "We recognize there is a distinction between liberty and license, and, therefore, are conscious of the responsibility of editors in matters affecting decency and good taste. However, we oppose censorship from a political or official source, but instead we advocate an increasing exercise of self-imposed censorship."<sup>106</sup> Individuals, not a profession, were responsible for maintaining ethical behavior.



Abbot, however, refused to let the issue go. During a break in the 1931 conference, he again called for an amendment, this time citing that another member, Luke Lea of the *Nashville Tennessean*, had been indicted for violating banking laws.<sup>107</sup> Demanding that some means of punishing members for such breaches of the society's ethical code be enacted, Abbot pressed the board to draw up an amendment for consideration the following year. Yost adamantly opposed him, insisting that the body had no right to force the board to draft an amendment.<sup>108</sup> After lengthy debate, the membership resolved to task a subcommittee of the board of directors with investigating the possibility of an amendment, then making a recommendation to the board as a whole, which would then itself consider drafting an amendment.

Rather than hand the issue off to a subcommittee, the board as a whole tackled the issue at a January meeting. Perhaps because of the "sincere, cooperative spirit" with which editors came together to settle the issue, or perhaps because they were tired after nine years of fighting about it, they walked away with a proposed constitutional amendment that had the unanimous backing of the board.<sup>109</sup> Both Abbot and Yost made compromises from their original positions. The amendment empowered the board of directors to suspend or expel its members, requiring that a written allegation of wrongdoing be given to the board, that a defense hearing be held if requested, and that anyone expelled have the right to appeal to the society as a whole for reconsideration.<sup>110</sup> In recommending the amendment to the membership at the 1932 annual conference, Abbot said that he and Yost had talked things over at the January meeting and that the two had found they were not so far apart, both wanting to strengthen the society's ethical standards.<sup>111</sup> Absent from the proposed amendment was any explicit power for the board to censure nonmembers or newspapers, which was one of Abbot's earlier goals. Furthermore, before the vote, it was clarified that the amendment was *not* retroactive, ruling out action against either Bonfils or Lea. But it existed, overcoming Yost's opposition to any formalization of the board's authority to punish. When put up for a vote by the society, every member present stood in support of it.<sup>112</sup> Once and for all, the question of an enforcement policy was settled.

## CONCLUSION

The American Society of Newspaper Editors was formed in response to perceived attacks from outside the industry in the wake of World War I. Editors sought to reap the benefits of professional improvement and camaraderie through professionalization. The first step toward that professionalization was the forging of a common code of ethics—the Canons of Journalism. Member

F. G. Bonfils's involvement in the Teapot Dome scandal dashed the society's hope that it would not have to administer those canons. Instead, Bonfils thrust upon the society a dilemma that forced it to resolve, only two years after its founding, how far it was willing to go in professionalizing journalists who previously had seen themselves as individuals. Answering that question proved to be the most difficult challenge the society faced in its formative years. The editors thought they had settled it when they unleashed their board of directors on Bonfils. When rebuffed by the threat of lawsuits, members found they weren't so sure. Ultimately, the conclusion they reached was the same—that a professional code of ethics meant little if not enforced—but the process of reaching that conclusion proved instrumental in establishing the bounds of the profession.

Under what circumstances the ASNE should proactively administer its ethical code remained unresolved, even after the society amended its constitution to overtly empower its board to do so. Thus, the end of the debate was far different from its beginning, when at issue was whether to punish Bonfils, not whether the society or its board had the authority to do so. In effect, all that the debate actually settled was whether the society had the power to act as a professionalizing force through the enforcement of its canons. The act of professionalizing was left unattended.

At the society's first annual conference, Yost challenged editors to band together in the spirit of professionalization or risk journalism losing credibility in the eye of the public. "Individual standards will always remain individual," he said, "and continue to be as varied as individual nature, until the profession of journalism, through collective consideration and action, establishes a code of professional ethics by which all journalistic conduct may be measured."<sup>113</sup> By allowing Bonfils's actions as an individual to stand in violation of the society's code, and by allowing that decision to set a precedent of inaction, Yost and the society crucially hindered the potential of the code to be a professionalizing force in journalism and, in doing so, defined the boundary of journalism as a profession. Journalism possessed the capacity for professionalism through the ASNE, and it at times vocalized a spirit of professionalism. It simply lacked action.

## NOTES

1. The hearings are documented in *Leases Upon Naval Oil Reserves: Hearings Before the Committee on Public Lands and Surveys, United States Senate*, 68th Cong. The interior secretary jailed was New Mexico's Albert Fall and the oil baron Harry Sinclair. The dead were Ned Doheny, Hugh Plunkett, and Jess Smith. Laton McCartney, *The Teapot Dome Scandal* (New York: Random House, 2008).

2. Bonfils's testimony before the committee is in *Leases Upon Naval Oil Reserves, 1973–2058* (1924).

3. "Senators Anger Editor," *New York Times*, February 10, 1924.

4. Leonard Ray Teel, *The Public Press, 1900–1945* (Westport, CT: Praeger, 2006), 117.

5. Paul Alfred Pratte, *Gods within the Machine: A History of the American Society of Newspaper Editors, 1923–1993* (Westport, CT: Praeger, 1995), 1–24. See also Bruce J. Evensen, "Journalism's Struggle over Ethics and Professionalism during America's Jazz Age," *Journalism History* 16 (Autumn/Winter 1989): 54–63.

6. See, for example, Barry Robert Wood, "Denver Newspaper Publishers and Teapot Dome," *Essays and Monographs in Colorado History*, no. 1 (1983): 25–37; Kenneth J. Ward, "America's Last Newspaper War: One Hundred and Sixteen Years of Competition between the *Denver Post* and *Rocky Mountain News*," (PhD dissertation, Ohio University, 2018); Bill Hosokawa, *Thunder in the Rockies: The Incredible Denver Post* (New York: William Morrow & Co., 1976); McCartney, *The Teapot Dome Scandal*.

7. *Problems of Journalism: Proceedings of the Annual Meeting of the American Society of Newspaper Editors, 1923–1933*. Hereafter referred to as "ASNE Proceedings."

8. *Leases Upon Naval Reserves*; Boxes 4 and 5, WH1075, Wallis Melvin Reef Papers, 1917–1977, 1919–1935, Western History Collection, Denver Public Library. Collection was unprocessed.

9. First choices for such publications were frequently the *New York Times* and *Editor & Publisher*.

10. Gaps in the record do, unfortunately, exist, and are particularly frustrating because they were once filled. In particular, the minutes of ASNE's board of directors and firsthand accounts of that board's interactions with Bonfils and his attorney held by the ASNE, which were available to earlier researchers at the ASNE's headquarters in Reston, Virginia, prior to 2012, are missing from the archive now housed at the University of Missouri.

11. Ward, "America's Last Newspaper War," 62–63.

12. Hosokawa, *Thunder in the Rockies*, 53.

13. Ken J. Ward, "'The Vilest Man in the Newspaper Business': F. G. Bonfils's Case against the *Rocky Mountain News*," *Journalism History* 45, no. 3 (2019): 270–87.

14. Anne O'Neill Sullivan, interview with Bill Hosokawa, February 14, 1974, transcript, box 5, MSS 1147, Bill Hosokawa Collection, History Colorado.

15. Ward, "America's Last Newspaper War," 64–65.

16. *Ibid.*, 77.

17. *Ibid.*, 76.

18. *N.W. Ayer & Son's American Newspaper Annual* (Philadelphia: N.W. Ayer & Son, 1907), 84–86.

19. Ward, "America's Last Newspaper War," 82–83.

20. *Ibid.*, 57–59.

21. *Ibid.*, 80.

22. Edwin Emery, *History of the American Newspaper Publishers Association* (Minneapolis: University of Minnesota Press, 1950), 54.

23. Emery, *History of the American Newspaper Publishers Association*, 61.
24. Teel, *The Public Press*, 115.
25. *Ibid.*, 91, 115.
26. *Ibid.*, 115–16.
27. *ASNE Proceedings 1923*, 14.
28. *Ibid.*, 24.
29. *Ibid.*, 15.
30. "Professional Spirit Ascendant," *Editor & Publisher*, February 10, 1923.
31. "Professional Spirit Ascendant."
32. "Greater Stress on Ethics Urged by Journalism Teachers," *Editor & Publisher*, January 6, 1923.
33. *ASNE Proceedings 1923*, 12, 24.
34. *Ibid.*, 15.
35. *Ibid.*, 9.
36. *Ibid.*, 16.
37. *Ibid.*
38. *Ibid.*, 17.
39. *Ibid.*, 18.
40. "Vote for Code of Ethics," *Editor & Publisher*, December 2, 1922, 33; "Iowa Editors Approve Plan for Code," *Editor & Publisher*, February 17, 1923, 23; "Adopt Code on Free Publicity," *Editor & Publisher*, February 17, 1923, 22; "Michigan to Have Ethics Code," *Editor & Publisher*, February 17, 1923, 22; "Ohio State Students Adopt Code for Newspapers and Their Staffs," *Editor & Publisher*, March 24, 1923, 8.
41. "Cordial Greetings to A. S. of N. E.," *Editor & Publisher*, April 21, 1923, 54.
42. Pratte, *Gods within the Machine*, 5.
43. *ASNE Proceedings 1923*, 39.
44. *Ibid.*, 40.
45. *Ibid.*, 44.
46. *Ibid.*, 46–51.
47. *Ibid.*, 52.
48. *Ibid.*, 119.
49. *Ibid.*, 121. The original Canons of Journalism were as follows, with italics preserved as they were presented in the copy of the canons printed on pages 7 and 8 of the *ASNE Proceedings 1923*:

The primary function of newspapers is to communicate to the human race what its members do, feel, and think. Journalism, therefore, demands of its practitioners the widest range of intelligence, of knowledge, and of experience, as well as natural and trained powers of observation and reasoning. To its opportunities as a chronicle are indissolubly linked its obligations as teacher and interpreter.

To the end of finding some means of codifying sound practice and just aspirations of American journalism these canons are set forth:

#### I.

*Responsibility*—The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility, which it shares with every

member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

## II.

*Freedom of the Press*—Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss whatever is not explicitly forbidden by law, including the wisdom of any restrictive statute.

## III.

*Independence*—Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their source or else substantiation of their claims to value as news, both in form and substance.
2. Partisanship in editorial comment which knowingly departs from the truth does violence to the best spirit of American journalism: in the news columns it is subversive of a fundamental principle of the profession.

## IV.

*Sincerity, Truthfulness, Accuracy*—Good faith with the reader is the foundation of all journalism worthy of the name.

1. By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control or failure to obtain command of these essential qualities.
2. Headlines should be fully warranted by the contents of the articles which they surmount.

## V.

*Impartiality*—Sound practice makes clear distinction between news reports and expressions of opinion. News reports should be free from opinion or bias of any kind.

1. This rule does not apply to so-called special articles unmistakably devoted to advocacy or characterized by a signature authorizing the writer's own conclusions and interpretations.

## VI.

*Fair Play*—A newspaper should not publish unofficial charges affecting reputation or moral character without opportunity given to the accused to be heard; right practice demands the giving of such opportunity in all cases of serious accusation outside judicial proceedings.

1. A newspaper should not invade private rights or feelings without sure warrant of public right as distinguished from public curiosity.
2. It is the privilege, as it is the duty, of a newspaper to make prompt and complete correction of its own serious mistakes of fact or opinion, whatever their origin.

## VII.

*Decency*—A newspaper cannot escape conviction of insincerity if while professing high moral purpose it supplies incentives to base conduct, such as are to be found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons, the journalism here represented can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a professional condemnation.

50. *ASNE Proceedings 1923*, 122.
51. *Ibid.*, 123.
52. *Ibid.*, 124.
53. Ben Mellon, "Print the News, President Harding's Plea," *Editor & Publisher*, May 5, 1923, 1.
54. "The Profession of Journalism," *Editor & Publisher*, May 5, 1923, 40.
55. "School to Teach Canons," *Editor & Publisher*, May 19, 1923, 94; *ASNE Proceedings 1923*, 151; *ASNE Proceedings 1924*, 17.
56. *Leases Upon Naval Oil Reserves*, 1983 (1924).
57. *Ibid.*, 1980–83.
58. *Ibid.*, 2148.
59. *Ibid.*, 2025. Stack also considered Bonfils a friend; *ibid.*, 2177.
60. *Ibid.*, 1975.
61. *Ibid.*, 2178.
62. *Ibid.*, 2015; McCartney, *The Teapot Dome Scandal*, 109.
63. *Ibid.*, 2040–42.
64. "Stackelbeck, Good Reporter, Wins Fame as Oil Probers Use His Notes," *Editor & Publisher*, February 23, 1924.
65. *Leases Upon Naval Oil Reserves*, 1995–2001 (1924).
66. *Ibid.*, 1977.
67. *Ibid.*, 1979, 1984.
68. *Ibid.*, 2036.
69. *ASNE Proceedings 1924*, 68.
70. *Ibid.*, 67.
71. *ASNE Proceedings 1923*, 123.
72. *ASNE Proceedings 1924*, 68–69.
73. *Ibid.*
74. *Ibid.*, 72.
75. *ASNE Proceedings 1923*, 7.
76. *Ibid.*, 8.
77. *ASNE Proceedings 1924*, 70.
78. *Ibid.*, 74.
79. *Ibid.*, 75.
80. *Ibid.*, 79–80.
81. *Ibid.*, 78.
82. *Ibid.*, 79.
83. *Ibid.*, 111.

84. *ASNE Proceedings 1925*, 18.
85. *Ibid.*, 40.
86. *Ibid.*, 68.
87. *Ibid.*, 125–26.
88. *ASNE Proceedings 1926*, 14.
89. *Ibid.*, 20–21.
90. *Ibid.*
91. *Ibid.*, 23.
92. *Ibid.*, 42.
93. American Society of Newspaper Editors, Board of Directors Minutes, February 9, 1926, 34–36.
94. *ASNE Proceedings 1930*, 184.
95. Hosokawa, *Thunder in the Rockies*, 147; *ASNE Proceedings 1927*, 10–11; *ASNE Proceedings 1928*, 22.
96. *ASNE Proceedings 1928*, 17.
97. *Ibid.*, 84.
98. *Ibid.*, 88.
99. *Ibid.*, 89.
100. *ASNE Proceedings 1926*, 22.
101. *ASNE Proceedings 1928*, 104.
102. *Ibid.*, 166–68. An error in Pratte’s *Gods within the Machine* suggests that the amendment passed, which overlooks this later scene at the 1928 conference.
103. *ASNE Proceedings 1929*, 157.
104. *Ibid.*, 161.
105. *ASNE Proceedings 1930*, 198.
106. *Ibid.*, 180.
107. *ASNE Proceedings 1931*, 51.
108. *Ibid.*, 131.
109. *ASNE Proceedings 1932*, 14.
110. *Ibid.*, 36. The amendment also stated that suspension required a majority board vote, while expulsion required a two-thirds vote.
111. *Ibid.*, 37.
112. *Ibid.*, 39.
113. *ASNE Proceedings 1923*, 19.

## *Chapter 3*

# **The Lippmann-Dewey “Debate”**

## *Roles and Responsibilities of Journalists in a Democratic Society*

Tim Klein and Elisabeth Fondren

Following World War I, Progressives’ ideals about journalism and democracy had been deeply shaken. Dozens of independent journalists had joined the Committee on Public Information, the U.S. government’s propaganda arm, and the war that was supposed to make the world safe for democracy seemed to have done the opposite. The debate between two leading American public intellectuals, Walter Lippmann and John Dewey, exemplified this important moment, when the role of journalism in a democracy was being reframed.

While Dewey and Lippmann’s respective political—and journalistic—theories have been framed as a “debate,” the two shared much common ground. Both asked: How was the public to be informed of events that were so divorced from their personal experiences and day-to-day life? How could the individual participate in politics that took place thousands of miles away, and when so many political questions seemed to be legalistic and technical? How could citizens feel connected to one another when they saw the world in radically different ways? How could they understand their fellow citizens’ perspectives when they were separated by class, culture, heritage, historical understanding, geographic distance, and a host of other barriers? And how could democracy work if the public had little idea of what was going on? It was in response to these questions that Dewey and Lippmann developed parallel but competing theories for the role of the press.

Dewey (1859–1952), who was born in rural Vermont before the Civil War and before the massive expansion of market capitalism and national governance, saw that a “social revolution” had taken place in both economics and governance, and “the local communities without intent or forecast found



their affairs conditioned by remote and invisible organizations.”<sup>1</sup> Lippmann (1889–1974), who came of age in the Populist and Progressive eras, saw the gulf between the classic democratic theory of the ancient Greeks, Locke, Montesquieu, and Jefferson and the reality of his own industrial age. The traditional theories of democracy envisioned self-contained communities that had little relation to the twentieth century. Lippmann was not the first to recognize the changes that had taken place, but his cutting analysis of the problems, and his ability to communicate abstract theories into vivid and comprehensible metaphors, turned him into one of the most influential journalists and political commentators of his time.

For more than sixty years, Lippmann wrote books on politics and journalism that were read by presidents and the public alike, all while he worked as an editor at *The New Republic*, and then the *New York World*, and wrote an opinion column, “Today and Tomorrow,” for the *New York Herald Tribune* and other papers. Lippmann came to be known as the “dean of American political journalism,”<sup>2</sup> and his biographer Ronald Steel wrote that “Lippmann commanded a loyal and powerful constituency, some ten million of the most politically active and articulate people in America. Many of these people literally did not know what they ought to think about the issues of the day until they read what Walter Lippmann had said about them.”<sup>3</sup>

A similar observation was made about John Dewey by historian Henry Commager, who described the philosopher who taught at the universities of Michigan, Minnesota, and Chicago, and finally at Columbia University as “the guide, the mentor, and the conscience of the American people.” Commager added, “It is scarcely an exaggeration to say that for a generation no issue was clarified until Dewey had spoken.”<sup>4</sup>

### CONSTRUCTION OF THE DEWEY-LIPPMANN “DEBATE”

The Dewey-Lippmann “debate” was brought back into fashion in the 1990s by advocates of “public journalism” such as James Carey and Jay Rosen, as well as others like Christopher Lasch, who were looking for a less elitist liberalism. Lasch, like Dewey, thought that the primary role of journalists was to help with “carrying on the conversation of our culture.”<sup>5</sup> Rosen was channeling Dewey when he wrote, “Journalism’s purpose was to see the public into fuller existence.” Both saw journalism as necessarily acting on the side of promoting democracy.<sup>6</sup> According to Carey, Lippmann’s ideal journalism was the transmission of objective information about the world. Carey saw Dewey as treating journalism not as top-down transmission of knowledge, but as an integral part of the process of creating knowledge, discovering

truth, and giving information meaning. For both Dewey and Carey, meaning was partly constructed through communication. Journalism for Dewey was less about giving the public an *objective* view of reality and more about establishing shared meanings and helping affected "publics" recognize their shared interests.<sup>7</sup>

Supporters of "public journalism" treated Lippmann's ideas more harshly. Carey portrayed Lippmann as being an antidemocratic elitist who saw the public as "incompetent" and believed in governance "through a class of experts, a new order of samurai, who would mold the public mind and character," and make "democracy work for the masses whether the masses wanted it or not."<sup>8</sup>

Michael Schudson disagreed. In a response to Carey, Schudson focused on Carey's characterization of Lippmann, specifically his view that the public was "incompetent." Schudson wrote that Lippmann would have rejected this characterization and, instead, would have said the public lacked "omni-competence."<sup>9</sup> "Incompetent," wrote Schudson, "ordinarily refers to a characteristic of a person, but Lippmann discusses incompetence as a feature of a position—the position of the outsider." He went on to write, "I have not located any place where Lippmann positively asserts that voters are 'incompetent.'" While Schudson was wrong about this detail—Lippmann does specifically call the public incompetent<sup>10</sup>—he is correct in his broader assessment.<sup>11</sup> Lippmann was not saying that the "man on the street" was inherently *incompetent* as a self-governing being, only that *all* of us, including the public and journalists, tend to make poor judgments about things in which we lack expertise or experience.

## Transforming Democracy for a Mass Society

A fundamental question for Progressives, including both Dewey and Lippmann, was whether Enlightenment ideas of rationality, equality, personal responsibility, and self-governance could be adapted to a mass industrialized society. In the small towns of the eighteenth century, it was assumed that society was relatively transparent—what people saw and heard at the market or in the town meeting was often an adequate guide for understanding reality. By the end of the nineteenth century, as urban populations swelled into the millions and the nation had expanded by tens of thousands of miles, the forces that seemed to shape life were often no longer directly visible to citizens, but were instead distant, impersonal, and difficult to fathom—global commodity markets, corporate monopolies, and national government bureaucracies. The controlling hand behind these impersonal forces was rarely a single individual and was often insulated from direct public criticism. The individual experiences of men and women no longer seemed an adequate

guide for understanding the world around them; they needed a new guide that could illuminate these hidden forces, help citizens connect with one another, and have their voices heard. Society was no longer apparent to itself but had become hidden from its citizens.<sup>12</sup>

### **A Democratic or a Scientific Spirit for the Press?**

At the heart of the exchange between Dewey and Lippmann was the question of whether democracy and science were complementary or incompatible. Both of their respective conceptions of journalism were directly related to their perspectives on the relationship between science and democracy, between specialists and the general public. The “debate,” to the extent that it was a debate in any typical sense, focused on how democratic American society and governance should be, and whether journalism should serve Dewey’s brand of participatory democracy or Lippmann’s scientifically guided governance.

From the 1890s until his death in 1952, Dewey was unwaveringly on the side of democracy and believed that journalists should be imbued with the democratic spirit. Journalism should support democratic means in the service of democratic ends. Dewey’s democratic theory of journalism is based on three primary roles for journalists. First, journalists should educate the public on the facts about their society. These facts or “social statistics” could best be discovered through the scientific method, by specialists in a wide variety of fields who had the training to comprehend society in the aggregate. Journalists needed to draw on social scientists’ facts to tell the public stories that exemplified verifiable facts about their society.<sup>13</sup>

Second, journalists should facilitate respectful and reflective discussion to help citizens understand each other. Facts, on their own, were not enough to create an accurate public opinion. Facts did not speak for themselves, Dewey argued, but needed to be placed in relation to other facts, and considered in relation to competing values and goals. To serve democracy, journalists had to help the public become aware of the extended consequences of private and public action. The public had to recognize the externalities of national legislation and of large-scale market capitalism (i.e., the loss of jobs that comes with technological change, environmental pollution from industrial manufacturing, the decline of community and local autonomy with the rise of international commodity markets and globalization). Facts could not speak for themselves because the meaning of any fact was directly related to its impact on individuals, and in a pluralistic nation like the United States, nearly every social or industrial phenomenon affected different groups of people in different ways. Because most citizens interacted with only a tiny fraction of individuals, and often their deepest relationships were with people

like themselves, Dewey believed journalists had the responsibility to help the public see social consequences beyond their immediate community.<sup>14</sup>

Third, journalists, including opinion columnists and public intellectuals, should model the ideals of deliberative decision-making and the rigors of the scientific method. The public may lack the specialized and technical skills to gather facts about society, but they needed to understand the scientific method in order to trust scientific facts. In short, Dewey believed journalism had to be infused with the democratic spirit, and the public had to acquire a scientific epistemology, or a way of separating truth from falsity that favored the scientific over the casual and superficial. The way for journalists to teach the public these democratic and scientific values was to model the behavior in their journalism.<sup>15</sup>

Dewey did not give journalists specific advice, but based on his broader democratic theory and his philosophy of pragmatism, we can take this to mean that journalists should try to understand the perspectives of a wide range of groups. Journalists should draw heavily on the work of scientists, specialists, historians, and philosophers in their analysis. When conducting original investigations, they should maintain humility and avoid giving the impression of certainty in their conclusions—for in science it is necessary to keep an open mind and question long-held dogmas. Journalists should seek to understand and clarify an issue, and avoid sophistry and emotional and divisive language.

Lippmann shared many of these goals for journalism in his earlier writings, but by the time he wrote *Public Opinion* (1922), he no longer thought them realistic. His later, more tempered, democratic theory saw the press as guiding the public toward responsible conclusions about their elected leaders, so they could vote out self-serving politicians and replace them with more public-minded leaders. He no longer thought that it was possible for the public—or journalists—to engage with important issues in a way that was consistent with scientifically verifiable truths.

Dewey shared much of Lippmann's critical assessment of democratic dogma and the sorry state of journalism following World War I, but Dewey's critique was more muted and he disagreed that a scattered and dysfunctional public opinion, along with an excitable and self-interested journalism, was a permanent state. To borrow one of Lippmann's metaphors from *A Preface to Politics*, Dewey saw Lippmann's understanding of journalism as a lamppost, illuminating a particular place and time, but it was not an everlasting sun that shared a timeless truth. The public was in "eclipse" and the current unprofessional, self-serving, for-profit journalistic environment (as well as the top-down "authoritarian" education system) kept the public from recognizing their shared interests. Dewey believed that journalism needed to help the public rediscover itself after great social

changes had created an environment where individuals were isolated and easily misled.<sup>16</sup>

These differences over the relationship between democracy and science—or public opinion and expert knowledge—framed the role of journalism in distinctly different ways. Because Dewey saw science as a tool for the development of shared knowledge, journalists had to popularize scientific knowledge and a scientific way of knowing, as well as help the public recognize their shared interests.<sup>17</sup> Because Lippmann, at least post-*Public Opinion*, doubted that the public could adequately recognize and express their values or comprehend scientific knowledge, he thought scientists should inform elected leaders and journalists should help the public keep political leaders honest. He believed that it was futile to try to make the discussion of public issues by journalists and the public more scientific. In short, Dewey believed that science and democracy could be harmonious, while Lippmann saw that belief as unattainable.

To explore this disagreement, we will take a chronological approach in analyzing Dewey's and Lippmann's ideas on the way journalism had developed, and should develop. Both wrote about journalism and democracy long before there was any identifiable public exchange between the two. The idea of a "debate" began with Lippmann's *Public Opinion* (1922) and *The Phantom Public* (1925) and Dewey's reviews of those two books. Dewey then published *The Public and Its Problems* (1927), an extended response to Lippmann's ideas. While much of our analysis focuses on these texts, we take a somewhat wider approach, utilizing Lippmann's earlier works on journalism and democracy, including *A Preface to Politics* (1913), "Test of the News" (1919), and *Liberty and the News* (1920). We also turn to Dewey's later texts on democracy and communication, such as *Individualism Old and New* (1930), *Liberalism and Social Action* (1935), and *Freedom and Culture* (1939), as well as some of his other speeches and essays, including "Democracy and Educational Administration" (1937) and "Creative Democracy" (1939), all of which relate to journalism. To avoid the mistaken impression that Dewey's views on journalism and democracy were formed in response to Lippmann's critiques, we begin with Dewey's attempt to start a sociological newspaper in the 1890s.

## DEWEY'S THEORY OF JOURNALISM

While head of the Philosophy Department at the University of Michigan in the 1890s, Dewey sought to reorient philosophy away from the problems of philosophers and toward the problems facing everyday men and women. He thought it was a mistake for the nation's professional thinkers to disengage

from public opinion and shrink away from the social and political challenges of the day. For philosophy to be useful in addressing social problems, philosophers could not accumulate knowledge privately, but "must throw [their] fund [of knowledge] out against the stress of life" and see if their ideas worked. For theory to merge with practice,<sup>18</sup> philosophy and other academic fields had to be uncast from the lecture hall and the university press, and professional thinkers had to educate the public and help solve social problems.

Around this time, Dewey met Franklin Ford, a journalist and former editor who had grown frustrated with the commercial newspaper business, and in protest had quit his job and set out to develop a "sociological newspaper."<sup>19</sup> As Ford and his brother Corydon searched for allies, they found few among journalists, but when they began talking up their plans with university professors, they eventually "got to John Dewey."<sup>20</sup> In Dewey they saw "a man who had the grace and possibilities of the wind-hung sail."<sup>21</sup>

Ford's vision had much that appealed to Dewey. Dewey believed that democracy *required* the democratization of information, a system of education and mass communication that elevated the public's ability to think critically and to recognize the far-reaching, and unintended, consequences of social action. For Dewey, the socialization of wealth and resources was open to legitimate debate, but he regarded "a socialism of intelligence," the universal accessibility of learning and of knowledge, as beyond dispute: "To extend the range and the fullness of sharing in the intellectual and spiritual resources of the community is the very meaning of the community."<sup>22</sup> Instead of entertaining the reader with random bits of sensational news, a sociological paper would provide an organized picture of the world, ordered by academics and social scientists, that readers could use to make sense of events and resolve the social problems they encountered. Because newspapers and education were largely controlled by elites, Dewey believed that "democracy is still untried."<sup>23</sup>

### ***Thought News: A Report of the Social Fact***

Dewey's most famous attempt to bring about an environment where democracy could flourish was at the "laboratory school" at the University of Chicago, but his first attempt at the "popularization of knowledge,"<sup>24</sup> or what Franklin Ford called "socialized intelligence," was with *Thought News*. He imagined that this newspaper would help the public recognize the social problems they were facing and would provide theoretical insights that could be tested in the real world. *Thought News* would help citizens learn to be democrats and overcome the undemocratic hierarchy of the past. In a letter to William James in 1891, Dewey discussed Ford and *Thought News* and then wrote:

I believe that a tremendous movement is impending, when the intellectual forces which have been gathering since the Renaissance and the Reformation, shall demand complete free movement, and, by getting their physical leverage in the telegraph and printing press, shall, through free inquiry in a centralized way, demand the authority of all other so-called authorities.<sup>25</sup>

Dewey told James that “the unity of intelligence and the external world of idea . . . must finally secure the conditions of its objective expression.” What Dewey was referring to, in his own somewhat belabored way, was “the relation of intelligence to the objective world,” or more specifically, the need for sociological data to become incorporated into our engagement with the world through journalism and education. Dewey came to accept Ford’s assessment that the wealthy owners of newspapers stifled freedom of the press by only allowing the publication of information that supported the interests of the ruling economic class and by putting the business interests of the newspaper ahead of a free and independent pursuit of truth. Because of their “class interests,” they found “profit in keeping the common fact covered up.”<sup>26</sup>

Dewey and the Ford brothers set out to bring the clarifying effects of academic philosophy, sociology, and statistical analysis to the public. They were joined by Detroit journalist and a future sociologist of the news industry Robert E. Park. Each issue, which they had planned to give provocative and ominous titles like “The Day of Judgment,” would use scientific principles and philosophical reflection to analyze a contemporary event.

In March of 1892, an advertisement appeared in a Detroit newspaper announcing the forthcoming arrival of their new paper:

In April next will appear the first number of “Thought News.” This will be a newspaper and will aim at performing the function of a newspaper. . . . It is believed there is room, in the flood of opinion, for one journal which shall not go beyond the fact; which shall report thought rather than dress it up in the garments of the past [as the philosophy and theology journals do]; which instead of dwelling at length upon the merely individual processes that accompany the facts, [as the newspapers of the time do] shall set forth the facts themselves; which shall not discuss philosophic ideas per se but use them as tools in interpreting the movements of thought; which shall treat questions of science, letters, state, school and church as parts of the one moving life of man and hence of common interest, and not relegate them to separate documents of merely technical interests.<sup>27</sup>

*Thought News* was meant to be a clear tributary bubbling out from the minds of professional thinkers high up in the academy and entering into the swirling, chaotic, and polluted waters of commercial newspapers and public opinion. If the thoughts flowing from the minds of the university men were truly as

clarifying and as useful to society as Dewey thought, then theoretically, they could invigorate mainstream thinking.

This advertisement was followed by an even-more ambitious statement released by Franklin Ford, without Dewey's knowledge, that stated: "Thought News, conducted by John Dewey . . . will mark . . . a new idea in journalism and education." Just as an engineer takes the mathematician's theoretical knowledge and creates products for the real world, *Thought News* would unify theoretical knowledge and the practical adoption of that knowledge. "In this, the reporter . . . becomes scientific, and . . . the theory man, becomes reporter. So the chasm between education and real life, between theory and practice, is bridged over once and forever."<sup>28</sup>

The Detroit newspapers were unimpressed. The *Detroit Tribune* joked that Dewey "is to be the new Benjamin Franklin" with *Thought News* as his kite. "He proposes to bring philosophy down to life and make it, like lightning, turn the wheels of society."<sup>29</sup>

Dewey shrunk from the criticism. In a *Tribune* story, fittingly headlined "He's Planned No Revolution," Dewey told reporters that Ford's announcement "must have been someone's conception of what *Thought News* is to be" and that "it wasn't given out by me." Instead of creating a new form of journalism, Dewey said that he was simply attempting to make philosophy relevant and accessible to society. Dewey wanted "to show that philosophy has some use" and was not "a matter of lunar politics." If philosophical ideas "are not inculcated by themselves but used as tools to point out the meaning of phases of social life they begin to have some life and value." The current norm of reporting isolated news stories could instead be "treated as an expression of some law, of the movement as a whole."<sup>30</sup>

To be clear, Dewey was not replacing one dogma with another; he expressly wanted to avoid getting "tangled up with some general theory like [Edward] Bellamy's" nationalism, which was a highly centralized form of utopian socialism.<sup>31</sup> Instead, Dewey was looking for individual news stories to reflect broader scientific or philosophical thought. For instance, a news story about a factory shutting down should reflect some economic trend that an economist had uncovered, or a news story about a violent crime should reflect a trend in crime or a new school of thought in psychology or criminology. Academic theories and statistics about society, as the newspaper's subtitle, "Report of the Social Fact," suggests, were to be used to help the public make sense of the world, and journalists' narratives would demonstrate those theories or statistical trends.

Dewey was no radical wanting to tear down the walls of the mausoleum—he was a quiet professor who taught Bible study—but he did want intellectuals to have an impact on society. He saw "the work of history" as an attempt "to free truth, to break down the walls of isolation and of class interest." Without



denying the reality of pluralism, Dewey saw a need for creating shared understanding and identifying our common interests. In the somewhat grandiose and moralistic language of the time that Dewey would come to avoid later in his career, he wrote of the need for a “more complete movement of man to his unity with his fellows” by “loosening of bonds; the weaning away of restrictions, the breaking down of barriers, of middle walls, of partitions.” He added, “Instead of trying to change the newspaper business by introducing a little philosophy into it, the idea is to transform philosophy somewhat by introducing a little newspaper business into it.”<sup>32</sup> Whether *Thought News* was meant to reorient philosophy or reinvent the newspaper business, it ended up doing neither. The first issue of *Thought News* never came out.

In hindsight, the entire *Thought News* project appears overly idealistic. Before the project fell apart, in a private letter to historian Henry Adams, Dewey wrote that “no paper can afford now to tell the truth about the actual conduct of the city’s business.” But if there was “a newspaper whose *business* . . . was to sell intelligence, [then] . . . it couldn’t afford to do anything else, any more than a genuine business can afford to sell spurious goods.”<sup>33</sup> It is almost laughable to think of the average American demanding sound philosophy in the same way he or she demands a sound piece of machinery. When a tractor breaks down or a bridge collapses, the failure is clear to everyone, but when a philosophy is unsound, it is rarely so clear because our subjective perceptions are always vulnerable to convenient and attractive—but fraudulent—ideas. *Thought News* also seems to have ignored one of the central reasons that the public buys newspapers—entertainment. It is hard to imagine the average reader demanding Dewey’s latest philosophical analysis of a social phenomenon and rejecting a random but juicy bit of celebrity gossip or scandal. Late in life, Dewey wrote that *Thought News* had been an “over-enthusiastic project” that was too “advanced for those days, but it was too advanced for the maturity of those who had the idea in mind.”<sup>34</sup>

Dewey’s vision for *Thought News* had been to add a little bit of the social scientist to each citizen. He hoped that when the public read a sociological newspaper, they could utilize the scientist’s statistic, the historian’s context, and the philosopher’s theory, as they had previously relied on their eyes and ears to understand the world around them. Statistics and theory were to be the public’s new senses, allowing citizens to navigate society on a mass scale. Statistics and scientifically obtained social facts, along with greater public debate, would help reestablish the social bonds that had been destroyed in the Gilded Age. Like the hopeful and utopian rhetoric about the early internet/social media, this attempt to establish a mass community was not organized geographically or economically. Despite the failure, Dewey did not give up hope that knowledge and facts could help the public recognize truths about society and the “socialization of knowledge” could free society from its materialism and help citizens recognize their common interests.

## Dewey's Pragmatism

While *Thought News* did not come to fruition, Dewey continued to look for ways to reframe philosophy away from the academy and toward the public. His beliefs about journalism, objectivity, ethics, public opinion, education, and democracy were all connected by his overarching philosophy of pragmatism, which he described as "the logic and ethics of scientific inquiry."<sup>35</sup> An idea remained a hypothesis until it was verified by practice. It is "in the process of verifying" ideas "that one finds examples of what is called truth. Therefore . . . truth 'means' verification."<sup>36</sup> Dewey's pragmatism started by recognizing the problem that needed to be addressed and then examined the environment or circumstances that had created that problem. The correctness of a solution was decided by how effective it was at resolving the problem and changing the environment. Information required experimentation before it could be recognized as true or useful. Dewey rejected the "correspondence theory" of truth, that is, he did not believe the *truth* of any statement was its correlation with objective reality. Instead, the truth of a statement depended on its usefulness at making sense of the problem at hand and offering an effective solution to that problem. "The ultimate end and test of all inquiry is the transformation of a problematic situation which involves confusion and conflict into a unified one," wrote Dewey.<sup>37</sup> The purpose of philosophy was not to discover "ultimate reality," which Dewey thought was impossible and unnecessary.<sup>38</sup> The same could be said of Dewey's theory of journalism. The goal of journalism was not to create an objective record of reality, but to help citizens solve problems democratically. A direct one-to-one correspondence between statement and objective reality was impossible and unnecessary. For Dewey, the test of journalism (along with education and philosophy) was not how well it described reality, but how useful it was at solving problems.

Compared to Dewey, Lippmann's ideals for journalism put more emphasis on objectivity and less importance on democratic deliberation; good journalism meant providing the public with accurate, verifiable, and impartial facts. But Lippmann also recognized that entirely eliminating subjectivity was impossible. Objectivity was a method for reporters to follow that could help them provide the public with an accurate picture of events, even though complete objective truth was beyond their reach.<sup>39</sup>

## LIPPMANN'S EARLY THEORY OF JOURNALISM

Before World War I, Lippmann had been a Fabian Socialist while he was at Harvard, and had then shifted toward Theodore Roosevelt and then Woodrow Wilson's progressivism. He was drawn to reforms guided from the top, by enlightened Fabians or Progressives, and not from the populist, bottom-up

wing of the Progressive movement. Nonetheless, he still saw democracy as the most legitimate form of government. In his first major work, *A Preface to Politics*, he wrote, “Our faith in democracy has this very solid foundation: That no leader’s wisdom can be applied unless the democracy come to approve of it. To govern a democracy you have to educate it: that contact with the great masses of men reciprocates by educating the leader.” At this point, Lippmann was echoing the more conventional view of journalism in a democracy, that the public needed quality information to participate in public affairs, and quality journalism would safeguard the people against “ignorant tyrants” and against “benevolent despots as well.” In a Dewey-like statement, Lippmann cautioned that the reformer’s propaganda would disrupt the political process because it cared only about ends and not means. “The method” of reform, wrote Lippmann, “matters more than any particular reform.”<sup>40</sup>

### “A Test of the News”

In one of the first major empirical studies of journalism, Lippmann and Charles Merz conducted a content analysis of reporting in the *New York Times* on the Russian revolution from spring 1917 to spring 1919. They found that the newspaper had been “seriously misled” by “its reliance upon the official purveyors of information.” *The Times*, arguably America’s most trusted newspaper, had failed to supply the basic information the public had needed to form an accurate opinion. Lippmann and Merz argued that the editors and journalists had created a picture of the Russian Revolution that showed what they wanted to happen, as opposed to what was happening. While journalists and editors “were performing the supreme duty in a democracy of supplying the information on which public opinion feeds, . . . they were derelict in that duty” when they let their own preferences shape their reporting. Their verdict was poignant: “Whatever the excuses, the apologies, and the extenuation, the fact remains that a great people in a supreme crisis could not secure the minimum of necessary information on a supremely important event.” Lippmann and Merz understood journalism as “a public service institution” that “occupies a position in public life fully as important as the school system or the church or the organs of Government.” They went on to write, “The news columns are common carriers. When those who control them arrogate to themselves the right to determine by their own consciences what shall be reported and for what purpose, democracy is unworkable.”<sup>41</sup>

They urged greater professionalism in journalism: “Primarily, we believe, that the professional standards of journalism are not high enough, and the discipline by which standards are maintained not strong enough, to carry the press triumphantly.” Objectivity, in Lippmann’s sense, was a method of reporting. The idea was that highly trained and disciplined journalists could

provide objective facts. Lippmann suggested that editors should develop a "code of honor," arguing that professionalism could impact "great independent journalism, setting standards for commercial journalism."<sup>42</sup> Lippmann's perspective on objectivity evolved, yet he continued to stress the importance of journalistic independence and detachment from the story. Democratic societies needed objective reporting, Lippmann argued, to counteract government propaganda and elite self-interest.

### *Liberty and the News*

Lippmann's work for the Committee on Public Information (CPI) during World War I deeply influenced his perception of public opinion. Following the war, he wrote to Ellery Sedgwick, the editor of *The Atlantic*:

I have started to write a longish article around the general idea that freedom of thought and speech present themselves in a new light and raise new problems because of the discovery that opinion can be manufactured. . . . The idea has come to me gradually as a result of certain experiences with the official propaganda machine, and my hope is to attempt a restatement of the problem of freedom of thought as it presents itself in modern society under modern conditions of government and with a modern knowledge of how to manipulate the human mind.<sup>43</sup>

The two articles he wrote for *The Atlantic* were later published along with a third essay as *Liberty and the News*. In this work, Lippmann expanded on the problem with journalism that he and Merz had identified in "A Test of the News," that propaganda and a lack of "objective information" had the potential to deceive the public and corrupt a democratic society. Lippmann had seen firsthand how a government-initiated campaign of coercion, omission, and misinformation could mislead its own citizens. The "crisis of western democracy," wrote Lippmann, "is a crisis in journalism."<sup>44</sup> How was a society to maintain a healthy democracy if the quality of information it consumed was polluted?

Lippmann believed that the end of World War I created an opportunity for American news to regroup and find a greater purpose: "Faced with a crisis, our greatest thinkers often become more critical, creative, and original, providing us with insights and lessons for the ages," Lippmann wrote in 1920.<sup>45</sup> Journalism had lost its way, but it was still redeemable. Journalism could become "the highway of liberty" if it became more professional.<sup>46</sup>

Self-taught reporters and editors largely learned their trade through apprenticeship and on-the-job training and were typically rewarded or punished based on the popularity of their stories in the news marketplace. They lacked a precise method or a minimum of training to remake journalism from "a

haphazard trade into a disciplined profession.” Lippmann could not imagine that “a society like ours should remain forever dependent upon untrained accidental witnesses” engaged in “an underpaid, insecure, anonymous form of drudgery, conducted on catch-as-catch-can principles.”<sup>47</sup>

Journalists needed to become like doctors and nurses, who weeded out the most egregious quacks through a program of professionalization. “What are the qualifications for being a surgeon? A certain minimum of special training. What are the qualifications for operating daily on the brain and heart of a nation? None.” Lippmann saw serious problems with establishing a closed guild of reporters and editors or making a degree from a journalism school a prerequisite for reporting. The type of professionalism that Lippmann envisioned was partly methodological, but primarily social. The methodological training to report objectively was found in the scientific method. Lippmann’s ideal journalists were “not the slick persons who scoop the news, but the patient and fearless men of science.” Of course, the events reporters write about do not occur in research laboratories, and it is rarely, if ever, possible for reporters to repeatedly manipulate a single variable and observe the results, as is done in a scientific experiment. The reporter’s truth was far more fragile and more challenging to ascertain than the scientist’s truth, but both were seeking to separate truth from falsity and see the world as it really was. “It does not matter that news is not susceptible of mathematical statement,” wrote Lippmann. “In fact, just because news is complex and slippery, good reporting requires the exercise of the highest of scientific virtues.”<sup>48</sup>

Lippmann complained that the journalism of his day involved a small percentage of highly intelligent and capable reporters and editors and a large mass of self-interested, undisciplined, and unimaginative purveyors of half-truths, who let their own politics and their sense of self-importance dictate what the public should believe was true. “The current theory of American newspaperdom is that an abstraction like the truth and a grace like fairness must be sacrificed whenever anyone thinks the necessities of civilization require the sacrifice.” Truth was subordinate to reporters’ and editors’ senses of national interest. Instead of following the path of the scientist, they imitated “preachers, revivalists, prophets and agitators,”<sup>49</sup> who were hastily involved in the “manufacture of consent”<sup>50</sup> as opposed to supplying the raw materials for the construction of a solid public opinion. Journalists were attempting to think for the public, pushing their conclusions instead of disinterestedly sharing a broad range of information. Lippmann’s solution at this point was to create a new class of journalists, superior in intellect and trained in the epistemology of science and the ethics of democracy—who would command social recognition. The molding of public opinion had to be removed from the “untrained and biased hands” of the common journalist.<sup>51</sup>

The problems Lippmann identified in “A Test of the News” and *Liberty and the News*—factual errors, censorship of information, government publicity or

propaganda, and downright sloppy, self-interested, lazy reporting—could be addressed through greater professionalism. "There is no higher law in journalism than to tell the truth and shame the devil," wrote Lippmann. At this point, he still was optimistic that journalism, the "bible of democracy," could supply the "streams of fact which feed the rivers of opinion."<sup>52</sup> Despite these words of reverence for the press, Lippmann did not see the press as infallible, and in a couple of short years, he would lose much of the faith that the press could fulfill its democratic role.

At this point, before *Public Opinion* was published in 1922, there was little disagreement between Dewey and Lippmann. Both sought to employ science to work on behalf of democracy and both wanted to infuse a democratic culture with a scientific epistemology. In *Drift and Mastery* (1914) Lippmann wrote, "Rightly understood science is the culture under which people can live forward in the midst of complexity, and treat life not as something given but as something to be shaped."<sup>53</sup> Dewey wrote similarly, but for Dewey *culture* had to be a *democratic* culture, where in the coming years, Lippmann showed less allegiance to democratic ideals and accepted as a necessity a hierarchical and more scientifically guided, but less democratic, culture.

### LIPPMANN'S DISILLUSIONMENT AND DEWEY'S RESPONSE

It took years for the lessons Lippmann learned while working at the CPI to sink in, but by 1925 he had lost faith that journalism and the public could act as an effective check on government abuse. He no longer saw public debate as a free marketplace of ideas; instead, it was polluted by those with the power to manipulate the news. Of his experience working for the War Department, Lippmann wrote, "The deliberate manufacture of opinion both for export and for home consumption has reached the proportion of a major industrial operation. . . . When the story is told, it will cover a range of subjects from legal censorship to reptile press, from willful fabrication to the purchase of writers."<sup>54</sup> Government public relations was not just a reaction to individual crises, but a relentless and ubiquitous form of strategic communication that attempted to shape the way citizens viewed public issues. The *official* story, which journalists often relied upon, was a collection of cherry-picked facts and a one-sided framing of the issues, not the raw information citizens needed to form independent opinions.

#### *Public Opinion*

Lippmann's early solution to the post-World War I problems with journalism and democracy was to put the power of the press into more competent,

well-trained, professional hands. His next book, written just two years later, expressed a loss of confidence in this earlier position. He no longer believed it was realistic for journalists to change, which caused him to question the very basis of democracy. Lippmann spent much of *Public Opinion* (1922) challenging the sacred cows of democracy and the democratic role of the press, which he traced back to Thomas Jefferson and the founding of democratic theory. Public opinion was not the collective wisdom of the people, but a product of elite manipulation, public relations, and propaganda. Lippmann wrote, "We expect the newspaper to serve us with truth however unprofitable the truth may be" and "For this difficult and often dangerous service, which we recognize as fundamental, we expect to pay until recently the smallest coin."<sup>55</sup> Advertising, the other way that journalists get the resources to do their job, is also biased and lax with the truth. But Lippmann thought that it was far easier for the press to rebuke a potential advertiser than to go against readers' preexisting beliefs. "A newspaper can flout an advertiser," wrote Lippmann, because an exposé of a bank, or a meat packer, or a cigarette manufacturer, or any other single business or industry, doesn't prevent others from advertising. But if news reporting "alienates the buying public, it loses the one indispensable asset of its existence."<sup>56</sup>

The problem went beyond the press, and his solutions pointed to deeper structural changes. He rejected the solution of increasing journalistic professionalism, and he rejected the "intolerable and unworkable fiction that each of us must acquire a competent opinion about public affairs." Instead, he thought that the best we could do was to have specialists provide information to government "insiders," who would make decisions. The public as outsiders could periodically step in and decide whether the insiders were acting in good faith based on the facts the experts provided.<sup>57</sup>

Lippmann called for a "system of intelligence," for social scientists to make sense of the world through statistics and empirical study. It was not just citizens, but journalists and government officials who lacked a "reliable picture of the world." An official information bureau was the best chance to counter the "obvious failings of democracy against violent prejudice, apathy, preference for the curious trivial as against the dull important, and the hunger for sideshows and three-legged calves."<sup>58</sup> Once we let go of our dogmatic attachment to clichés about democracy and recognized that the expert government administrator benefitted democracy, society would have sounder epistemological footing. The expert, who was paid for his or her specialization, would make sense of society, weeding out the sensational and fraudulent, so that journalists could inform the public. Otherwise, the press would remain "like the beam of a searchlight that moves restlessly about, bringing one episode and then another out of darkness into vision." To understand the complexities of modern society, one needed a "steady light" to illuminate hidden social forces.<sup>59</sup>

Lippmann went on to write, "Aristocratic theorists . . . like the democratic theorists . . . miss the essence of the matter, which is, that competence exists only in relation to function; that men are not good, but good for something; that men cannot be educated, but only educated for something."<sup>60</sup> The ability of experts is not defined by their class or title, but by their understanding of a particular issue—by their ability to address effectively a specific problem—and not problems in general. Outside of their respective fields, experts are as lost as the general public. Journalists, then, should be expert listeners, investigators, and communicators, but it was beyond their ability to be experts on the broad range of topics they reported. Thus, Lippmann wanted journalists to defer to the specialists—otherwise, they were just as lost and subject to their own stereotypes as everyone else.<sup>61</sup>

### Dewey's Review of *Public Opinion*

Dewey's review of *Public Opinion* in *The New Republic*, however complimentary, was the starting point for the Dewey-Lippmann "debate." Dewey approved of Lippmann's assessment of public opinion and his challenge to the democratic doctrines of the past. Dewey largely agreed with Lippmann's statement that "the function of news is to signalize an event," while "the function of truth is to bring to light the hidden facts to set them into relation with each other, and make a picture of reality on which men can act." In a society made up of institutions and impersonal forces, statistics—not isolated stories—were needed to understand causes and effects. Lippmann's ideas on the need for specialized knowledge (i.e., "competence exists only in relation to function"<sup>62</sup>) were expressed earlier by Dewey in his 1917 essay "The Need for a Recovery of Philosophy." Dewey argued that all problems were particular and required specific knowledge as opposed to "knowledge in *general*."<sup>63</sup> It is when Dewey shifted his attention to potential solutions that he and Lippmann parted ways.<sup>64</sup>

While he embraced Lippmann's proposal for "intelligence bureaus" that would provide an adequate picture of society through social statistics, Dewey thought Lippmann was too quick to give up on the press and accept journalism's flaws as unfixable, and he rejected the idea that "intelligence bureaus" should cater only to leaders and insiders. Dewey wanted Lippmann's "organized intelligence" to address the press and the public, not just governing elites. Until more of the "objective record and measurements" were made available to the press, they would fail to deal with root causes and the true forces behind society would remain hidden, wrote Dewey. Thus, the social scientist should be brought in and empowered to make sense of the world—to make visible the "unseen environment"—and only then would the press be able to make the impersonal forces that govern society recognizable to the public. While statistics on their own would be unappealing to the public,



Dewey wanted journalists to transform the work of social scientists into a popular form:

It is true that [social science and statistics] . . . *taken by themselves*, are too remote and abstract to make an appeal. Their record will be too dull and unsensational to reach the mass of readers. But there remains the possibility of treating news events in the light of a continuing study and record of underlying conditions. The union of social science, access to facts, and the art of literary presentations is not an easy thing to achieve. But its attainment seems to me the only genuine solution of the problem of an intelligent direction of social life.<sup>65</sup>

Dewey's view of the press resembled Lippmann's view from two years prior in *Liberty and the News*. Dewey believed that journalism could be reformed to fit objective facts into a "sensational" narrative that appealed to the public. He thought that the "casual and disjointed" stories journalists presented could be placed into an intelligent structure based on verifiable data.<sup>66</sup>

Lippmann saw popular journalism and social science as intrinsically different and largely irreconcilable, with the latter identifying the truth about the world and the former telling entertaining stories that had to play to the audiences' preexisting opinions and prejudices. Dewey thought the two could be unified with the social scientists using the "art of literary presentation"<sup>67</sup> and adapting to scientists' epistemology. For Dewey, science had to be presented in a way that was appealing to the public, because without science the public could not understand their society. "The enlightenment of public opinion still seems to me to have priority over the enlightenment of officials and directors," wrote Dewey.<sup>68</sup>

### *The Phantom Public*

In the coming years, Lippmann's skepticism of the wisdom of the public and the unworkability of participatory democracy only grew, as he wrote *The Phantom Public* (1925). Instead of public opinion dictating government action, it was like a "deaf spectator in the back row" who "cannot quite manage to stay awake," while government goes on passing laws, rewriting regulations, and starting and ending wars. In one chapter, called "The Disenchanted Man," Lippmann described a private citizen who feels the burden of modernity and the crisis of representation. "As a private person he does not know for certain what is going on, or who is doing it, or where he is being carried," Lippmann argued. "No newspaper reports his environment so that he can grasp it; no school has taught him how to imagine it. . . . He lives in a world which he cannot see, does not understand and is unable to direct."<sup>69</sup>

In contrast to his earlier defense of democratic practices, by 1925 Lippmann wrote that democracy was "an unattainable ideal" because of the difference

between *insiders* who were running the country and *outsiders* who were, for the most part, oblivious to the issues facing the nation:

The democratic ideal has never defined the function of the public. It has treated the public as immature, shadowy executive of all things. . . . Democracy . . . has never developed an education for the public. It has merely given it a smattering of the kind of knowledge, which the responsible man requires. It has, in fact, aimed not at making good citizens but at making a mass of amateur executives. . . . The result is a bewildered public and a mass of insufficiently trained officials."<sup>70</sup>

Many Progressives thought Lippmann had gone too far. Lippmann's former teacher and mentor Graham Wallas wrote Lippmann to remind him that:

You are also writing for the young Alexander Hamilton, or Jeremy Bentham, or Walter Lippmann . . . and you don't indicate to him how to make his brains and energy and love and pity for his fellows most effective, through many different kinds of services and experiences, for the good of mankind. Your clear-cut distinction between "inside" and "outside" will only baffle and confuse him.<sup>71</sup>

### Dewey's Review of *The Phantom Public*

Perhaps from a desire to keep Lippmann on his side, and on the side of democracy, in his review of *The Phantom Public*, Dewey wrote that Lippmann was not "off" democracy but that "Mr. Lippmann's essay is in reality a statement of faith in a pruned and temperate democratic theory." They agreed on the need for a more honest and professional press, but Lippmann thought the press should act as the publicity agent for social scientists and experts, in order to convince the public to accept conclusions based on the scientists' objective information. Dewey appreciated Lippmann's desire for a more decentralized government, where the power resided with whoever had the expertise to deal with the specific problem at hand, as opposed to centralized power in a small group of governmental elites. But Dewey opposed reining in democracy in favor of an aristocracy of experts.

Dewey believed that reforming journalism and improving the professionalism of journalists was necessary, but not sufficient, to address the problems in a mass democratic society that Lippmann identified. Dewey wrote:

The ethical improvements of the press would still come far short of meeting the question. The ultimate question is scientific and artistic: the question of making the press a continuous, systematic and effective revelation of social movements, including the desires and intents of the various groups of insiders. This is an artistic as well as an intellectual problem, for it supposes not only a scientific

organization for discovering, recording and interpreting all conduct having a public bearing, but also methods which make presentation of the results of inquiry arresting and weighty.<sup>72</sup>

Dewey believed the first problem lay in identifying the *truth*, which for Dewey was not a reference to any ultimate objective truth, but rather a reference to the best available information obtained through the scientific method via social scientists and specialists. On this point, Dewey and Lippmann agreed on the need for “organized intelligence” to make sense of hidden and impersonal social forces. The second issue was related to communication with the public. For Dewey, part of the journalist’s job was to transform statistics and data into meaningful stories that captured public attention while reinforcing the central truth of the social scientist.

### *The Public and Its Problems*

Two years later, Dewey offered a longer reflection in *The Public and Its Problems* (1927) that, in many ways, was a response to Lippmann’s previous two books. Dewey shared Lippmann’s critiques of democracy, but where Lippmann saw the problems as unsolvable, Dewey saw democracy as temporarily “under a cloud” and in “eclipse.” Dewey advocated greater education, increased communication among different groups, and participatory democracy. He feared that if the public’s role in governance was further reduced, their capacity for self-government would continue to atrophy, in part because the public had little actual responsibility beyond choosing between candidate A or B every few years. Unlike the effort needed to gain a reasonably well-informed opinion about the topics at hand, the minute space given for expression of that knowledge left the public with little incentive to learn about issues of public importance. It was like being given a 1,000-page book on a topic of great complexity, but then being asked only a yes or no question about whether the author was competent and public spirited. Most would ignore the book and dedicate time to other areas of life where their thoughts mattered. Dewey’s response to a disengaged and uninformed public was to give the public more tools for learning and more responsibility for expressing themselves.<sup>73</sup>

Dewey focused his critique on the news values of originality and newness. The preoccupation with sensational “man bites dog” news stories led to poor understanding of the broader social patterns. Dewey wanted representative, common, *unexceptional* events to get a full hearing in the press. In short, he wanted journalism to replace long-standing news values with the values of science because journalism based on the ideals of science could serve participatory democracy better than journalism based on entertainment. Dewey

imagined that the public could learn to use scientific facts just as they had learned to use inventions that they did not create. "Just as the specialized mind and knowledge of the past is embodied in implements, utensils, devices, and technologies which those of a grade of intelligence which could not produce them can now intelligently use, so it will be when currents of public knowledge blow through social affairs."<sup>74</sup> Lippmann thought this cause was hopeless.

Dewey believed journalism and public opinion could change because they depended upon tradition and their social and political environment, and did not reflect any fundamental or inherent deficiency. "Faculties of effectual observation, reflection and desire are habits acquired under the influence of culture and institutions of society," wrote Dewey, "not ready-made inherent property."<sup>75</sup> If the environment changed, then journalism would also change. Lippmann's conception of the problem pointed more toward individual psychological and intellectual deficiencies, which were unlikely to change.

Dewey recognized that if experts, working in government, academia, or in newly formed think tanks like the Brookings Institution, were only educating government leaders and sharing their knowledge with other experts, there would be a gulf between the solutions experts wanted to implement and the solutions the public would accept. "A class of experts is inevitably so removed from common interests as to become a class with private interests and private knowledge," wrote Dewey. "No government by experts in which the masses do not have the chance to inform the experts as to their needs can be anything but an oligarchy managed in the interests of the few."<sup>76</sup> He rejected the idea that elites "know better than others what is good for them" and instead focused on how to create social conditions where "all individuals can exercise their own initiative in a social medium which will develop their personal capacities."<sup>77</sup> Dewey wrote, "The man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied."<sup>78</sup>

For Dewey, the principal problem with democracy in the 1920s and 1930s was not that the public could not make good decisions because the world had grown too complex and the forces that affected the lives of citizens could no longer be observed firsthand, however troublesome these issues were. Instead, the problem was the separation between personal morals and impersonal economic and political interactions. Citizens were dealing less and less with the neighborhood and the local community and more with massive corporations, complex national law, and unregulated markets. While Lippmann was concerned with the public having an accurate picture of reality, Dewey believed that democracy and public opinion would remain in the shadows, "barren and empty," until it was "incarnated in human relationships." The nation had to become a community.<sup>79</sup>

Dewey's vision for journalists was to provide the public with verifiable information about the world (discovered by specialists) *and* to facilitate discussion about those issues that would guide government policy. The goal was for "different groups [to] interact flexibly and fully in connection with other groups" in order to understand different perspectives on the problems of the day.<sup>80</sup>

For Dewey, democracy was not simply voting and government of the people; it was a "personal way of individual life" that manifested itself "in all the relations of life."<sup>81</sup> Democracy required overcoming dualism—whether between the individual and society, or between facts and values, or between science and art. Applied to journalism, democracy necessitated that the separation between facts and values become the unification of facts and values. Dewey sought to merge the statistics of social scientists, the theory of philosophers, and the lived experience of citizens. Journalism and public education played a vital role in teaching the public the scientific method and sharing social science statistics in order to facilitate discussions of social action that engaged the plurality of concerns and values.

For Plato and for many philosophers since, philosophy was the disinterested pursuit of knowledge or *truth*, and was something that only a wise aristocratic class engaged in, while democracy was the expression of the majority opinion and the struggle between competing interests. For Dewey, democracy was not the blunt force of majority rule. "Majority rule," wrote Dewey, "is as foolish as its critics charge it with being." The way to escape the foolishness was to develop a cultural respect for "discussion, consultation, and persuasion."<sup>82</sup>

This emphasis on discussion and opinion did not mean that Dewey was a relativist who treated any opinion, no matter how divorced it was from verifiable facts, as equal. Some opinions or ideas were effective for solving problems and others were not, and the scientific method offered the most effective way to solve problems. He believed that if journalists and educators followed values of science—the love of truth and open, transparent inquiry, the rejection of asserted truth based on prejudice, dogma, or authority, following evidence wherever it led, withholding judgment until there was adequate evidence to support a conclusion—they could set an example for society and raise the level of public debate of all issues. Journalists failed if they ignored the values of science and threw themselves behind their personal preferences and used their social standing to propagandize to the public.

## CONCLUSION

The conventional view is that Lippmann, the elitist, advocated a top-down journalism where elites would control information and publicize their

fact-based conclusions to the public. Dewey, the participatory democrat, is often seen as promoting a bottom-up journalism, in which the process of writing, reading, talking, and listening brings forth pluralistic conceptions of an issue and meaning is created. This view, however, paints Dewey as too much of a relativist and Lippmann as too antidemocratic. Lippmann clearly relished slicing through hollow dogmas about democracy and the wisdom of the public, but he never claimed that democratic ideals or public opinion were not vital to the health of society. Dewey, unlike many others who criticized Lippmann, was able to recognize Lippmann's brand of scientifically guided democracy.

Lippmann is known as a democratic "realist," but there is something utopian in his faith in specialists and hope for a world where our view of reality is not dictated by personal experience, but by social statistics. He seemed to imagine that we respond to data more than to stories and experience, an assumption that communication scholars since Lippmann's time have discredited.<sup>83</sup> Lippmann's dream of finding "a way of overcoming the subjectivism of human opinion based on the limitation of individual experience" appears to be a hope for a new human nature.<sup>84</sup>

Dewey is convincing in his assessment that for the public to fulfill Lippmann's more modest democratic role of voting out self-serving governing elites, they needed practice making similar sorts of judgments as well as a basic understanding of the scientific method, or at least critical thinking skills. Because the public did not have knowledge of all verifiable scientific truths, they needed to recognize the complexity of the problems facing society and the need for expertise and for the scientific method. Dewey grasped this latter point much more firmly than Lippmann did.

Lippmann believed that the public was largely uninterested in deep engagement with political issues, like a "deaf spectator in the back row" who "cannot quite manage to stay awake."<sup>85</sup> Dewey did not disagree but believed that this lack of interest stemmed from their role as spectators. If citizens had a greater role in civic life, they would become meaningfully engaged. Dewey believed that the public needed to have more—not less—responsibility, so that a citizen's opinions mattered enough to invest time in learning about social issues. "When necessity drives, invention and accomplishment may amazingly respond," wrote Dewey. He looked at the undemocratic and hierarchical control of information that permeated the press, government, and educational institutions, and imagined what would happen if they became democratic. "Given a social medium in whose institutions the available knowledge, ideas and art of humanity were incarnate" wrote Dewey, "the average individual would rise to undreamed heights of social and political intelligence."<sup>86</sup>

Lippmann would have disliked much about the journalism of the twenty-first century—the preoccupation with celebrity, the crude commercialism, and the pandering to popular opinion. He would have been especially disturbed by the coziness between journalists and political insiders. Lippmann biographer Ronald Steel wrote that the only advice Lippmann gave to younger reporters “was to avoid the dangers of ‘cronyism’—of getting so close to a politician that a journalist would lose his objectivity. It had happened to him” with both Theodore Roosevelt and Woodrow Wilson.<sup>87</sup>

In the century that followed the Dewey-Lippmann “debate,” the United States has not entirely followed either Lippmann’s or Dewey’s path for journalism, though elements of both of their ideas are present. Lippmann would have appreciated the extent that journalists turn to experts or specialists as sources. A news story based on an academic’s empirical research, or the Congressional Budget Office’s economic projections, was the sort of reporting that Lippmann advocated—expert opinion built on verifiable facts. In addition, Lippmann’s vision for journalism is served when the public understands which elected officials are responsible for which acts, allowing the public to hold self-serving politicians accountable for their behavior.

Dewey would have seen this type of “accountability” journalism, and news stories filled with expert’s facts and opinions, as only the starting point for democratic discussion, and insufficient on its own. For facts and expert opinion to become meaningful, they needed debate, discussion, and ultimately action. Dewey’s vision for the press is served whenever journalism has helped one segment of the public understand their fellow citizens, or has helped the public develop a greater understanding of the scientific method. Dewey’s ideas about participatory journalism presaged not only “public journalism,” but also the early days of the internet and social media, when the hopeful, and possibly naïve, view of creating communities through mass communication was prevalent. It is worth considering what would happen if more journalists saw their job as facilitating public conversation about public issues, as opposed to telling their audience truthful and entertaining stories, and holding powerful elites accountable.

Dewey and Lippmann both saw the press as far more than words and pictures; much more than a business, it was a conduit, connecting or dividing the public. While the industrialized age had severed individuals from their communities, and removed causes from effects, there was a hope that mass communication could facilitate a sense of intimacy over thousands of miles and millions of people. It could allow for the creation of the national community. Lippmann came to view this belief as unrealistic, while Dewey thought it was not only possible, but necessary to achieve a democratic society on the scale that the twentieth century demanded.

## NOTES

1. John Dewey, *The Public and Its Problems* (Athens, OH: Swallow Press, 1927, reprinted 1988), 98.
2. Alden Whitman, "Walter Lippmann, Political Analyst, Dead at 85," *The New York Times*, December 15, 1974.
3. Ronald Steel, *Lippmann and the American Century* (New Brunswick, NJ: Transaction, 1999), xvii.
4. Henry S. Commager, *The American Mind: An Interpretation of American Thought and Character Since the 1880's* (New Haven: Yale University Press, 1950), 100.
5. Christopher Lasch, *The Revolt of the Elites* (New York: W.W. Norton, 1995), 172.
6. Jay Rosen, *What Are Journalists For?* (New Haven: Yale University Press, 1999), 21.
7. James W. Carey, *Communication as Culture, Essays on Media and Society* (New York: Routledge, 1989), 7, 18.
8. James W. Carey, "The Press and the Public Discourse," *The Center Magazine*, March, 1987, 4–16.
9. Michael Schudson, "The 'Lippmann-Dewey Debate' and the Invention of Walter Lippmann as an Anti-Democrat 1986–1996," *International Journal of Communication* 2 (2008), 1033, 1031.
10. Lippmann characterized American democracy after the war as "a self-perpetuating oligarchy . . . which governs by courting, cajoling, corrupting, and coercing the sovereign but *incompetent* people." Walter Lippmann, "How Can the People Rule?" in *The Essential Lippmann: A Political Philosophy for Liberal Democracy*, ed. Clinton Rossiter and James Lare (New York: Random House, 1963), 19.
11. Schudson, "The 'Lippmann-Dewey Debate,'" 1033.
12. Michel Foucault makes this point in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon, 1980).
13. Dewey, *The Public and Its Problems*, 174; John Dewey, "Review of *Public Opinion* by Walter Lippmann," in *John Dewey: The Middle Works, 1899–1924*, vol. 13, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1983), 343; John Dewey, "Review of *Phantom Public* by Walter Lippmann," in *John Dewey: The Later Works, 1925–1953*, vol. 2, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1984), 220; John Dewey, "The Scholastic and the Speculator," in *John Dewey: The Early Works*, vol. 2, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1976), 150–54; and John Dewey to Henry Carter Adams, "Memorandum," April 29, 1889, Henry Carter Adams Papers, Michigan Historical Collections, University of Michigan, quoted in Robert B. Westbrook, *John Dewey and American Democracy* (Ithaca: Cornell University Press, 1991), 54–55.
14. John Dewey, *Freedom and Culture* (New York: G.P. Putnam's Sons, 1939), 175; John Dewey, *Democracy and Education: An Introduction to the Philosophy of*



*Education* (New York: The Macmillan Company, 1922), 225; and Dewey, *The Public and Its Problems*, 147.

15. See Dewey, *The Public and Its Problems*; Dewey, “Review of *Public Opinion*”; and Dewey, “Review of *Phantom Public*.”

16. See Dewey, *Democracy and Education*, 225; Dewey, *The Public and Its Problems*, 148; Dewey, “Review of *Public Opinion*,” 342–44. Dewey, “Review of *Phantom Public*,” 219; John Dewey, “Democracy and Educational Administration,” in *John Dewey: The Later Works, 1925–1953*, vol. 11, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1987), 400–6; and John Dewey, “Creative Democracy: The Task Before Us,” in *John Dewey: The Later Works*, vol. 14, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1988), 224–30.

17. Dewey, *The Public and Its Problems*, 174.

18. Dewey, “The Scholastic and the Speculator,” 1891.

19. Franklin Ford, “Draft of Action,” (Ann Arbor, 1892), quoted in Westbrook, *John Dewey and American Democracy*, 52.

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55. Lippmann, *Public Opinion*, 203.
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## Chapter 4

# Francis Biddle and the Jennings Case in 1934–1935

## *A Labor Union, the First Amendment, and Government Oversight*

Patrick S. Washburn and Michael S. Sweeney

In June 1934, Dean Jennings, the chief rewrite man at the *San Francisco Call-Bulletin*, planned to attend the first national convention of the American Newspaper Guild in St. Paul, Minnesota. When the newspaper deliberately changed his work schedule, making it impossible for him to go, he quit the paper, attended the convention, and filed a complaint with the government that he had been forced to resign because the paper had pressured him to discontinue his Guild activities. Like small ripples that slowly spread outward after a rock is thrown into a pond, the news of Jennings's complaint grew and morphed into a national freedom of the press story by November; newspapers were alarmed that the government might force the *Call-Bulletin* to reinstate Jennings and then other papers would be required to do the same thing for their employees who had been fired or quit. As the importance of the case escalated, four prominent Americans were sucked into it. They were: President Franklin D. Roosevelt; Heywood Broun, the president of the Newspaper Guild; Francis Biddle, the chair of the National Labor Relations Board (NLRB); and William Randolph Hearst, the owner of the *Call-Bulletin*. Finally, in January 1935, with 1,200 newspapers threatening to have a convention to discuss the threat posed by the government, Roosevelt was forced to step in and resolve the case, leaving Jennings without his former job and the Newspaper Guild bitter.

At the heart of the conflict over Jennings's firing lay questions about the nature of journalism. Are journalists merely laborers, like stevedores and plumbers but with words instead of toolboxes? If so, the government could regulate their labor disputes under the New Deal's spreading umbrella of

workplace reforms. Or, among all businesses, does the press's unique protection from government intervention, as codified in the First Amendment, provide special rights that exempt journalists from regulation? At the macro-level, the Jennings case contributed to the twentieth century's practical definition of "freedom of the press," favoring those who owned newspapers above those who filled their pages with news. When the conflict was resolved, editors and publishers had won their case for an exemption from government oversight, while reporters who had exercised their right to unionize learned that their work's special status under the Constitution had drawbacks as well as benefits.

The story of the Jennings case, despite being an important moment early in Roosevelt's presidency in his interaction with the press on a contentious subject, has largely faded from memory among historians and is little known in journalism circles. Occasional, brief references to it have appeared in books and articles with the only somewhat substantial account of the case on thirteen pages in Daniel J. Leab's 1970 book, *A Union of Individuals: The Formation of the American Newspaper Guild, 1933–1936*.<sup>1</sup>

Missing in all of the scholarly accounts, however, is a realization of the importance of Biddle in the way the government handled the complaint even though his agency, the NLRB, was at the forefront of what occurred. He is only mentioned sparingly, although the evidence shows that he played a prominent role in the outcome. This chapter draws from a myriad of sources to give Biddle his proper recognition, resulting in a more nuanced, and more accurate, account of the case. Many primary sources were utilized in this study, including documents from the National Archives, the Library of Congress, the Columbia University Oral History Collection, the American Newspaper Guild papers at Wayne State University in Detroit, the Hearst papers at the University of California, and the Roosevelt Library in Hyde Park, New York; seven interviews with people who knew Biddle; two autobiographies; and numerous newspaper and magazine articles.

Finally, the way that Biddle acted in the Jennings case in 1934–1935 will be compared with his actions when he was attorney general in 1942 and was pushed by Roosevelt to possibly indict some black newspaper publishers under the Espionage Act for articles considered detrimental to the war effort. The comparison will show that what Biddle learned in dealing with the Jennings case was extremely valuable for him seven-and-a-half years later and had a direct impact on the black press.

## THE AMERICAN NEWSPAPER GUILD AND DEAN JENNINGS

The American Newspaper Guild was founded in 1933 to represent newspaper employees who were struggling with low salaries, bad working conditions

including long hours, and little job security. Firings occurred capriciously, frequently without any notice, and seldom was there severance pay. A former literary editor of the *Boston Herald* summed up the situation in 1922: “As a citizen, a workman, a human being, the journalist is . . . nothing but a wage-earning servant, as impotent and unimportant, considered as an individual, as a mill hand. Journalism in America is no longer a profession through which a man can win to a place of real dignity.”<sup>2</sup> The idea of a national guild had its genesis on August 7, 1933, when Broun, a nationally known columnist at the *New York World-Telegram*, called for a “Union of Reporters” and said he would help start it; he was deluged with letters and telephone calls from journalists across the country who approved heartily of what he had written. After a number of organizational meetings and lengthy discussions, the American Newspaper Guild came into being on December 15, 1933, with Broun as the president.<sup>3</sup>

From its beginning, the Guild faced problems. Some reporters had no interest in being in a union, others refused to join because of fear of what their publishers might do to them, and, in a few cases, publisher intimidation of employees continued, unfazed by the new organization. One editor said, “[N]o guild member would retain his place on my staff. A guild member always can be fired for incompetence.”<sup>4</sup>

An early Guild case that drew attention involved Louis Burgess, a veteran editorial writer on the Hearst-owned *San Francisco Examiner*. As president of the paper’s Guild chapter, he met with the publisher about the Guild, and a week later, on April 4, 1934, he was fired; the paper claimed that this was not only a money-saving move but it also was dissatisfied with his work performance.<sup>5</sup> Burgess’s case attracted the attention of the Guild at its highest level and initially appeared to be an excellent test of the law protecting the rights of newspaper reporters to organize. Jonathan Eddy, the executive secretary of the Guild’s national office in New York City, telegraphed Hearst on April 5 to get him on the record about the firing:

The newspapermen of San Francisco seem convinced that you personally ordered the discharge of Louis Burgess because he was chairman of the Examiner chapter of the Guild. Since this goes directly to clause Seven A of [the] NIRA [National Industrial Recovery Act of 1933] in which we have been assured protection in person by General [Hugh S.] Johnson [the national recovery administrator] and President Roosevelt, we respectfully suggest that you communicate to this office the grounds of Burgess’ dismissal. This request is made in no captious spirit but with the two fold purpose of maintaining intelligent relations with the publishers and sponsoring the working newspaperman in his rights as an American citizen.<sup>6</sup>

The Washington, DC, chapter of the Guild also telegraphed Hearst to question him about his labor policies and wages, but no response to either communication could be found in his archive.<sup>7</sup>

Broun tried to make Burgess's case a popular cause after he learned about it in an April 5 letter from a friend of Burgess's in Menlo Park, California. Evelyn Seeley asked him to publicize the case in one of his "good mad columns" in the *World-Telegram*. Broun and Burgess then corresponded in letters that made clear the pressures that the Guild would face if it challenged Hearst. Burgess told Broun that he had sought advice from George Creel, the former head of the World War I-era Committee on Public Information who had become the regional director of the National Recovery Administration for California, Nevada, and Utah. Creel told Burgess that "the evidence was very clear that [he] had been discharged because of Guild activity," and if Burgess had been "a stevedore, a motorman, or a bus driver," he undoubtedly would have been reinstated. But Hearst, according to Creel, was "the worst son of a bitch in the country," and furthermore, Burgess said, the press lord wielded tremendous power in California through his political and financial connections. Burgess suggested that his case be moved from a local stage to the national spotlight in order to minimize Hearst's influence. This tactic was later taken in the Jennings case with initial success. Burgess, however, did not have the open-and-shut case that Creel had suggested. He filed a complaint with a local labor relations board but never received the wholehearted backing of the Guild because it was unclear whether section 7(a) of the newspaper code, which affirmed the right to unionize, had been violated. Burgess lost the local board's ruling in November because of a lack of evidence supporting his contention that he was fired for Guild activity.<sup>8</sup> Within a week of the decision, three journalists at the *Oakland Tribune*, which competed with the Hearst-owned *Oakland Post Enquirer*, were fired for Guild membership: a rewrite man, a copy editor, and a newspaper librarian. Writing about Burgess, Jennings, and the three *Tribune* employees, the Carmel, California, weekly *Controversy* said, "They know that more heads are due to fall before the fight is over."<sup>9</sup>

It took the Jennings case to draw significant national attention as well as the Guild's full backing.

As executive secretary of the Northern California Newspaper Guild and an elected delegate by his paper's members to the Newspaper Guild's national convention, Jennings scheduled his vacation at the *Call-Bulletin* for June 1934 so he could attend. Shortly before he was to leave, the publisher, along with the managing editor and the city editor, told him that he was needed at the paper and switched his vacation to stop him from attending. Publisher Robert Paul Holliday, who like most of his counterparts disliked the newly formed Guild because he considered it radical and dangerous, said, "The only way you can have this vacation money is to resign." Jennings was so irate that he quit the paper, and all but four of the more than forty other *Call-Bulletin* employees, fearing they would be fired, quit the Guild within weeks after his

resignation. One copy editor testified that the paper's managing editor called the Guild "an anti-Hearst organization . . . run by a bunch of crack pots" and told the Guild members after Jennings quit, "I think you fellows are making a mistake by putting your neck in a noose." Jennings drove to the convention, where he gave a fiery speech and was offered six other jobs, and then filed a grievance with the National Labor Relations Board's regional office, claiming he had been "compelled" to resign. With Hearst refusing to appear, the regional board ruled that Jennings had been discriminated against, and the case was forwarded to the NLRB in Washington for review.<sup>10</sup> Meanwhile, fifteen of the *Call-Bulletin*'s Guild members wrote Hearst that fall, inquiring about his "sense of fairness" because they had been told to resign from the union or be fired. He did not reply.<sup>11</sup>

At the NLRB's hearing in November, Hearst again did not appear to dispute that discrimination had taken place. Instead, Elisha Hanson, the newspaper's lawyer, argued the NLRB had no jurisdiction because of the existence of the Industrial Relations Board, which was made up of four labor representatives and four publishers. They were authorized to hear such cases under the Daily Newspaper Publishers Code, which had been approved jointly in February 1934 by newspapers and the government. Hanson pointed out that the Code provided for no review by a government agency and to do so would infringe on the paper's constitutionally protected freedom of the press. Alexander Lindsey, the counsel for the Guild, countered that the NLRB had every right to decide the case. "To say that the *Call-Bulletin* is not subject to the jurisdiction of the board simply because it chooses not to submit is equivalent to saying that the *Call-Bulletin* is not subject to any law that Congress passes unless the *Call-Bulletin* accepts that law," he told reporters after the hearing.<sup>12</sup> The NLRB took the case under advisement but did nothing before Biddle became the board's head on November 19.

## FRANCIS BIDDLE'S BACKGROUND

Biddle brought a strong résumé to his new position. After going to Harvard Law School and serving a coveted, eight-month clerkship with Supreme Court Justice Oliver Wendell Holmes, Jr., he spent twenty years with two Philadelphia law firms.<sup>13</sup> What was lacking, however, was the heightened sense of fulfillment that came from performing public service. As a member of one of America's most prestigious families, the Biddles of Philadelphia, he felt an obligation throughout his life to render such service and was critical of those in his social position who did not have the same compulsion. For example, on an NBC television show in 1962, a reporter noted that Biddle "pointedly differentiated the members of society who go into public service from



the trivial café habitués.”<sup>14</sup> His desire to serve had been born in his six years as a youngster at Groton School, where one of the principal values instilled in the students was the necessity of rendering service. Thus inspired, and fired with an enthusiasm for Theodore Roosevelt’s Bull Moose Progressive Party, he eagerly ran for the Pennsylvania state senate in 1914 but lost badly. His first extended public service in the 1920s as an assistant U.S. attorney confirmed for him the enjoyment of public work and slowly began to erode the excitement and sense of adventure that he found in private practice.<sup>15</sup> “Once you have yielded to [public work],” he wrote a friend, “nothing else can be as good.”<sup>16</sup> By 1934, on the twenty-fifth anniversary of his Harvard graduation, he admitted publicly in the class report that “the satisfactions in my profession lack something.”<sup>17</sup> As he recalled later:

Cases came and went; and in rare intervals of self-examination I wondered where I was going, and why. It was good to make a comfortable income and put something away; but after twenty years the output of work and the intake of money proved less satisfying. The practice of law was becoming like any business. There was little dedication to ends beyond monetary rewards for the narrow needs of self.<sup>18</sup>

Thus, Biddle was pleased when Roosevelt named him chairman of the National Labor Relations Board. His selection surprised many in Washington because he was not well known in the capital and his appointment was unrelated to two of the normal routes to power—friendship with the president and politics. They had been together at Groton, but Roosevelt had been four grades ahead of him and they had barely known each other. Biddle recalled he had admired more than liked Roosevelt at the time and had been somewhat afraid of him. In the intervening thirty years, there had been no occasion for a close friendship to develop, and he did not get to know the president well until he was head of the NLRB. His appointment, therefore, was not “in any sense a personal one,” he told the *Washington Post*.<sup>19</sup> As for politics, he had largely lost interest after running unsuccessfully for the state senate. He had worked for Al Smith’s presidential campaign in 1928 but did not register as a Democrat until 1932, when he voted for Roosevelt “without much enthusiasm . . . but without hesitation, the vision of Herbert Hoover crouching in the background of my mind.”<sup>20</sup> Although Biddle was impressed by Roosevelt’s first hundred days in 1933, when the president pushed through numerous government changes in an attempt to help the United States come out of the Depression, and was sympathetic to the New Deal, he was cautious of the administration when he took over the NLRB. After committing himself to the Progressive Party only to see it fail twenty years before, “my experience warned me against embracing too easily another such enthusiasm.”<sup>21</sup>

Instead, Biddle was selected because of an hourlong conversation in the summer of 1934 with Lloyd Garrison, the head of the NLRB and a relative by marriage. When Garrison talked about the board and its problems, Biddle showed a keen interest and excitedly asked questions. This enthusiasm so impressed Garrison that when he announced his retirement several months later, he recommended to Roosevelt and to Secretary of Labor Frances Perkins that Biddle should be his successor. She had doubts:

Francis Biddle was one of these theoretical fellows who had never really known any labor people except politically. He'd been a bit in politics in Philadelphia. He knew a few trade unionists with whom he had been in contact in political ways. . . . He was one of those intellectuals who gets a theoretical view of the working man, and the working man's hopes, fears, aspirations, [and] desires, out of learned books.<sup>22</sup>

Still, she admitted he was a “respectable” choice. “Our firm represented solid interests,” Biddle said later in explaining her decision, “and the country would have a feeling that the appointment was that of a man who had dealt with the practical affairs of business, an experience generally believed to make him ‘safe,’ particularly in a position where the diverging conflict between labor and industry was at white heat.”<sup>23</sup> William Green, the president of the American Federation of Labor, also had no serious reservations about the appointment, although he was concerned because Biddle had represented large corporations such as the Pennsylvania Railroad, which opposed labor organizations. More strong support came from *Philadelphia Record* publisher David Stern.<sup>24</sup>

As a final, pro forma check, Perkins asked Charles Wyzanski, the counsel for the Labor Department, to interview Biddle. While Biddle's answers regarding the government's labor practices were acceptable, his mole-colored vest, small Charlie Chaplin mustache, and frivolous air alarmed Wyzanski, who felt he was a “queer looking duck.” He immediately telephoned Harvard law professor Felix Frankfurter, who was at the White House. “I'm not sure what to think of this man,” he said.<sup>25</sup> Frankfurter was skeptical, too, wondering in an October 22 letter to Wyzanski whether Biddle, if named chair of the NLRB, would be able to deal effectively with the country's militant labor leaders in what almost surely would be “some very stiff encounters.”<sup>26</sup> So, noting that they doubted whether Biddle was right for the position because of the way he dressed, Frankfurter suggested instead that the president should make him an appeals court judge. “Oh, you mean he requires a black gown to cover that vest?” Roosevelt responded.<sup>27</sup>

The president's humorous response and obvious lack of concern settled the matter. Taking a leave from his law firm, Biddle became head of the

board on November 19, 1934. In commenting on his appointment, the press irritated him slightly by playing up his liberalism and his heritage. The former was to be expected, given the nature of the New Deal, but Biddle did not like the way that the word “liberalism” frequently appeared in quotes to show, in his words, “that not true liberalism but the pseudo, modern kind was meant.”<sup>28</sup> As for his heritage, Biddle preferred to be judged by his merits rather than those of his ancestors. But there was no escape. The *San Antonio Express* referred to him as a “social registerite” in its lead, and the *Philadelphia Inquirer* labeled him “blue blood as well as brains” in its opening paragraph.<sup>29</sup> Another newspaper that mentioned his ancestry was the *Baltimore Evening Sun*, although he probably liked what it said: “Friends of Francis B. Biddle . . . declare that he is not merely a Philadelphia Biddle, but a man of his own, who would still be a personality were his name Smith, Jones or Brown.” As for the position he was assuming, one of the most prescient comments came from the *Philadelphia Evening Ledger*. After noting that Biddle was well known locally for his ability as a lawyer and for his liberal views, it pointed out the enormous complexities and problems he would face. “In view of these circumstances we hardly know whether to congratulate him on his appointment or to condole with him,” it wrote.<sup>30</sup>

Biddle’s first press conference was memorable. Journalist Raymond Gram Swing was struck by his courage, forthrightness, and confidence.<sup>31</sup> Another reporter agreed, although he noted that Biddle had a lot to learn:

He was a refreshing surprise to the jaded journalists who proceed from one frequently fruitless press conference to another. He stood before them, immaculate and responsive, and talked with such freedom that some of his colleagues shivered a few times and sought to cloak his frank statements with the caution which Washington sooner or later imposes on all of its official family.<sup>32</sup>

His frankness did not surprise those who knew him, however. Thomas Emerson, who was on his legal staff at the NLRB, felt it stemmed from being a patrician rather than a politician. He found him exuberant and optimistic and “rather sure of himself. He didn’t care too much what other people thought about him. . . . He thought he knew the answers [and] was pretty independent.”<sup>33</sup>

As an administrator, which was a new experience for Biddle, Emerson felt he was a qualified success. On the positive side, he was well liked by those who worked under him, principally because he was friendly and treated everyone fairly, never undercutting them. Furthermore, he showed a striking, natural adeptness for public relations. He was highly successful at promoting the administration’s labor positions by neither backing down before

opponents nor usually antagonizing them. In one important way, however, Emerson felt he was an “amateur.” Far from being a workaholic, he basically ignored many of the details of his job, busying himself instead with only the “larger issues” that particularly interested him. As such, he did not substantially push the NLRB or mold it.<sup>34</sup>

Years later, when asked for his “best advice” to boys graduating from high school, Biddle wrote, “Have freedom—which is the secret of happiness—and courage—which is the secret of freedom.”<sup>35</sup> That was the guiding principle of his life, as one of those who spoke at his 1968 memorial service noted:

He was often troubled in determining what the right decision ought to be. But once his mind was made up, the question of courage—whether it was wise or expedient or even intelligent for him to perform in a certain way—simply did not arise. He had a very high sense of duty. Never for the slightest moment would it have occurred to this fearless man to do anything but that duty.<sup>36</sup>

## FRANCIS BIDDLE AND THE JENNINGS CASE

Biddle immediately demonstrated his courage—as well as a determined independence—when he tackled the Jennings case, which the NLRB had taken under advisement while waiting for him to become the board’s head. In examining the evidence presented by Hearst’s lawyer, he found the arguments unconvincing. Hanson argued that section 7(a) of the newspaper code “contains no provision for a review” by the NRA or any other agency, and thus any acceptance of jurisdiction by the NLRB would be an illegal modification of the code. Biddle took a broader view: The Publishers Code did not ban the NLRB from hearing labor cases, and the Constitution only forbade Congress from abridging press freedom. Thus, the press was not free from government regulation. In addition, Biddle was unimpressed with the record of the Industrial Relations Board (IRB). If the eight members were deadlocked in deciding a case, an impartial chair could be appointed, but this rarely occurred because no agreement could be reached on whom the impartial chair should be. As a result, the IRB had settled only five out of thirty-five cases. Although admitting that upholding the regional labor relations board’s decision would create a “row,” Biddle recalled he convinced the other two board members that it was important to “emphasize the inconsistencies, the contradictions, the wearying slowness and vagueness of the way labor disputes were being handled.”<sup>37</sup>

So, on December 3, the NLRB declared its right to deal with union cases involving discrimination in the discharge of employees, even if an industrial board existed to hear them, and affirmed the regional board’s decision. The

2,500-word ruling emphasized that freedom of the press was not an issue. “No genuine issue of freedom of the press can be fabricated out of the Executive Order giving the National Labor Relations Board authority ‘to hold hearings and make findings of fact regarding complaints of discrimination against or discharge of employees or other alleged violations of section 7(a)’ by the newspaper publishers.” The board added:

What Congress cannot do is to pass any law abridging the freedom of the press; apart from this the newspaper business stands on a footing no different from that of other industries. . . . If and when the President attempts to impose a modification that really does abridge the freedom of the press, it will be time enough to invoke the constitutional guarantee.

It concluded by giving the *Call-Bulletin* ten days to reinstate Jennings or face “appropriate action” by the government.<sup>38</sup>

Broun, the president of the Guild, was ecstatic. Noting that Biddle seemed unbothered by the consequences, he labeled him “either a man without fear or exceedingly naïve.” He predicted that powerful forces would be marshaled quickly against him and urged him passionately, “Hold ‘em, Harvard!”<sup>39</sup>

Many comments were not so kind. Despite Biddle’s claim that the NLRB’s decision did not infringe on press freedom, newspapers did not agree. “Unhallowed hands had been laid on the ark of the covenant,” he noted later. “This was the beginning of the end—the press would be free no more.”<sup>40</sup> The Hearst press talked about the NLRB’s “Communistic dictation,” the *New York Times* soberly commented that freedom of the press was “in jeopardy,” and Hanson claimed expansively that the decision was an attempt “to seize the overlordship of the press of the United States for three obscure appointed politicians.” Howard Davis, the president of the American Newspaper Publishers Association (ANPA), also called it “a threat to a free press.”<sup>41</sup>

Equally excited, and apprehensive, was Donald Richberg, the head of the National Emergency Council and one of Roosevelt’s closest advisors. He quickly met with the NLRB and hinted that the nation’s newspapers and unnamed high federal officials had come to a secret “understanding” that the government would not interfere in union disagreements in the industry. Blackwell Smith, the general counsel of the National Recovery Administration (NRA), also requested an opportunity to present evidence relating to the case.

The White House quickly and quietly expressed its displeasure to Biddle. On December 6, presidential secretary Marvin H. McIntyre told Richberg that Biddle’s decision was “unsound,” and that by acting as a presidential agency, “they are practically repudiating the President’s agreement, which set up the Newspaper Industrial Board.” He added, “The Newspaper Guild

representatives are not acting in good faith, but simply trying maliciously to make trouble.”<sup>42</sup> On that same day, Richberg communicated with Biddle, who then wrote a three-page letter of explanation to Roosevelt. Biddle began by saying that he had learned from Richberg that the NLRB’s decision in the Jennings case “has given you some concern.” He explained his rationale for the decision, including in particular that a ruling on the case had been too long delayed. He stated that out of a desire to “not cross any wires,” he had had an NLRB attorney in November contact Richberg to ask for details about the drafting of the newspaper code. Richberg’s secretary put him off, saying he was “very busy,” and referred the call to the National Recovery Administration. Biddle’s office made more calls without result, suggesting but not stating in the letter that he felt frustrated. Biddle’s letter concluded that “[a]t the suggestion of Mr. Richberg,” he had decided to reopen the case.<sup>43</sup>

Therefore, only one day after the decision, the NLRB surprised Washington by announcing that it was temporarily suspending its order to reinstate Jennings so the NRA could “present the circumstances connected with the adoption of the Newspaper Code.”<sup>44</sup> This angered Broun, who claimed that the NRA was “terrified by the publishers.” When the second hearing produced no evidence of a behind-the-scenes deal between the government and newspapers prohibiting the NLRB from exercising its authority in the case, the board reaffirmed its original decision on December 12 and reinstated its ten-day deadline on the *Call-Bulletin*.<sup>45</sup>

Newspapermen, realizing Biddle had become a central actor in a national drama of ever-increasing importance, began looking at him more closely. One reporter described him as “stiffer than stiff,” and another noted that the NLRB under his guidance was “not going to stand for any nonsense.”<sup>46</sup> Calling him “one of the new ‘strong men’ of the Administration,” *Today* added:

Mr. Biddle’s statements have enlivened the atmosphere of the Capital. Some of the New Dealers think he is a trifle naïve, but they admire his courage. His aggressiveness is reported to be disturbing to Secretary Perkins. She is Mr. Biddle’s titular superior, but he does not appear to be the type of person who is impressed by official rank. The present indications are that either Mr. Biddle will have his way or he will resign.<sup>47</sup>

The final comment was appropriate. Biddle found himself playing high-stakes politics from which there was no retreat—if, indeed, he had ever thought of doing so. Almost immediately, reporters began inquiring whether the NLRB intended to bypass industrial relations boards in other industries besides newspapers. Biddle was noncommittal, raising the frightening possibility among government officials of a massive upheaval in labor settlements. There also was the intriguing question of what would occur if the *Call-Bulletin*

refused to reinstate Jennings and Biddle asked the NRA's Compliance Division to move against the paper. Some speculated that the NRA might stall indefinitely. As the *New York Times* noted, however, one thing was clear—in the end, either Biddle or Richberg was going to be “embarrassed.”<sup>48</sup>

As speculation grew about whether the president would have to intervene, “hell broke loose,” according to Biddle. First, he angered the White House. Before the ten days expired, Biddle discussed the case as a matter of courtesy with Louis Howe, a secretary and a close adviser to Roosevelt, who requested a delay in going to the NRA. Biddle promised to give him four extra days (until December 26) and insisted that Howe inform him if he wanted more time. “Otherwise,” Biddle warned, “I’ll send the letter.” When he entered his office at 9 a.m. on December 26 and found no word from him, Biddle immediately sent the case to the NRA. Several hours later, Howe asked for a delay, but Biddle informed him firmly that it was too late.<sup>49</sup>

With the case now at the NRA, newspaper publishers became even more alarmed over what they claimed was a freedom of the press issue. Davis, the head of the ANPA, announced on December 27 that a convention drawing representatives of 1,200 newspapers would take place shortly to discuss what he melodramatically labeled “the greatest problem with which the press of this century has yet been confronted.” However, two days later, claiming that publishers had “no desire to embarrass the administration,” he moved the date of the convention back several days after the NRA announced it was asking the Industrial Relations Board whether Jennings should be reinstated. Biddle accepted the setback gracefully, calling it “perfectly proper.”<sup>50</sup>

Meanwhile, Biddle continued to receive national attention. *The Nation* named him one of twenty-five “distinguished” persons who were “worthy of the appreciation of their fellow-citizens” for what they had done in 1934. The magazine praised him for deciding the Jennings case “on its merits” while refusing to back down “before the concerted attack of the entire American press.”<sup>51</sup> Syndicated columnists Drew Pearson and Robert S. Allen, calling him “the new strong man of the Administration—in a very quiet and dignified way,” also praised him on January 7:

A blue-blood of Philadelphia blue-bloods, Washington first sized him up as an easy-going aristocrat, sure to be pliant to White House will.

He has turned out just the opposite.

He talks little, thinks fast, acts faster. When he does talk it is straight from the shoulder, with no ifs, ands or buts. He has stepped on a good many toes, including Miss Perkin's [*sic*], Donald Richberg's, and even the President's. But he doesn't seem to care a snap of the fingers.

Probably no New Dealer ever has put the White House in such an embarrassing position as Biddle did in the Jennings case. . . . Biddle decided the case strictly on what he considered its merits.<sup>52</sup>

A week later Pearson and Allen still marveled at Biddle's aggressiveness and independence, which they said were causing "heartburn" for Perkins and Richberg. They noted a "head-on collision" between the "unflustered" Biddle and Richberg-Perkins was expected.<sup>53</sup>

The head-on collision occurred quickly as the crisis continued to escalate. On January 16, the Industrial Relations Board announced predictably that it was deadlocked on the Jennings case and sent it back to the NRA. That was followed two days later by an announcement from Davis that the nation's newspaper publishers would meet on January 28 in New York City to discuss the NLRB's actions in the Jennings case.<sup>54</sup> A day later, on January 19, John Francis Neylan, general counsel for Hearst's publications, warned the California Newspaper Publishers Association that the Jennings case represented "the most dangerous attack ever launched at the freedom of the press in America." He continued:

Politicians today are deliberately, albeit furtively, setting about to obtain control which will enable them to discipline the press of the United States. . . . If they can do to a newspaper code what they propose, then it is the beginning of the end of the freedom of the press. . . . [Newspapers must] unite every force at their command to preserve the cherished heritage.<sup>55</sup>

Roosevelt had finally had enough. The safest course politically was not getting involved, thus avoiding a choice between two groups with extreme views. But with the newspaper publishers calling for a national convention and making wildly exaggerated statements about a threat to freedom of the press, he had no choice. Suddenly, a trivial labor matter had become a dangerous liability for the administration. Furthermore, a course of action had already been suggested to him. Richberg, whom Biddle distrusted, had quietly sent a "statement of jurisdiction" to the president on January 14. "I can't take this up with Biddle or anyone else because I don't know what Colonel Howe has said to them about this," Richberg explained.<sup>56</sup>

On January 22, Roosevelt adopted Richberg's statement, without acknowledging he wrote it, and declared that the NLRB had no jurisdiction over cases that fell under the purview of the newspapers' IRB or similar boards in several other code industries. "The fact that government has approved this provision in these very few codes makes it imperative that government should live up to the letter of the agreement as long as those codes remain in effect," Roosevelt said. This declaration halted any possibility of the NRA taking action against the *Call-Bulletin*, and the publishers immediately canceled their convention, hailing a freedom of the press victory.<sup>57</sup> In siding with the publishers, the president could not avoid alienating labor. Broun, bitterly calling the Jennings case "no more than a pressed flower in our memory book," promised that the Newspaper Guild would not forget what Roosevelt had done:



We feel that it is impossible to dodge the fact that the newspaper publishers have cracked down on the President . . . and that Franklin Roosevelt has cracked up. . . . The publishers have trotted out that old bogey, freedom of the Press. [They] announce that a “satisfactory adjustment” has been reached. They mean satisfactory to the publishers. . . . We contend that the government . . . has been held up by the threat and the bluff of the publishers. . . . That is tragic enough. It is even more so when we consider the fact that the President surrendered at the point of a wooden gun.<sup>58</sup>

A month later, Broun was still bitter about how the Jennings case had ended. At a Guild meeting, he said that he “pictured Roosevelt accompanying every decision with the statement, ‘I hope Mr. Hearst is not going to object to this.’”<sup>59</sup>

When Biddle told the NLRB members of Roosevelt’s decision, they were so angry at being undercut that they wanted to resign. After all, the board supposedly had unlimited jurisdiction in labor disputes. But Biddle counseled them against quitting. He pointed out that labor was weak, and their resignations would only make the problem worse. Furthermore, he had been working on a draft of a sweeping, new labor law with Senator Robert F. Wagner of New York, who implored the board to remain intact because it was almost completed. They finally agreed to stay after a cordial meeting with Roosevelt, who was sympathetic to the difficulties faced by the board but glad to have the Jennings case behind him. Several days later, in a note to Biddle, he added after his signature, “You and I have had enough publicity.”<sup>60</sup>

Over the next several months, as the Wagner bill was being debated in Congress, Biddle agonizingly made a decision that he called at the time “the hardest thing I’ve had to do.” He would return to his Philadelphia law firm when the issue was settled. While he admitted he “loved the work, the associations, the responsibility” at the NLRB, he faced what he felt was a justifiable ultimatum from the law firm to either rejoin it or relinquish his partnership.<sup>61</sup> He enjoyed public service, primarily because of its excitement and importance, but he was not yet ready for a long-term commitment. “I did not realize, would not realize for another four or five years, how much the satisfaction that comes from public service had begun to tug at my moorings,” Biddle would recall more than a quarter-century later. Wagner, who was bitterly disappointed with Biddle’s decision to resign, predicted he would “hate” private practice and miss public life in Washington.<sup>62</sup>

The Senate approved the bill on May 15, the House followed on June 19, and Roosevelt signed it into law on July 5. On that day, Biddle wrote the president that he appreciated the opportunity of working under him, but he was resigning because he had to return to his law firm. Roosevelt replied that it had been “particularly nice” to have a former classmate in a high government position and praised his work on the NLRB. Saying these comments “touched and pleased”

him, Biddle told the president in a second note that he had been “very happy” in his job and was leaving Washington “with deep regret.”<sup>63</sup> The *Philadelphia Record*, in applauding his seven-and-a-half months at the NLRB, expressed disappointment at his resignation. “Liberals throughout the country will not forget his valiant service,” it wrote on July 12. “With the *Record*, they hope his retirement will be temporary—that before long he will be back in Washington, in a post of even higher authority, where his determination and liberalism will continue to serve the best interests of the country.”<sup>64</sup>

Meanwhile, despite not being reinstated at the *Call-Bulletin*, Jennings moved on to government jobs in the next eight years with the Resettlement Administration, Government Films, the Social Security Administration, the Film Service, the Office for Emergency Management, and the Office of War Information. Later, he became a gossip columnist for the *San Francisco Examiner* and a freelance magazine writer.<sup>65</sup>

## CONCLUSION

The Jennings case marked a milestone in the definition of journalism as a profession. Whatever sympathies Franklin Roosevelt might have had for ordinary reporters, particularly in the early years of his presidency, he ultimately backed away from defending them by averting a political fight with their powerful employers. To reporters, many of whom worked long hours at relatively low wages, this was a left-handed compliment: Journalists’ work was so special and important that the government would not intervene to help them as it helped other workers in their disputes with owners.

The case also was a milestone for Biddle. When Biddle returned to his law firm in Philadelphia in 1935, he missed public service and was bored, but better things were ahead. In March 1939, he was appointed a judge on the federal Third Circuit Court of Appeals for Pennsylvania, New Jersey, Delaware, and the Virgin Islands. Then, in January 1940, he was named solicitor general of the Justice Department, and he became Roosevelt’s fourth and final attorney general in September 1941. He served in that position until June 1945 and ended his public service career in 1945–1946 as one of two American members of the International Military Tribunal that tried major German war criminals at Nuremberg.<sup>66</sup>

The Jennings case in 1934–1935 set the tone for Biddle’s public service career. He showed he was a stickler for the rules, no matter what the impact might be politically and whether his actions might be unpopular with some of those involved. In a sense, he was a reincarnation of famous Civil War Rear Admiral David Farragut; when his federal naval force was in disarray and in danger of being destroyed at the Battle of Mobile Bay in 1864, he shouted,

“Damn the torpedoes, full speed ahead!”<sup>67</sup> Although President Roosevelt eventually intervened and overrode him, Biddle was firmly guided by steadfastness of purpose, independence, and fairness in the Jennings case.

But what Biddle learned at the NLRB was invaluable when he was deeply involved as attorney general in another important First Amendment case in 1942—and this time he was far more resolute in standing up to the president. On May 22, Roosevelt suggested that Biddle and Postmaster General Frank Walker should talk to the black press “to see what could be done about preventing their subversive language.”<sup>68</sup> This suggestion was a reference to black newspapers continually playing up black inequalities, which the president felt was hurting the war effort. As a result, Biddle met with the *Chicago Defender*’s John Sengstacke, the country’s leading black newspaper publisher, at the Justice Department in June. In what at times was a contentious meeting, Biddle began by threatening the black newspapers with an Espionage Act indictment for what they were writing, but then he backed off and promised that none of the papers would be indicted during the war if they had nothing more critical than what they already were printing. The white press never wrote about Biddle’s promise, presumably because they did not know about the meeting, and neither did the black press, although Sengstacke told other publishers about what had occurred.<sup>69</sup>

In comparing Biddle’s actions in the Jennings complaint with the black newspapers case, the most significant point was that he quickly acceded to the president in 1934–1935 but compromised with him in 1942. The compromise was the result of the two men having different views of the First Amendment. While Roosevelt believed that it could be reduced in wartime, when the very life of the republic was at stake, and then returned when the war was over, Biddle believed that First Amendment freedoms remained the same in peacetime and wartime, no matter the direness of the threat to the United States.<sup>70</sup>

So, why did Biddle act differently toward Roosevelt in the two press cases?

In the Jennings complaint, Biddle almost surely went along with Roosevelt, overriding him without a complaint for several reasons. He barely knew the president before he was appointed head of the NLRB and probably was still overwhelmed by him when the case ended a little more than two months later. Furthermore, in that short period, Biddle discovered that he loved public service, and he probably did not want to oppose Roosevelt for fear that it could end his government career. The safer route was to go along amicably with the president, who had the right to do what he did, and, in so many words, come back to fight another day.

In the black press case seven-and-a-half years later, Biddle was more than willing to fight for what he felt was right. By this time, he was in a much stronger position: he knew the president well and was no longer awed by

him; as attorney general he had a much higher and more powerful government position than before; and he was a constitutionalist who felt strongly that the black press's First Amendment rights were worth defending even if it meant going against Roosevelt. Finally, no evidence exists that the president wanted to indict the black press. As one historian has noted about the request for Biddle to meet with the black press, "It is likely that Roosevelt wanted to frighten the black editors into toning down and never seriously considered suppressing any of the black press."<sup>71</sup> Biddle very well may have known this about the president and felt that his approach with Sengstacke—threatening him and then softening what he said—would satisfy Roosevelt while allowing him to still protect the First Amendment.

Several weeks after becoming attorney general in 1941, Biddle told the *New York Times*, "It seems to me that the most important job an Attorney General can do in a time of emergency is to protect civil liberties. . . . In so far as I can, by the use of the authority and the influence of my office, I intend to see that civil liberties in this country are protected."<sup>72</sup> That may have been the ultimate reason why he did not back down from the president in the black press case. He probably viewed it as a far more important, and far stronger, First Amendment case than the Jennings complaint. Thus, Biddle felt it was worth risking his public service career to protect black journalists.

## NOTES

1. Daniel J. Leab, *A Union of Individuals: The Formation of the American Newspaper Guild, 1933–1936* (New York: Columbia University Press, 1970), 182–185.

2. Leab, *A Union of Individuals*, 4–8.

3. See *ibid.*, 43–103; and Dale Kramer, *Heywood Broun: A Biographical Portrait* (New York: Current Books, 1949), 243–45.

4. Leab, *A Union of Individuals*, 111–12, 136.

5. See *ibid.*, 124, 181–182; and Philip M. Glende, "Trouble on the Right, Trouble on the Left: The Early History of the American Newspaper Guild," *Journalism History* 38, no. 3 (Fall 2012): 144.

6. Jonathan Eddy to William Randolph Hearst, April 5, 1934, "American Newspaper Guild—1934," box 5, folder 5, Business and Personal Correspondence, 1891–1951 Subseries 1.2, William Randolph Hearst Papers, Bancroft Library, University of California, Berkeley.

7. D.A. DeSouza to William Randolph Hearst, March 29, 1934, "American Newspaper Guild—1934," box 5, folder 5, Business and Personal Correspondence, 1891–1951 Subseries 1.2, William Randolph Hearst Papers.

8. See Evelyn Seeley to Heywood Broun, April 5, 1934, Daniel J. Leab Papers, box 7, Walter P. Reuther Library, Wayne State University, Detroit; Don Stevens to Heywood Broun, April 15, 1934, Daniel J. Leab Papers, box 8; R.L. Burgess to

Heywood Broun, April 15, 1934, Daniel J. Leab Papers, box 7; and Jean Winthrop, "A Newspaper Game," *Controversy*, Nov. 23, 1934.

9. Winthrop, "A Newspaper Game."

10. See Francis Biddle, *In Brief Authority* (Garden City, NY: Doubleday & Co., 1962; Westport, Conn.: Greenwood Press, 1976), 31–32; "Dean Southern Jennings," Prabook, at [prabook.com/web/dean\\_southern\\_jennings/1079176](http://prabook.com/web/dean_southern_jennings/1079176) (accessed February 6, 2018); "Newspaper Defies Labor Board Right," *New York Times*, November 14, 1934; "In the Matter of *San Francisco Call-Bulletin* and Dean S. Jennings," Case No. 195, Decision December 3, 1934, National Labor Relations Board, Daniel J. Leab Papers, box 8; "Unnecessary Torture," *Time*, December 24, 1934, 16; and "President & Publishers," *Time*, February 4, 1935, 55.

11. David Nasaw, *The Chief: The Life of William Randolph Hearst* (Boston: Houghton Mifflin, 2000), 485.

12. "Hints Withdrawal from the Code," *New York Times*, November 14, 1934.

13. Francis Biddle, *A Casual Past* (Garden City, N.Y.: Doubleday & Co., 1961), Chapter 11, 294–332.

14. Rick Du Brow, "High Society Takes a Bow on Camera," *Buffalo News*, April 7, 1962. Paul Freund, who worked in the Justice Department when Biddle was attorney general from 1941 to 1945, agreed that Biddle's background was the determining factor in his doing public service. "He felt noblesse oblige—that he had an obligation to his fellows because of his privileged birth and upbringing," he said in an interview with Patrick S. Washburn on September 23, 1986.

15. See Biddle, *A Casual Past*, 191; Beverly Smith, "Everybody's Lawyer," *American Magazine*, April 1942, 50; and *Harvard College Class of 1909, Twenty-Fifth Anniversary Report, 1909–1934* (Cambridge, MA: Harvard University Press, 1934), 42. Biddle never again ran for public office.

16. This quote was used by Arthur Schlesinger, Jr., when he was one of five men to speak at a Washington memorial service for Biddle on November 16, 1968. Their remarks were published in a book, *Francis Biddle, 1886–1968*, which was printed privately by New York's Spiral Press in 1969 with all 250 copies being presented to those close to Biddle. Used with the permission of Mr. and Mrs. Edmund Biddle of Bryn Mawr, Pa. Schlesinger also talked about Biddle's love of public service, which he said came from Groton, in an interview with Patrick S. Washburn on September 26, 1986. "I think he enjoyed it far more than he did making money," he said. "Not that he needed it [money]. I mean he didn't need it. He had a comfortable income."

17. *Harvard College Class of 1909, Twenty-Fifth Anniversary Report, 1909–1934*, 42.

18. Biddle, *A Casual Past*, 398. Throughout the latter part of his life, he compared private practice to public service. For example, he spoke at the University of Virginia in April 1953 on "Reflections of a Lawyer and a Public Servant." "Private practice is nothing compared to public service," he said. "There is a certain inevitable loneliness in doing a job for yourself, but in being part of an organization in which you take pride the feeling is one not only of greater accomplishment but of realization." See "Francis Biddle Says U.S. Is Evincing Immaturity and Fear," *Charlottesville (Va.) Daily Progress*, April 29, 1953.

19. See Biddle, *A Casual Past*, 352; “Labor Board Chairmanship Given Biddle,” *Washington Post*, November 17, 1934; and Grace Davidson, “About People,” *Boston Post*, November 9, 1953.

20. See Biddle, *In Brief Authority*, 7; and Biddle, *A Casual Past*, 352.

21. See Biddle, *In Brief Authority*, 4; and “Labor Board Chairmanship Given Biddle.”

22. “The Reminiscences of Frances Perkins,” part VII, 144, Columbia University Oral History Collection, New York.

23. Biddle, *In Brief Authority*, 7–8.

24. See *ibid.*; Ruth Finney, “Washington Profiles,” *Philadelphia Inquirer*, October 17, 1934; and “The Cabinet: New Attorney General,” *Time*, September 1, 1941, 15.

25. “The Reminiscences of Charles E. Wyzanski,” vol. 2, 210–11, Columbia University Oral History Collection. Biddle, who liked to wear bright bow ties and wine-colored smoking jackets, probably never realized that others might think his yellow vest was inappropriate. His wife told a reporter in 1942 that his chief characteristic was “naturalness, complete freedom from self-consciousness. He wears what he pleases, without regard for prevalent styles.” See Smith, “Everybody’s Lawyer,” 48, 52. Paul Freund, who worked under him at the Justice Department, agreed in a September 23, 1986, interview that Biddle was a nonconformist who felt “ordinary rules and conventions didn’t apply to him.” He particularly recalled when Biddle appeared before the Supreme Court in a case in July 1942. Although lawyers traditionally wore formal attire before the Court, Biddle had on a white linen suit and apparently was oblivious that this shocked everyone. “A Biddle could do anything in the way of apparel,” said Freund. “That was my interpretation.” Others interviewed, who agreed that Biddle was a somewhat unconventional but elegant dresser, included Mr. and Mrs. Edmund Biddle, December 8, 1985; Ernest Cuneo, October 19, 1986; Thomas Emerson, December 4, 1985; Elizabeth Rowe, December 7, 1986; and Arthur Schlesinger, September 26, 1986. All of the interviews were conducted by Patrick S. Washburn.

26. Peter H. Irons, *The New Deal Lawyers* (Princeton, N.J.; Princeton University Press, 1982), 221.

27. “The Reminiscences of Charles E. Wyzanski,” 210–11.

28. Biddle, *In Brief Authority*, 8–9, 17.

29. See “Social Register Furnishes Head of Labor Board,” *San Antonio Express*, November 17, 1934; and Finney, “Washington Profiles.” Biddle noted in his autobiography that “for years I had felt handicapped under [the newspapers’] insistence that all Biddles were wealthy social playboys, with an exciting, adventurous, and not unimportant past, but apparently a pretty thin present and rather mild future.” See Biddle, *In Brief Authority*, 15.

30. See “Reassuring Protest,” *Baltimore Evening Sun*, November 17, 1934; and “Mr. Biddle’s Hard Job,” *Philadelphia Evening Ledger*, November 17, 1934.

31. Raymond Gram Swing, “The Radicals Are Tired,” *The Nation*, December 5, 1934, 639–40.

32. “Noted as Lawyer, He Brings Mind of Progressive to His Job,” *U.S. News*, December 1, 1934.

33. Interview, Thomas Emerson by Patrick S. Washburn, December 4, 1985.
34. *Ibid.*
35. "World Notables Join in Giving Advice to Brooks School Graduates," *Lawrence (Mass.) Tribune*, May 3, 1950.
36. "James Rowe," *Francis Biddle, 1886–1968*, used with the permission of Mr. and Mrs. Edmund Biddle of Bryn Mawr, Pennsylvania.
37. See "In the Matter of the *San Francisco Call-Bulletin*, et al," November 13, 1934, National Labor Relations Board, box 7, Daniel J. Leab Papers; and Biddle, *In Brief Authority*, 32–33.
38. See "Released for Morning Papers December 4, 1934," National Labor Relations Board, box 8, Daniel J. Leab Papers; and "Newspaper Guild Wins Point in Fight," *New York Times*, December 4, 1934.
39. Heywood Broun, "It Seems to Me," *New York Herald-Telegram*, December 5, 1934. Broun's comment about Harvard was not unexpected. They had been there at the same time with Biddle graduating one year before Broun.
40. Biddle, *In Brief Authority*, 33.
41. See *ibid.*; "Freedom of the Press," *New York Times*, December 5, 1934; and "Davis Attacks Ruling," *New York Times*, December 4, 1934.
42. Marvin H. McIntyre to Donald R. Richberg, December 6, 1934, box 7, Daniel J. Leab Papers.
43. Francis Biddle to Franklin D. Roosevelt, December 6, 1934, box 8, Daniel J. Leab Papers.
44. See Biddle, *In Brief Authority*, 33–34; and "Labor Board Move Halts Press Case," *New York Times*, December 5, 1934.
45. See Biddle, *In Brief Authority*, 34–35; "Newspaper Guild Quits NRA Hearing," *New York Times*, December 6, 1934; and "Rules Newspaper Must Restore Job," *New York Times*, December 13, 1934.
46. Memorandum, H.B. to Mr. Biddle, December 13, 1934, Francis Biddle papers, Scrapbook, vol. V, Labor Board, October 1934–Mar. 1935, Roosevelt Library, Hyde Park. N.Y.
47. R.F.A., "Leave to Print," *Today*, December 29, 1934.
48. Louis Stark, "Newspaper Case Widens NRA Rift," *New York Times*, December 14, 1934.
49. See Biddle, *In Brief Authority*, 35; "Roosevelt Move Awaited in Break," *Washington Evening Star*, December 13, 1934; and Drew Pearson and Robert S. Allen, "The Washington Daily Merry-Go-Round," *St. Louis Post-Dispatch*, January 7, 1935.
50. See "1,200 Newspapers to Decide if Code Has Been Breached," *New York Times*, December 28, 1934; "Delays Publishers' Call," *New York Times*, December 29, 1934; and "Code Board to Act in Newspaper Case," *New York Times*, December 29, 1934.
51. "The Nation's Honor Roll for 1934," *The Nation*, January 2, 1935, 3.
52. Pearson and Allen, "The Washington Daily Merry-Go-Round."
53. Drew Pearson and Robert S. Allen, "The Washington Daily Merry-Go-Round," *St. Louis Post-Dispatch*, January 14, 1935.

54. See “Guild-NRA Issue Is Heard by Board,” *New York Times*, January 17, 1935; and “Code Action Jan. 28 Set by Publishers,” *New York Times*, January 19, 1935.

55. “Warns Coast Publishers,” *New York Times*, January 20, 1935.

56. See Biddle, *In Brief Authority*, 35; and Memorandum, Donald R. Richberg to Marvin H. McIntyre, January 14, 1935, OF 716, National Labor Relations Board, Jan.-May 1935, Roosevelt Library.

57. See “Roosevelt Curbs NLRB in Code Cases,” *New York Times*, January 23, 1935; “Call to Publishers Revoked,” *New York Times*, January 23, 1935; and “President & Publishers,” 55.

58. See “Broun Issues Statement,” *New York Times*, January 23, 1935; and “President & Publishers,” 55.

59. Nasaw, *The Chief*, 507.

60. Biddle, *In Brief Authority*, 37.

61. Francis Biddle to George Biddle, undated, George Biddle papers, Family Correspondence, Francis Biddle, 1932–39 folder, Library of Congress, Washington, D.C.

62. Biddle, *In Brief Authority*, 47–48. In the winter or spring of 1935, Roosevelt offered Biddle the opportunity to leave the NLRB and head a government investigation of the telephone and telegraph industries. The job “tempted” him, but he turned the president down because he felt the money appropriation was too small, the fifteen months allotted for the investigation was not enough, and the staff was “unprepared.” He also wanted to remain at the NLRB until the Wagner bill passed. Others advised him not to take the position as well. See Francis Biddle to George Biddle, undated, George Biddle papers, Family Correspondence, Francis Biddle, 1932–1939 folder, Library of Congress.

63. See, Francis Biddle to Franklin D. Roosevelt, July 5, 1935; Franklin D. Roosevelt to Francis Biddle, July 11, 1935; and Francis Biddle to Franklin D. Roosevelt, July 16, 1935. All are in OF 716, National Labor Relations Board, July–December 1935, Roosevelt Library.

64. “Biddle Will Be Missed,” *Philadelphia Record*, July 12, 1935.

65. “Dean Southern Jennings papers, 1920–1969,” Archives West at [archiveswest.orbiscascade.org/ark:/80444/xv33685](https://archiveswest.orbiscascade.org/ark:/80444/xv33685) (accessed January 27, 2018).

66. Biddle’s public service career is covered extensively in his autobiography, *In Brief Authority*.

67. “David Farragut,” *Encyclopaedia Britannica*, at [www.britannica.com/biography/David-Farragut](https://www.britannica.com/biography/David-Farragut) (accessed January 27, 2018).

68. Patrick S. Washburn, *A Question of Sedition: The Federal Government’s Investigation of the Black Press during World War II* (New York: Oxford University Press, 1986), 80–81.

69. *Ibid.*, 87–94.

70. Patrick S. Washburn, *The African American Newspaper: Voice of Freedom* (Evanston, IL: Northwestern University Press, 2006), 156–57.

71. Washburn, *A Question of Sedition*, 81.

72. Cabell Phillips, “No Witch Hunts,” *New York Times Magazine*, September 21, 1941.





## Chapter 5

# Dorothy Day and *The Catholic Worker's* Legacy of Pacifism

Bailey Dick

In her 1938 autobiography, *From Union Square to Rome*, published at the height of the bloody war between the leftist Republican government of Spain and the pro-Catholic rebels led by General Francisco Franco, radical Catholic activist and journalist Dorothy Day shared her struggle to balance her own identities. Referencing the nineteenth-century French historian François Guizot, she told her readers, “He who is not a Socialist at the age of twenty has no heart, and he who is a Socialist at the age of thirty has no head. . . . I wholeheartedly subscribed to the other two fundamentals of Communism. Now the creed to which I subscribe is like a battle cry, engraved on my heart—the Credo of the Holy Roman Catholic Church.”<sup>1</sup> Facing divided loyalties among her readership, Day chose to maintain a pacifist stance on the Spanish conflict. This decision, which she stood behind her entire life, is one that rocked her career, her movement, and the newspaper she edited.

In 1933, Dorothy Day founded *The Catholic Worker*, an activist newspaper with an accompanying religious and social movement, and served as its editorial and ethical heart until her death in 1980. *The Catholic Worker*, which was never run for profit and has always sold for a penny per copy, reached a maximum circulation of more than 100,000 by the end of its first year in print. Day situated the editorial stance of the paper at the intersection of radical political thought, labor ideology, and Catholic social teaching.

Day was born on November 8, 1897, in Brooklyn, New York.<sup>2</sup> She spent most of her tumultuous young life doing activist work and writing for leftist publications such as *The Masses*, *The Call*, and *The Liberator*. Whether it was being jailed at Occoquan as one of Alice Paul’s Silent Sentinels for women’s suffrage, writing Nellie Bly-style immersive reporting pieces on New Orleans’ taxi dancers, or writing a novel-turned-movie script for a

Hollywood production company, Day's early life was bohemian, to say the least. Day converted to the Catholic faith in 1927, and later founded the Catholic Worker Movement and newspaper in 1933 with Catholic philosopher and activist Peter Maurin. She took this step after several years of freelance work for such Catholic publications as *America* and *Commonweal*, as well as a series of volcanic life events. These included multiple romantic trysts, an abortion, a suicide attempt, and the birth of her daughter, Tamar.

In the first issue of *The Catholic Worker*, published on May Day 1933, Day and Maurin explained their vision for a movement grounded in leftist political ideology and Catholic personalist theology. Day's paper and the movement that accompanied it led to the formation of 207 Catholic Worker communities that provided housing and social services in fifteen countries and thirty-seven states, as of 2019. Day was given the title "Servant of God"<sup>3</sup> by the Vatican in 2000, and in 2012, American bishops unanimously approved her cause for sainthood.<sup>4</sup>

It is worth considering how Day, her movement, and *The Catholic Worker* became known for their work. Shortly after the paper's first issue in 1933, Day's radical Catholic and activist stance came under fire from both her leftist and Catholic supporters via a conflict that came to define Day's work and *The Catholic Worker's* editorial position for decades to come. With the onset of the Spanish Civil War in 1936, Day and *The Catholic Worker* were forced to navigate between pleasing their Catholic readership and church hierarchy who backed Franco, and the paper's leftist, radical readers who sided with anti-Franco forces. Ultimately, *The Catholic Worker's* unwavering pacifism cost the paper half its readership—as well as a sizeable amount of financial backing from donors who were solely responsible for funding the paper. Yet, as the paper was inherently tied to a social and religious movement with complex philosophical and theological roots, Day created a firm foundation for its editorial stances in the future by taking a firm position on war. Thus, unwavering commitment to an ethical and editorial viewpoint over decades eventually gave Day and *The Catholic Worker* social, political, and theological clout that, in the long term, transformed how the Catholic Church, the American lay faithful, and even radicals approached pacifism.

No scholarship has examined *The Catholic Worker* and the Spanish Civil War, though a handful of scholars have studied the paper's pacifist position on other military conflicts. To fill that gap, this chapter will perform a close reading of Dorothy Day's writing in *The Catholic Worker* and her personal papers at Marquette University, supplemented by her personal writing in the books *The Duty of Delight: The Diaries of Dorothy Day*<sup>5</sup> and *All the Way to Heaven: The Selected Letters of Dorothy Day*,<sup>6</sup> as well as four of Day's memoirs.<sup>7</sup> It begins with an overview of the religious issues in the Spanish Civil War, moves through how that war was framed in the American mainstream

and Catholic press, and then concludes with an examination of Day and her paper's impact.

## THE SPANISH CIVIL WAR

On July 17, 1936, General Francisco Franco, the commander of Spanish troops in Morocco, brought his troops to Spain in hopes of toppling the nation's Republican government.<sup>8</sup> Franco, who had the backing of Germany's growing Nazi party and the Italian fascists,<sup>9</sup> saw his coup as "a virtual holy war against godless atheism."<sup>10</sup> The Republican government, which was dominated by leftists,<sup>11</sup> sought to overturn the Catholic Church's centuries-long control of politics and social life in Spain. At the time, the church, which had the backing of Spain's right-wing landowning elites, controlled education, which was off-limits for women, and considered literacy a threat to power.<sup>12</sup> While the leftist, Republican coalition government sought to be a liberating force for the country after sweeping electoral victories, it was also responsible for the murder of 11,000 clergy members and the torching of 20,000 churches across the country, drawing the ire of Catholics worldwide.<sup>13</sup> But there was widespread violence on both sides: in just the first month of the Spanish Civil War, forces on both sides of the conflict killed nearly 100,000 people.<sup>14</sup> And from the end of the war in April 1939 until 1944, Franco created concentration camps and executed dissidents by the thousands.<sup>15</sup>

The Spanish Civil War had global and political ramifications as well. Approximately 35,000 people came from fifty-two countries to fight on both sides of the conflict. This number included 2,800 Americans, two-thirds of whom were members of the Communist Party USA.<sup>16</sup> Further, the Spanish Civil War played a symbolic role ahead of the Second World War, in that it manifested the clash between democracy and the fascism many nations embraced, including Germany, Italy, and Japan.<sup>17</sup>

Given that thousands of Americans crossed the Atlantic to fight in the Spanish Civil War, it is important to understand the American position on the conflict in order to understand *The Catholic Worker's* response. According to historian J. David Valaik, the Spanish Civil War "tore huge rents in the fabric of American society."<sup>18</sup> Despite the personal connection many Americans clearly felt to either the socialist forces of the Republic or the Catholic clergy being protected by Franco, the American government was officially neutral on the war. This position reflected a trend toward isolationism during the 1920s and 1930s by the United States, which grew out of fears of financial and human investments and losses during World War I.<sup>19</sup> This isolationism was not merely an ethical choice, but a legislative one as well. President

Franklin Delano Roosevelt asked Congress to amend neutrality legislation in response to the Spanish Civil War, and prohibited individuals on either side of the conflict from receiving war materials shipped from the United States.<sup>20</sup>

## CATHOLIC IDEOLOGY

The decision by Day, and, by extension, *The Catholic Worker*, to take a pacifist stance was not only a personal one, but one rooted in the Catholic faith. According to scholar Sara Ann Mehlretter, “The Catholic pacifists saw themselves as loyal followers of Christ whose failures in this life were actually victories in the next, since they believed themselves following God’s commandments.”<sup>21</sup> Much of the writing published in *The Catholic Worker* included references to scripture or writings by prominent figures in the Catholic faith. Day’s message, and indeed that of scripture, she believed, was centered on the idea that “love is stronger than death, stronger than hatred.”<sup>22</sup>

In an article published in the May 1936 issue just weeks before the Spanish Civil War formally began, Day penned a piece simply titled “Pacifism.” In the piece, Day wrote that *The Catholic Worker* is “sincerely a pacifist paper.”<sup>23</sup> In making her case, Day turned, as she frequently did, to scripture, Catholic teaching, and indeed, Jesus himself. She referenced the Bible, telling her readers that the Catholic Worker Movement’s fight is not “with flesh and blood but principalities and powers.”<sup>24</sup> She pointed her readers to a 1929 pastoral letter from Pope Pius XI, who called on the press to combat militarism:

Since the unbridled race for armaments is on the one hand the effect of the rivalry among nations and on the other cause of the withdrawal of enormous sums from the public wealth. . . . We exhort you all, Venerable Brethren, that by all the means at your disposal, both by preaching and by the press, you seek to illumine minds and open hearts on this matter, according to the solid dictates of right reason and of the Christian law.<sup>25</sup>

Day also told *Catholic Worker* readers that “The Christian thing to do,” in being confronted with supporting or resisting armed conflict, “would be not to resist, but when anyone asked for one’s coat, to give up one’s cloak besides,” a reference to a call from Jesus himself. Bold Christians, according to Day, must be willing to endure the same humiliation as Jesus did if they are to call themselves pacifists. She wrote, “A pacifist who is willing to endure the scorn of the unthinking mob, the ignominy of jail, the pain of stripes and the threat of death, cannot be lightly dismissed as a coward afraid of physical pain. A pacifist even now must be prepared for the opposition of the next mob who thinks violence is bravery.”<sup>26</sup>

In another article Day wrote for *The Catholic Worker* in August of 1936, she directly addressed the Spanish Civil War, calling “Poor blood-drenched Spain . . . the most talked about subject today.”<sup>27</sup> In this piece, Day leaned heavily on her Catholic ideology in informing her readers that “We are inclined to believe that the issue is not so clear cut as to enable either side to condemn the other justifiably.”<sup>28</sup> For Day and her movement, taking sides, as was being done with great haste by both her leftist and Catholic readers, was antithetical to their mission. Day cited scripture, writing that the Catholic Worker Movement’s “main concern is that the ‘members of Christ tear one another,’” and telling her readers that what Spain needed was “the prayers of the rest of the Mystical Body.”<sup>29</sup> Day called on her readers to lean more on the Catholic ideology they held dear, rather than the side-taking others were demanding:

THE CATHOLIC WORKER makes this appeal to its readers. Forget your anger. Let your indignation die. Remember only that the Body is being rent asunder, and the only solution is Love. Let’s show ours by humbly praying the Source of Love that He intervene in the cause of the Body of which He is the Head. You have heard it said, “Thou shalt love thy neighbor and hate thy enemy. But I say to you, love your enemies; do good to them that hate you; and pray for them that persecute and calumniate you.”<sup>30</sup>

In a November 1936 piece, Day reminded her readers that while the paper’s staff had hope for Spain’s future, that *The Catholic Worker* did not believe “that force of arms can save it.” Day again referenced the Gospel in her explanation of her pacifist stance on the Spanish Civil War, stating, “We believe that if Our Lord were alive today he would say as He said to St. Peter, ‘Put up thy sword.’ Christians when they are seeking to defend their faith by arms, by force and violence, are like those who said to our Lord, ‘Come down from the Cross. If you are the Son of God, save Yourself.’”<sup>31</sup>

In her 1952 autobiography, published after the Spanish Civil War and World War II—and the lack of support that followed—Day emphasized that although her movement’s pacifist message wasn’t gaining much traction, she still continued to utilize scripture, which she saw as timeless and at the heart of the Catholic Worker Movement’s mission: “We had been pacifist in class war, race war, in the Ethiopian war, in the Spanish Civil War, all through World War II, as we are now during the Korean war. We had spoken in terms of the Sermon on the Mount and all of our readers were familiar enough with that.”<sup>32</sup>

In a later book, *Loaves and Fishes*, published in 1963, Day shared with her readers a similar message about their steadfast commitment to the Gospel’s teachings on pacifism:

In the thirties there had been the Sino-Japanese war, the Ethiopian war, the Spanish Civil war; and in those years, too, we demonstrated against war. When

the Second World War came and so few were left around to do the work, there was an end to peace demonstrations but no end to the discussion of war in the pages of *The Catholic Worker*. We still quoted the Sermon on the Mount; we still spoke of the works of mercy and called attention to the fact that war is inevitably the opposite of them.<sup>33</sup>

Both during the Spanish Civil War and the other armed conflicts that followed in subsequent decades, Dorothy Day and *The Catholic Worker* relied heavily on their Catholic ideology, particularly scripture, to support their ongoing commitment to pacifism.

### SOCIAL INSTITUTIONS: THE CHURCH HIERARCHY

The most pivotal social institution to the Catholic Worker Movement and Day's editorial writing in *The Catholic Worker* was the Catholic Church, an institution that Day challenged, yet appeased throughout her time as editor. Broadly, the church was concerned at that time with its ability to function in any given society, whatever the political system. According to historian James Flint, the Vatican's general position on various forms of government was that it would "be content if the local church were free to dispense the sacraments and provide for the religious education of the Catholic population," and that it followed that the Catholic faithful "should be able to live in peace under any sort of government."<sup>34</sup> The Catholic Church's "just-war" doctrine did provide criteria for "legitimate use of military force," even if the Vatican took no formal or official pacifist or pro-war stance throughout the twentieth century.<sup>35</sup> Generally speaking, the Vatican "discouraged armed rebellion,"<sup>36</sup> but its official stance on the Spanish conflict was one of neutrality.<sup>37</sup> However, many Catholics in Spain did not necessarily share this sentiment. The swift and widespread anticlerical violence at the outset of the Spanish Republic produced a conflict that "involved issues affecting all Catholics, perhaps even the very existence of the Church in Spain," which "seemingly necessitated a choosing of sides," according to historian J. David Valaik.<sup>38</sup> Stateside, the Catholic hierarchy pressed for Roosevelt to maintain the arms embargo to Spain, leading politicians to attack the American Church for leveraging religious leaders to influence foreign policy.<sup>39</sup>

While Catholic leadership certainly took a stance on the Spanish Civil War, the Catholic faithful were much more divided on the issue. One December 1938 poll found that 31 percent of American Catholics preferred a neutral stance on the Spanish Civil War, 30 percent backed the leftist Republican government, and only 39 percent backed Franco—a surprisingly small plurality, given Franco's stance as the Church's guardian. A Gallup poll conducted

a year later found the number of American Catholics backing Franco had dropped to 38 percent, while the number of those supporting neither side rose to 33 percent. In short, two-thirds of American Catholics opposed the official Catholic Church position on the Spanish Civil War.<sup>40</sup>

The American Catholic climate was also primed for Day's brand of pacifism. According to Day scholar Anne Klejment, an increase in traditional practices in American Catholicism coupled with openness to renewal throughout the church made the time opportune for a bold, faith-based approach to pacifism, and "enabled Day to adopt Christian nonviolence and absolute pacifism as her personal values and the aims of the Catholic Worker Movement."<sup>41</sup> This primed religious and social environment, coupled with Day's own personal conversion to Catholicism, "emboldened and empowered her to educate and follow her conscience and to act on her beliefs."<sup>42</sup> However, Day also understood that complete pacifism was a tough pill for many to swallow. Although she was committed "to the most extreme form of conscientious objection, non-co-operation with the law," Day also was "ready to respect and support those who were not ready to go that far and wanted to register their dissent within the law."<sup>43</sup>

However, Day and *The Catholic Worker* faced pressure and criticism from both church hierarchy and the Catholic faithful for their editorial stance on pacifism. Because Day, *The Catholic Worker*, and her movement had no official, financial, or organizational ties to church hierarchy, she was able to make bold moral and ethical choices that were ahead of the church's own position, and indeed that of other Catholic presses. The Catholic Worker Movement's autonomy enabled its more radical thinking on matters both social and theological, including pacifism.

Still, Day was adamant that *The Catholic Worker* and those who were part of the movement abide by official church teachings. Her longtime travel companion Eileen Egan said of Day's adherence to church teachings on pacifism, "In order to carry a very old message, a message of peace and nonviolence, we have to be absolutely above suspicion." According to Egan, *The Catholic Worker's* success as a publication was due to Day being "totally, irrevocably, faithful to the teaching of the Catholic Church. If she had deviated in one iota, the movement would have died. . . . [T]he way Dorothy criticized the church was with love, and you felt that."<sup>44</sup> Further, Day hoped to underscore the paper and the movement's ties to the church when pressing potentially controversial opinions, and Day "astutely made sure the paper's headlines indicated endorsement by Church officials, wherever possible to do so."<sup>45</sup> However, according to Day scholar Nancy Roberts, Day "did not wait for priests, bishops, or cardinals to officially approve her ideas; She went ahead and took immediate action."<sup>46</sup>



Day handled members of the Church hierarchy amid the Spanish Civil War with her characteristic pluck. She was called to the Chancery Office in New York with some frequency during the Spanish Civil War to explain the editorial stance of *The Catholic Worker* throughout the conflict. As her granddaughter, Kate Hennessy, wrote in her memoir:

Franco was seen by many Catholics as the rescuer of the Church. Her pacifist position on this war lost the *Worker* subscriptions to the paper. She was also assailed for it from the other direction by her leftist friends, and a rift formed between Dorothy and her brother John that took years to heal. . . . With the increasing likelihood of the United States entering World War II, her pacifist stance was creating deep dissension within the *Worker*, leaving her feeling alone and opposed.<sup>47</sup>

Hennessy also wrote that Day's pushback from the church hierarchy began to trickle down to lower-ranking clergy members, who had been among the Catholic Worker Movement's staunchest supporters for decades. Following Day's doubling down on the paper's pacifist commitment,

That steady flow of priests, who since 1934 had stopped on their way home from Rome, had long slowed, and seminarians had their vocation questioned if they expressed interest in the *Worker*. Dorothy found herself relegated to the fringes of the Catholic Church, much like a poor and batty aunt who can't be gotten rid of and is embarrassing in what she could come out with at indelicate moments.<sup>48</sup>

In taking such a resolute ethical and editorial stance, Anne Klejment noted that Day was "boldly challenging official Catholic just war teaching on numerous moral and practical grounds," all while "clerics too often blessed violence in the name of perceived Church interests, thus, in Day's opinion, undermining Christ's non-negotiable law of love."<sup>49</sup> One such cleric with whom Day had frequent ethical run-ins was New York Cardinal Francis Spellman, who, according to Day scholar Stephen Krupa, exhibited "uncritical patriotism and defense of the nation's war aims." However, he wrote, Day "was unrestrained in confronting" Spellman and other members of the church leadership, and "did not wait for the church hierarchy to approve of her stand on nonviolence."<sup>50</sup>

Catholic leaders were also liable to change their minds on Day's activism and pacifism. Cincinnati's Archbishop John McNicholas, who prohibited circulation of *The Catholic Worker* during the Spanish Civil War because he disagreed with the paper's pacifist stance, wrote on the eve of World War II that he "hoped that if America entered the conflict a mighty army of conscientious objectors would rise up."<sup>51</sup> Croatian Archbishop Aloysius Stepinac, a donor to *The Catholic Worker* who had funded Day's cross-country trips

to report on labor strikes, wrote to Day that he “became so uneasy about The Catholic Worker’s editorial position on the Spanish Civil War that he asked pastors in his diocese to discontinue getting it for their churches or schools.”<sup>52</sup>

Other bishops in Springfield, Massachusetts, and Providence, Rhode Island, also rescinded their support of the Catholic Worker Movement in their dioceses after the commitment to pacifism during the Spanish Civil War. When Day ran an in-house ad in the paper encouraging her male readers not to register for the draft during World War II, she was called to the Chancery in New York and told, “Dorothy, you must stand corrected.”<sup>53</sup> As Day said in her book *Loaves and Fishes*, “I was not quite sure what that meant, but I did assent, because I realized that one should not tell another what to do in such circumstances. We had to follow our own consciences, which later took us to jail; but our work in getting out a paper was an attempt to arouse the conscience of others, not to advise action for which they were not prepared.”<sup>54</sup>

However, at no point in the fifty years Day led the Catholic Worker Movement did the church hierarchy ever actually ask her to stop her work.<sup>55</sup> Perhaps this indulgence was because, as Day scholar David O’Brien wrote, Day “made it clear that she ‘didn’t become a Catholic in order to purify the church.’ The church was her home, not her forum for effecting change.”<sup>56</sup> The paper noted the support it received from the church hierarchy at every opportunity. Cardinal Patrick Hayes of New York was among the first to give his stamp of approval to *The Catholic Worker’s* editorializing.<sup>57</sup> And as Day pointed out in her memoir, *The Long Loneliness*, “Father John J. Hugo wrote articles and pamphlets—‘The Immorality of Conscriptation,’ ‘Catholics Can Be Conscientious Objectors,’ ‘The Weapons of the Spirit,’ ‘The Gospel of Peace.’ The last two were printed as Catholic Worker pamphlets under the imprimatur of the Archdiocese of New York.”<sup>58</sup>

One of the keys to Day’s success in achieving recognition and validity as a Catholic leader was her commitment to Catholic social teaching and the Catechism as a whole. As Nancy Roberts noted, Day “was a fervent Catholic traditionalist who never criticized the Church’s teachings, only its failure to live up to them.”<sup>59</sup>

## **MEDIA ORGANIZATION: A MOVEMENT AND A WORKPLACE**

To be a writer or editor for *The Catholic Worker*, particularly in the main office in New York City, one was required to engage in the movement’s service and activism work. *The Catholic Worker’s* staff lived alongside the poor in the Catholic Worker hospitality houses, cooked and served meals, attended protests, and took part in “clarification of thought,” the weekly

roundtable discussions on the movement's philosophy and theology. As Day said, "Since the Catholic Worker is also a movement, our editors and writers cook, clean, and wash dishes. They tend the sick, chauffeur the ailing to hospitals, and clean out vermin-ridden apartments."<sup>60</sup> Day also encouraged her fellow journalists to immerse themselves in the communities they covered: "Going around and seeing such sights is not enough. . . . One must live with them, share with them their suffering too. Give up one's privacy, and mental and spiritual comforts as well as physical."<sup>61</sup> This enveloping participation encouraged *The Catholic Worker's* journalists to take an active role in the issues about which they wrote. Continuous interaction with their coworkers in communal living, as well as attending weekly educational meetings and discussions on theology, philosophy, and ethics, fostered editorial consistency and buy-in from the staff.

As scholar Mary Segers described it, "Usually, a movement which draws its ideas from so many different sources and intellectual traditions gains wide appeal at the cost of intellectual coherence, consistency and rigor. There is, however, an internal consistency to the intellectual and social vision of the Catholic Worker movement."<sup>62</sup> Day was adamant about making an "absolute stand on nonviolence and pacifism at the Catholic Worker."<sup>63</sup> Yet, she understood that an immovable pacifist stand was not something all her readers—and indeed, all of those on her own staff—would be able to endorse. At the end of a 1938 piece titled "Explains CW Stand on Use of Force," Day added a disclaimer at the end: "This editorial is not intended to be a complete statement of THE CATHOLIC WORKER'S stand on the Spanish war. Neither does it purport to be anything dogmatic, merely an expression of the sincere convictions of THE CATHOLIC WORKER staff."<sup>64</sup> Day left herself and her staff some leeway for interpretation, growth, and thinking.

Nancy Roberts described *The Catholic Worker* as "Day's special endeavor. She chose the articles, wrote much of the copy, and designed the makeup and headlines at times. A shrewd manager, a forceful editor and publisher committed to high journalistic standards, Day communicated authority."<sup>65</sup> Day did much of the writing for *The Catholic Worker*, including the vast majority of its unsigned pieces, over her five-decade tenure as its editor.<sup>66</sup> Day's granddaughter Kate Hennessy noted that as a leader "Dorothy could drive others mad with her extravagance. 'Send a cablegram—no, two cablegrams to Spain!' she cried."<sup>67</sup>

For Day, the enterprise of journalism was about changing hearts, not driving profits, unlike most other news publications. The penny-per-copy price of the paper meant that Day and her staff never felt the pressure to appease advertisers. There weren't any. The entire movement and ability to do service work through the Catholic Worker Movement's houses of hospitality relied upon donations. With no advertisers or financial ties to

the church hierarchy, the paper relied entirely on donations from its readers. Still, avoiding pandering for revenue was a key concern for Day. According to Roberts,

The value of writing lay far beyond the income it could provide to aid the poor, or the creative gratifications it offered. Journalism, Day believed, was the social activist's prime tool. One could use it "to move the heart, stir the will to action; to arouse pity, compassion, to awaken the conscience." Day frequently encouraged young writers to "resist the temptation of writing trash just to make money."<sup>68</sup>

In a letter to "David," one of the paper's financial backers, Day wrote,

Somehow we'll make out, we always have. It is a fearful struggle but we will manage somehow. Thank God there will be enough money to pay the installment on the farm . . . What I get from Miss Gage we'll put to the printing bill . . . I feel so much happier when I am at home—it is so much harder to see poverty when one is not living with it. It is a constant ache in the heart.<sup>69</sup>

Even though the focus of *The Catholic Worker* was not on making money, Day was still shaken by how much her pacifism during the Spanish Civil War affected her service work and ability to spread her message via the paper. As granddaughter Kate Hennessy described it, "Dissent was so profound with what many viewed as Dorothy's uncompromising stance that tales of the Catholic Worker being destroyed at some of the other CW houses trickled in. She rejected the claim that half of the houses closed because of her pacifism."<sup>70</sup> And it wasn't just Day and her own staff and movement members who were struggling with pacifism. Her readership was as well. In 1938, in the middle of the Spanish Civil War, *The Catholic Worker's* circulation peaked at 160,000.<sup>71</sup> But by 1941, the paper lost more than half of its readership, as circulation dropped to 75,000, and by 1945, only 50,000 readers subscribed to *The Catholic Worker*.

## NEWS GATHERING FROM THE GRASSROOTS AND THE HEART

One of the hallmarks of Day and *The Catholic Worker's* journalistic style was their ongoing relationships and correspondence with individuals close to the issues covered in the paper. As Day herself was a prolific letter writer, *The Catholic Worker* frequently featured a lengthy reader letters section as well as open letters between Day and other activists, political leaders, and religious figures. The Spanish Civil War was no exception. Day capitalized

on the flurry of letters *The Catholic Worker* received from clergy members who were livid with the paper's pacifist stance on the war in Spain. Day took the opportunity to write back, as she did in this September 1938 letter:

Rev. Dear Father: You are one of many priests and laymen who have written to us of the Catholic Worker these past two years on the stand we have taken in the Spanish conflict. Many times we have been misquoted, or sentences from articles or public speeches have been taken from their context and distorted, and our friends have written us with pain that our attitude should seem to be at variance with that of Catholic leaders. I am writing this letter to explain as best I can the points which we are trying to bring out in the Catholic Worker.<sup>72</sup>

In an article on nuclear war and pacifism in *The Catholic Worker* from 1951, Day mentioned a direct connection the movement had with those in Spain during the Spanish Civil War. Day told her readers of "one of our former companions, a Spaniard who lived in a Franco concentration camp for years, and so spent his youth in civil war."<sup>73</sup> This companion, with whom Day corresponded, had experienced the horrors of the pro-Catholic Franco regime, and thus "rejected our dear old 85-year-old Father Shritz' overtures to him to return to the sacraments."<sup>74</sup> Still, as Day put it, "he was expressing a Catholic truth that our prosperous America has lost sight of. That it is only in suffering, only in the Cross the symbol of suffering, that we find joy."<sup>75</sup> This brief passage from an article two decades after the Spanish Civil War points to a greater truth the Catholic Worker Movement hoped to convey in the way it shared news: that there is humanity everywhere, common ground to be found, and meaning in suffering.

Day was also transparent with her readers about the struggles she and her fellow editors had in remaining pacifist in the midst of brutality and violence in Spain, and as World War II began. As she wrote in a June 1940 column, "It is hard to write so in times like these when millions are doing what they consider their duty, what is 'good' for them to do. But if the Catholic press does not uphold the better way, the counsels of perfection will be lost to the world."<sup>76</sup> Day's transparency about her own struggles with pacifism and her ongoing communication with her readers are trademarks of *The Catholic Worker's* engagement with readers. By sharing concerns with her readers, Day built trust that led to credibility.

## PERSONALISM AND JOURNALISM

Day and the Catholic Worker Movement were rooted in the philosophical and theological school of personalism. Personalist philosophy draws heavily from Catholic thinkers and centers on the dignity of the human person. According to Thomas D. Williams and Jan Olof Bengtsson, personalist thinkers place

great importance on “the moral nature of the person . . . on practical, moral action and ethical questions.”<sup>77</sup> The school of personalism grew out of the thirteenth-century writings of St. Thomas Aquinas, and later Jacques Maritain and Emmanuel Mounier. Their writings profoundly influenced the Catholic Worker Movement’s belief that all individuals have inherent dignity. Catholic Workers’ “Christ-like personalism encourages them to cultivate openness to . . . encounters with outsiders, leading them to share food, space, and spirit with the concrete ‘other,’” wrote sociologist Grace Yukich.<sup>78</sup>

As evidenced by the ongoing commitment of the Catholic Worker Movement to provide the poor and needy with food, clothing, and shelter and to live alongside them in community, the Catholic Worker philosophy, and indeed the editorial stance of *The Catholic Worker*, is rooted in the belief in the inherent dignity of all individuals. Even the notion of pacifism, which aims to protect everyone from violence and harm, stems from the notion, according to Williams and Bengtsson, that “Every person without exception is of inestimable worth, and no one is dispensable or interchangeable. The person can never be lost or assimilated fully into the collectivity, because his interrelatedness with other persons is defined by his possession of a unique, irreplaceable value.”<sup>79</sup>

Personalist philosophy, according to scholar Carol Jablonski, “laid ‘a rhetorical groundwork for pacifism’ by emphasizing a personal commitment to nonviolence.”<sup>80</sup> At the core of the Catholic Worker Movement’s pacifism was the notion that each individual person had the right to refuse to participate in a culture of war. Although that right “had long been part of Catholic teaching and modern popes and defenders of the just-war theory professed to uphold individual conscience,” according to scholar Patricia McNeal,<sup>81</sup> the Catholic Worker Movement was among the first to encourage readers to consider it seriously in light of the broader geopolitical situation, as the Spanish Civil War began just as *The Catholic Worker* was becoming a respected publication.

## WEATHERING FLAK

Day and *The Catholic Worker* faced much controversy for their pacifist editorial choices during the Spanish Civil War. She herself was frequently criticized as a female, leftist, Catholic leader by her opponents. As she wrote, “I’m supposed to be an immoral woman, with illegitimate children, a drunkard, a racketeer, running an expensive apartment on the side, with money in several banks, owning property, in the pay of Moscow, etc. etc.”<sup>82</sup>

Day’s commitment to pacifism during the Spanish Civil War alienated not only Catholic Church hierarchy but also *The Catholic Worker*’s peer publications. A growing number of mainstream publications began to focus on

“rooting out socialists.” This opposition provided an “in” for a radical, activist publication like *The Catholic Worker* to cover issues of social and political concern that were typically covered only by the socialist papers.<sup>83</sup> As Day herself spent time working for the waning socialist press, she understood its ideology and editorial decision-making processes. As Jim Forest, an associate editor at *The Catholic Worker*, put it, “Probably the Socialist newspapers were much closer to the Catholic Worker press than the mass media, but still they tended to print horror stories, like Dorothy’s stories about living on two dollars a week. It was a revolution through fear and anger rather than through love.”<sup>84</sup> *The Catholic Worker* alienated leftist readership that sided with the Spanish Republican forces in the conflict.

It is also crucial to understand how *The Catholic Worker*’s fellow Catholic publications covered the conflict. Just days after the war began in 1936, Fr. Francis X. Talbot, S.J., the editor of the Jesuit periodical *America*, gathered the editors of Catholic publications in hopes of gaining consensus for an editorial stance on the war.<sup>85</sup> Most Catholic publications, including *America*; Denver’s *The Register*; *The Pilot*, Boston’s diocesan paper; *Catholic Digest*; *Ave Maria*; and *The Tablet* of Brooklyn all took a pro-Franco editorial position.<sup>86</sup> This stance aligned with most of the Catholic press, church hierarchy, clergy, and lay groups “with considerable unanimity,” according to scholar J. David Valaik.<sup>87</sup> As such, the Catholic Church’s communications, including diocesan and religious order press, radio programs, meetings, homilies, and the like preached pro-Franco policy, which was “drummed into Catholic senses with great zeal and regularity.”<sup>88</sup> And even in light of this seemingly straightforward position across Catholic media and its pro-Franco media blitz, thousands of American Catholics flocked to Washington, DC, to support Catholic University of America Professor and broadcast personality Fulton J. Sheen, who spoke against the lifting of the Spanish arms embargo, a position that received great support from the American faithful.<sup>89</sup> Thus, while the Catholic hierarchy and media institutions took a hard-line stance on the Spanish Civil War, it is clear that the broader Catholic public maintained a more nuanced position on the conflict.

One of the few Catholic publications that did not fall in line with the pro-Franco position was *Commonweal*. Valaik wrote that the progressive Catholic periodical took “a more measured approach”<sup>90</sup> to editorializing on the war, which drew the ire of many of its readers—and church leaders. The archbishop of Cincinnati, John T. McNicholas, OP, prohibited the sale of *Commonweal* in his diocese’s churches.<sup>91</sup> Other clergy sent in cancellations to the periodical in droves. The magazine’s circulation dropped by one-fourth after it published an editorial clarifying its position on the Spanish Civil War.<sup>92</sup> And readers were not shy about telling *Commonweal*’s editorial staff just how wrong they thought the magazine’s editorial stance was. According

to Valaik, letters “advising its new editors to shut up shop, to end their ‘queer’ editorials”<sup>93</sup> were sent in regularly, and the paper faced the “onslaught of the outraged Catholic press,”<sup>94</sup> which wrote in their own publications about *Commonweal*'s more nuanced editorial stance on the war. And despite the blowback that *Commonweal* faced from the Catholic press, it more closely aligned with secular press reporting. Valaik found that the secular press “in most cases contradicted virtually everything said in Catholic publications concerning Spain.”<sup>95</sup>

Other Catholic publications were also at odds with *The Catholic Worker*'s editorial stance on pacifism as well. As Valaik wrote, “While Catholic magazines and papers vied with each other in efforts to make General Franco's Nationalist ‘crusade’ acceptable to their readers, *The Catholic Worker* condemned every aspect of his revolt and would not be silenced.”<sup>96</sup> Although *The Catholic Worker* faced “many bitter attacks from Catholic quarters,” including notorious radio celebrity Father Charles E. Coughlin, the paper was also armed with “writers of undeniable repute” and was “one of the very few Catholic publications which gave serious attention to the implications of Franco's alliance with the fascist powers.”<sup>97</sup>

## CONCLUSION

After the Spanish Civil War ended on April 1, 1939, the world was facing the rise of fascism and another war on the horizon. That same year, Day spoke at a congressional hearing against the Burke-Wadsworth Bill, which favored a peace-time draft.<sup>98</sup> Day promoted pacifism throughout World War II, eliciting even more criticism than during the Spanish Civil War. As scholar Sara Ann Mehlretter put it, “At no time was opposition to the Workers' most politically significant principle—pacifism—so great as during World War II.”<sup>99</sup> In the decade following the Spanish Civil War, *The Catholic Worker*'s pacifism was “neither popular nor influential,”<sup>100</sup> as such a position “seemed ridiculous after the bombing at Pearl Harbor.”<sup>101</sup> Indeed, American Catholics during World War II “lambasted the Workers as unpatriotic, disloyal, and treasonous”<sup>102</sup> Day didn't seem to care, however. As she wrote in a January 1942 piece as the United States entered World War II:

In *The Catholic Worker* we will quote our Pope, our saints, our priests. We will go on printing the articles which remind us today that we are all “called to be saints,” that we are other Christs, reminding us of the priesthood of the laity. We are still pacifists. Our manifesto is the Sermon on the Mount, which means that we will try to be peacemakers.<sup>103</sup>



However, it was Day's unflinching commitment and continued writing on pacifism that gave Day and *The Catholic Worker* credibility on peace issues as the United States entered the Cold War. Day influenced how the Catholic Church spoke about pacifism. On the anniversary of the Hiroshima bombing, which coincided with the 1976 International Eucharistic Congress, 8,000 women joined a prayer service organized and led by Day and the Catholic Worker Movement in silent protest when the conference's organizers initially failed to recognize the event. Day told a reporter, "I would say that the clergy should be very happy and probably are very happy that we are instigating a movement among the laity of going ahead on our own. Why should we go ahead and wait until we have dear Father come to our meetings? It is impossible to say how much that has limited the activity of the church."<sup>104</sup>

Day also took part in the "Religious Call for a Nuclear Moratorium" alongside Bishop Thomas Gumbleton of Detroit in 1979, shortly before her death.<sup>105</sup> The Catholic Worker Movement's theological argument for conscientious objection was officially affirmed by church leadership during Vatican II.<sup>106</sup> Pope John XXIII provided what scholar Ashley Beck termed "a partial vindication" of the *Catholic Worker's* position in his encyclicals, *Pacem in Terris* ("Peace on Earth"), and Pope Paul VI in *Gaudium et Spes* ("Joy and Hope").<sup>107</sup>

Even after Day died on November 29, 1980, she left behind a legacy of pacifism. In Pope John Paul II's speech at the site of nuclear bombings in Japan in 1981, the language he used to condemn war echoed Day's.<sup>108</sup> And Catholic leaders in the dioceses of San Francisco, Amarillo, and Seattle put forth official stances on militarization and armed conflict that were similar to positions Day wrote about in *The Catholic Worker*.<sup>109</sup>

Dorothy Day's deep commitment to an ideology that grounded her editorial choices had consequences for her paper and the movement that followed. However, making a strong editorial decision based on her own moral judgment was possible because the paper never aimed to do what most American newspapers do: Make a profit. Day and *The Catholic Worker* had the freedom to make bold claims about pacifism without fear of losing advertisers or appeasing shareholders. While other papers were increasingly abiding by ethical codes and professional organizations' standards, Day and *The Catholic Worker* answered to a higher power. Day was more concerned with saving souls than obeying rules. Day's own ethical code sometimes clashed even with her readers, particularly during the Spanish Civil War, but she viewed herself as a Catholic first and a radical second. Her strong moral grounding and ethics-centered mission gave both herself and her movement long-term credibility as a nexus of opinion on peace.

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## *Chapter 6*

# **War Correspondents, Women's Interests, and World War II**

Carolyn M. Edy

In the early 1940s, news reporting was very much a male domain, though some women found work as exceptional reporters whose editors and audiences could—and often did—overlook their gender. War correspondent regulations, from 1942 to 1944, required the U.S. military to treat all accredited correspondents equally. Thus, American women who wrote as war correspondents at the start of World War II officially did so under the rules for men, and therefore numbered among the most exceptional journalists—those whose publications trusted them enough to cover war for their readers. But by 1944, military regulations would stipulate what female war correspondents should write about as well as where and how they should work, which led to pushback from women who had not faced such limitations previously. In June 1944, for example, veteran war correspondent Martha Gellhorn wrote to Colonel J.B.L. Lawrence: “Now I find myself plainly unable to continue my work in this theatre, for no reason that I can discover than that I am a woman. Being a professional journalist, I do not find this an adequate reason for being barred.”<sup>1</sup>

Whether they worked beside men or among women, female war correspondents remained outsiders through the end of World War II. Their acceptance often depended upon this outsider status—either standing apart from other women, as exceptions, or standing apart from other war correspondents, as women. And yet, by constructing the concept of a “woman war correspondent” to situate female war correspondents outside “the inner circle” of war, the military ultimately helped more women find their way to the front.<sup>2</sup>

During World War II, female journalists stood at an important juncture in the acceptance of women into the workplace. Before 1940, women made up less than 25 percent of the American workforce. Most of these women

were nonwhite and employed in domestic, clerical, sales, or service jobs.<sup>3</sup> Women who wanted to work found it difficult to do so during the Depression, when jobs were scarce and public sentiment grew more opposed to women's employment.<sup>4</sup> During World War II, however, the number of jobs soared and technological advances made defense production more suitable for novice workers.<sup>5</sup> As the need for workers quickly outpaced supply, and as more men were conscripted, employers increasingly turned to women. Opportunities in journalism increased for women as well, especially for those who were white, well-educated, and well-connected.<sup>6</sup>

When Germany invaded Poland in 1939, most Americans opposed going to war.<sup>7</sup> President Franklin Roosevelt continually pushed the limits of a short-of-war strategy to shore up the nation's military and its allies, calling on America to become an "arsenal of democracy," with the quick and unprecedented production of "more ships, more guns, more planes, more of everything."<sup>8</sup> The United States passed its first peacetime draft in September 1940, but it was not until Japan's surprise attack on Pearl Harbor that Americans believed it was their war, too.<sup>9</sup>

Every war is based on entangled notions of a group identity, a common cause for action, and a shared perception of an enemy as markedly different from the group. Because the strength of each of these concepts affects the meaning and outcome of any battle, these concepts drove the government's control of media throughout World War II.<sup>10</sup> The military needed Americans to feel united and to believe that the Axis powers posed such a danger that war was necessary. Democracy and freedom were integral to Americans' identity and to the cause for war, and yet as a democracy the United States fostered opposing, diverse viewpoints that made unity harder to achieve.<sup>11</sup> Throughout the war, the government worked to balance its interest and authority with the interests and rights of the press and the public, while monitoring, producing, and regulating communication related to all segments of the population—even, and often especially, women.<sup>12</sup> It did so by relying heavily on a cooperative fourth estate.<sup>13</sup>

## THE U.S. MILITARY AND THE WAR CORRESPONDENT, 1941–1943

While the War Department sought to influence public opinion and prepare Americans for war, it also sought to avoid repeating its Great War mistakes. This strategy included the creation in 1941 of a public relations division to promote the war effort by working closely with journalists, rather than against them, with the following mission: to inform people of the war's progress, to ensure that people understood and supported the military, and to help

maintain morale among civilians and soldiers.<sup>14</sup> To foster and control this relationship, the War Department established regulations that would expand and change throughout the war. In January 1942, just as the first American troops landed in Europe, the public relations division established procedures for accrediting, accommodating, and controlling correspondents who would cover Army forces in the field.<sup>15</sup> The number accredited from each publication or with each military group would be limited, with preference "given to agencies representing the largest possible news or picture dissemination" as well as to journalists with military experience.<sup>16</sup> Reporters had to apply to the War Department Bureau of Public Relations Overseas Liaison Branch for accreditation and submit an accompanying letter from their news organizations, specifying the theater requested and transportation required.<sup>17</sup> In April, the Department of the Navy established procedures for correspondents seeking accreditation with the Navy, Marine Corps, or Coast Guard, with similar stipulations and procedures.<sup>18</sup> Noting that the limited capacity of these units posed additional complications, the Navy made the process far more competitive by reserving credentials for representatives who could provide national coverage.<sup>19</sup> Before gaining accreditation, war correspondents also had to sign contracts vowing to follow military rules and submit all work to intelligence officers for review. How and when their work was censored was left to the discretion of military officials. Correspondents also had to remain under control of the commander of the force to which they were accredited while also dressing and behaving as members of the military.<sup>20</sup> The manual noted that correspondents would have "every reasonable facility" and assistance to do their work within "limits dictated by military necessities."<sup>21</sup> Each officer was free to define "reasonable" and "necessities," making the interpretation more ambiguous than the regulations conveyed.

Memoirs, correspondence, and other documents provide a limited picture of the experience of accreditation in the first years of the war. Before 1944, most accounts, even those describing women, continued to discuss war correspondents as though they were a group undistinguished by gender.<sup>22</sup> In 1941, the *Chicago Daily News* ran a series of advertisements nationwide that promoted Helen Kirkpatrick and six other "ace war correspondents" for their "world scoops and brilliant, penetrating analyses."<sup>23</sup> In July 1942, another *Daily News* advertisement highlighted three examples of its war reporting: "Helen Kirkpatrick, for instance, foretold the fall of France a week in advance, Edgar Mowrer the deadlock with Germany several years ago, and A.T. Steele the Japanese aggression by 11 months."<sup>24</sup> Kirkpatrick, whose expertise led the *Daily News* to hire her as a foreign correspondent in 1939 (despite its official policy against hiring women), was among the earliest war correspondents accredited to the European Theater.<sup>25</sup> As an executive council member of the Association of American Correspondents in London,



Kirkpatrick was one of two war correspondents quoted in a press conference transcript in July 1942. General Dwight Eisenhower began the forum by acknowledging rumors that the military had fallen short with press relations.<sup>26</sup> Eisenhower assured correspondents that he understood the importance of the American press and its service to the war. "It's only public opinion that does win wars," he said.<sup>27</sup> The correspondents' complaints included a claim that public relations officers seemed to create obstacles and did not foster good relations between the press and the Army.<sup>28</sup> Specific concerns included the difficulty some correspondents faced in accessing military sites. Here, Eisenhower was surprised, noting that correspondents already had such access. Kirkpatrick sided with Eisenhower, contradicting the association's complaint that some correspondents could not access an airdrome after an air raid. She then said emphatically that she had "never had the slightest difficulty" accessing airdromes on any operations.<sup>29</sup> Nonetheless, Eisenhower said he would investigate.

Kirkpatrick's comments indicate she wanted colleagues to know that a skilled correspondent should not have trouble accessing military facilities. The fact that she had no difficulty should have been irrelevant: The association had determined which complaints needed attention; the complaint was not that no one had access but that the military should provide access to facilities more freely, to more correspondents. It is impossible to know Kirkpatrick's motivation, but her statements and Eisenhower's response suggest that members of the military viewed and valued Kirkpatrick as a war correspondent—and not as a woman war correspondent, a category that would not exist in military regulations for another two years.

### THE MILITARY AND THE WOMAN'S ANGLE, 1941–1943

When the War Department created its public relations department in 1941, it installed Ernest Dupuy as the chief of the planning and liaison branch. One of Dupuy's first steps was to recommend that the department establish a women's interest section of the bureau to be led by Oveta Culp Hobby, executive vice president of the *Houston Post*.<sup>30</sup> Hobby proposed that the War Department develop a section that would help women "overcome the peace talk of the last twenty years" by translating Army news into terms "of woman reader interest" and covering women's role in the defense program.<sup>31</sup> Newspaper articles described Hobby's role as interpreting military news from a woman's viewpoint, with one noting that her appointment was "viewed as a tacit recognition" by the military that such a viewpoint existed.<sup>32</sup> Though Hobby did not have direct involvement in the accreditation of war correspondents, her background in public relations proved to be an asset in her later roles developing and

directing the Women's Army Auxiliary Corps (WAAC) and, as it was later established, the Women's Army Corps (WAC).<sup>33</sup> Dupuy would later recall that the women's interest section that he and Hobby had developed had been "the most vital method" of molding public opinion in support of the Army.<sup>34</sup>

By January 1943, Hobby had helped approve the requests of two women to cover the WAAC's first trip overseas: International News Service reporter Inez Robb, who had written about women's war efforts in England, and Associated Press reporter Ruth Cowan, who had grown restless covering the woman's angle in Washington.<sup>35</sup> Although Robb's and Cowan's experiences are documented in articles and correspondence, little remains in government documents to show how or why the War Department accredited these two women as war correspondents to cover the WAAC during the Allied Invasion in North Africa. Just as the women did not know where they were headed until they disembarked January 2, 1942, several military officials themselves were caught off guard.<sup>36</sup> Brigadier General Robert McClure, Army chief of staff for the European Theater, reported that the women's arrival was "totally unexpected and disrupting," and Eisenhower referenced McClure's cable as he expressed his own surprise and disapproval in a message to Major General Alexander Surlles, Army public relations director.<sup>37</sup> Eisenhower wrote that he would provide for Robb's and Cowan's stay if, indeed, the War Department had meant for them to cover the WAACs.<sup>38</sup> The North African Theater had already accredited the maximum number of correspondents, Eisenhower explained, and Cowan and Robb were not accredited to his theater; even Cowan's AP colleague, Wes Gallagher, had not known she was coming.<sup>39</sup>

Though Gallagher did not mention the women in his detailed memoir, Cowan's letters report that Gallagher openly fought her by being insensitive, impolite, and unhelpful—traits that might not have surprised Gallagher or other "rough-and-ready" war correspondents who took pride in being efficient and even, at times, competitive and combative. She said that she had been "deeply hurt and confused" by his attitude, which had handicapped her as she tried to do her job.<sup>40</sup> Cowan's boss, Edward Kennedy, recalled that Cowan first believed she was fighting for more than her career. "A charge of attempted murder against Wes Gallagher was brought by a high-strung woman correspondent who alleged—not to prosecuting authorities but to all who would listen—that Gallagher had placed her where he knew she was sure to be bombed," Kennedy wrote. "In reality, Gallagher had merely found quarters for her in the overcrowded city."<sup>41</sup>

Robb did not publicly report facing hostility during her work in North Africa, nor did memoirs of men who worked with Robb at that time mention any such conflict.<sup>42</sup> However, in a three-page letter to Eisenhower in March 1943, Robb objected to having her reporting limited to "woman's angle"

topics, arguing that *all* stories pertain to women.<sup>43</sup> She noted that McClure had assured her that Eisenhower would not tolerate discrimination on the basis of race, creed, or sex.<sup>44</sup> She had been assigned to cover the WAACs as a news story, she said, and no one was interested solely in women's stories out of North Africa.<sup>45</sup> Robb had believed she was free to cover any newsworthy topic. In 1942 and 1943, military officials might have made informal arrangements for women to cover the woman's angle of war, yet the existence of any such stipulation before June 1944 does not appear in regulations. However, regulations did require war correspondents to limit their coverage to the military units to which they were attached and some war correspondents did spar with military officials over this requirement.

It is hardly surprising that military officials treated Cowan and Robb differently, as "women correspondents" rather than "war correspondents." The two women's attachment to a military unit was a rare privilege at a time when competition among war correspondents was fierce. Cowan and Robb had secured their places by agreeing to accompany, and cover, the WAACs. They lacked experience covering military maneuvers, but that seemed to be an advantage in terms of publicity. Newspaper editors nationwide viewed their presence in the theater as newsworthy, displaying the words "woman war correspondent" or "girl reporter" in headlines and depicting the women in photographs or cartoons, such as a drawing of Robb in uniform next to a mirror.<sup>46</sup> After their return, one Army public relations officer wrote a feature for *Editor & Publisher* about the two women, without mentioning the dozens of other war correspondents working in North Africa at the time. The officer noted that both women had earned recognition among the troops as good soldiers, despite their lack of military knowledge. "It is true that Miss Cowan thought a stack of egg-shaped airplane auxiliary gas tanks were bombs and that neither of them knew who has the higher rank, a major general or a lieutenant general," he wrote. "But in such things they were not interested."<sup>47</sup> When Kennedy later described the AP war correspondents who covered Allied Forces in North Africa, he named twelve men to whom his description referred, thereby excluding Cowan.<sup>48</sup> His and other correspondents' descriptions of war correspondents at the North African front reveal that they considered Cowan and Robb in a category of their own, as women correspondents.

Despite Eisenhower's immediate reaction to Robb and Cowan, in later months he would publicly support the accreditation of women war correspondents, noting that "in total war, women must bear their full share of the burden."<sup>49</sup> The military's accreditation of correspondents to cover the "woman's angle" showed that the military, the media, and the public had begun to value female war correspondents for their gender and their expertise in matters relating to their gender, rather than for their expertise in matters

of foreign affairs or military operations. The military's perceptions and the media's portrayal of these women, in turn, began to overshadow the work of women, such as Helen Kirkpatrick, whose exceptional backgrounds and relevant expertise had earned them their roles as accredited war correspondents.

### THE WOMAN'S ANGLE AS OPPORTUNITY, 1943–1944

Female war correspondents remained a novelty in news coverage throughout World War II, with articles treating their presence and work as record-setting achievements. Although women filed Navy news from the Pacific as early as 1942, a *New York Times* article in 1944 claimed that “journalistic history was made” when Reuters correspondent Barbara Finch “wrote the first Navy story to be filed from the Pacific area by a woman.”<sup>50</sup> Another article, a month later, listed four women accredited to the Pacific as war correspondents: Shelley Mydans, Peggy Hull, Barbara Finch, and Eleanor Packard.<sup>51</sup> The article was brief and did not mention that Hull had worked as a war correspondent in World War I, or that Mydans had been a prisoner of war in Japan. The article overlooked other women accredited to the Pacific at that time as well, including Georgette “Dickey” Chapelle and Gwen Dew, who also had spent time as a prisoner of war in Japan.

Many female war correspondents recognized this novelty as an opportunity. When Chapelle approached an editor about gaining accreditation to cover the woman's angle in the Pacific, she sought any possible advantage.<sup>52</sup> Much to her surprise, her editor was quick to consent. “Go ahead,” he told her. “Just be sure you're first someplace.” She soon learned she had to pick one role for accreditation—reporter or photographer—and could not do both. When a lieutenant said, as far as he knew, the Navy had accredited women writers but no women photographers, “that settled it,” Chapelle recalled. “Now anything I did, including breathing, west of where I sat was a scoop of some kind. ‘I'm a photographer, then.’” Similarly, Ruth Cowan appreciated the importance of “firsts,” even if it meant being first as a woman, rather than with a scoop. She wrote in 1943 that she and Reuters correspondent Rena Billingham were applying for permission to cross the English Channel when someone suggested they travel by Liberty ship. “No women war correspondents had done that one,” she wrote. “Sure, we jumped at it.”<sup>53</sup>

Novelty offered other advantages, too. When female war correspondents visited military camps, soldiers often described the women's presence as a service to their country, saying it brightened the drudgery of war. Photographs of female war correspondents ran with captions such as “The Gal Boosts Morale,” for a photo of AP correspondent Bonnie Wiley with

wounded soldiers in Iwo Jima, and “Soldiers Greet Girl Reporter,” topping a photo of Inez Robb “fairly besieged by doughboys” in North Africa.<sup>54</sup> Helena Huntington Smith recalled how glad “homesick GIs” were to see her when she covered the war for *Woman’s Home Companion*. “When the battle of the Bulge had reached its declining phase I spent a short time up front as a guest of Major-General ‘Jim’ Gavin of the 82d Airborne,” she wrote, adding that Gavin seemed particularly pleased to have a woman visit his area.<sup>55</sup> War correspondent Carlyle Holt, writing about *Boston Globe* colleague Iris Carpenter, explained that “every outfit is delighted if any woman who looks like home comes anywhere in their vicinity,” even if her presence is disruptive.<sup>56</sup> “Usually the gripe from the G.I.s and junior officers is that the senior officer pulls his rank and takes said female off in a corner somewhere so he can pour his story and that of his outfit into her pearly ears,” he explained. “Every outfit turns itself upside down to make her comfortable, get her anything and everything she can want, including especially all the stories that anybody can remember.”<sup>57</sup>

As female war correspondents became more commonplace, some began to recognize their power in numbers. Marguerite Higgins was a young reporter for the *New York Herald Tribune* when she first worked as a war correspondent.<sup>58</sup> It helped that she sought assignment on an Air Force junket with three other women: Margaret Bourke-White of *Time* and *Life*, Lee Miller of *Vogue*, and Helen Kirkpatrick of the *Chicago Daily News*.<sup>59</sup> Yet, any advantage women gained could also work against them. Higgins continually had to prove herself to military officials and male colleagues who associated femininity with “dumbness or slyness, or both,” she said.<sup>60</sup> Beyond the challenge of overcoming these preconceptions was an awareness that one woman’s actions often determined how officials treated all women. As Higgins explained, “Since her presence is highly unusual anything she does, good or bad, is bound to be exaggerated and talked about.”<sup>61</sup>

## THE WOMAN’S ANGLE AS OBSTACLE, 1943–1944

Whether women followed their male colleagues’ path to war correspondence or committed to covering the woman’s angle, media often portrayed female war correspondents as though they lived by a separate set of ideals and concerns. Although Mary Welsh’s wartime reports (in cables to *Time* editors) covered diplomacy in Africa, labor regulations, and censorship, when *Time* described Welsh’s work to readers, its focus was Welsh’s “feminine” viewpoint.<sup>62</sup> The AP news brief announcing the military accreditation of Welsh and Helen Kirkpatrick did not mention the women’s expertise as foreign correspondents but, instead, highlighted their presence in wartime London and

their wardrobe concerns: "They turned their attention at once to what kind of uniforms they would wear."<sup>63</sup> Articles about women working as war correspondents often portrayed, humorously, the plight of male military officials who had to work with them. The article "Six Girls, No Chow, No Beds," described Major Charles Madary "after dark on a rainy night," stranded in Luxembourg as a chaperone for "six—count them—six beautiful female war correspondents."<sup>64</sup> Madary said female war correspondents worked hard and were not "much trouble." Yet the reporter presented anecdotes to show that women's restlessness and whimsical notions did cause trouble. The reporter said female correspondents in Paris "were distracted for a few days by the fall style shows; they got ants in their slacks again and pressed Major Madary to hit the open road."<sup>65</sup> Here and elsewhere the article implied that ignorance and frivolity, not courage or commitment, were behind women's desire to cover the war. For example, Madary recalled having to escort Lee Miller to safety: "When I found her she was up on the rampart of an old fort making pictures of the shelling" on the island of Cézembre, Madary said. "There was a flock of hens beside her taking a dust bath and an unexploded German hand grenade. She didn't want to leave."<sup>66</sup> Madary implied that Miller's photography was a pastime and that the birds distracted her and kept her from seeing the grenade. The reporter disregarded Miller's published war correspondence, as well as the work of other female war correspondents. He described Madary's supposed rescue of Marjorie Avery, of the *Detroit Free-Press*, and Catherine Coyne, of the *Boston Herald*, who were "walking around the streets eating ice cream" and asking to see Antwerp Cathedral.<sup>67</sup> Similarly, when women wrote about surviving battles or witnessing violence, editors and other reporters often made light of these dangers, focusing instead on threats to their femininity.

Martha Gellhorn, who had covered the Spanish Civil War and other conflicts, blamed women themselves for these portrayals and for societal perceptions that diminished their work. In a letter to Eleanor Roosevelt, Gellhorn said she found it "awful, when women go feminine publicly, especially about a good trade like writing, a trade that's as sound and practical as plumbing."<sup>68</sup> As "woman's angle" reporters, Ruth Cowan and Inez Robb were examples of war correspondents who had gone "feminine publicly," with self-deprecating anecdotes about overcoming a fear of being seen in slacks or *sans* makeup. This visibility could lead to greater challenges. If military officials believed that the presence of one female war correspondent was a problem, they could seek to hinder the work of all women. Just months before the War Department drafted new regulations for female correspondents, and months before Ernest Dupuy took over as head of public relations, Dupuy joked to his wife about Women's Royal Naval Service officers requiring men to scrub bathrooms for their use. "Still the WREN ladies turned up indignant noses,"

insisting the officers provide receptacles for disposing of “certain feminine monthly accessories,” Dupuy continued. “And yet we have women reporters who clamor to go to war. If they think we’ll have special receptacles for them they are nuts.”<sup>69</sup>

Dupuy likely was aware of hyperbole in the anecdote and may have embellished it for humor’s sake. Yet his reaction illustrates many officers’ complaints about billeting and otherwise taking responsibility for women amid military operations. War correspondent Don Whitehead explained that while men “had only to pick up a shovel and walk over behind the nearest sandhill,” military officials believed women required additional conveniences.<sup>70</sup> But long-held prejudices led some military officials to refuse all women’s right to cover war, regardless of facilities. Within the Eighth Army, for example, all women were “strictly taboo” because General Bernard Montgomery deemed them an unnecessary nuisance.<sup>71</sup> Clare Hollingworth made the long trip to Tripoli, but “as soon as Montgomery heard about it, he was furious,” Whitehead recalled, and declared that he would have no women in his army.<sup>72</sup>

Hollingworth’s own account of the ordeal shows Montgomery to be even less reasonable. She had been covering war for the *Chicago Daily News* since 1939.<sup>73</sup> A trained pilot, Hollingworth had accompanied the Royal Air Force on bombing operations and covered war in Palestine, Germany, and the Middle East, all before arranging a return trip to the Eighth Army, where Montgomery promptly demanded she leave for Cairo. Ignoring Montgomery’s orders, however, Hollingworth went on to join the Allied Forces as a war correspondent in Algiers.<sup>74</sup> “By that time to his eternal credit, General Eisenhower insisted on having a few experienced women correspondents around, who—and this was vital—demanded no special treatment,” Hollingworth recalled. “It was essential to be able to go without washing, sleep in the open desert and live on bully-beef and biscuits for days on end. Many male correspondents got themselves sent back to Cairo because they could not take it.”<sup>75</sup>

## NEW REGULATIONS FOR WOMEN WAR CORRESPONDENTS, 1944

Until 1944, regulations for female war correspondents seemed to be, as Margaret Bourke-White once observed, “written in invisible ink,” which caused confusion for correspondents and officials alike.<sup>76</sup> But in the spring of 1944, War Department officials sought to reassess, clarify, and improve military interactions with war correspondents as they prepared for D-Day, which one official said would likely be “the biggest show on earth.”<sup>77</sup> In April

1944, General T.J. Davis, head of public relations for Supreme Headquarters Allied Expeditionary Forces (SHAEF), requested Eisenhower's assistance "to forestall any disagreeable situation involving lack of understanding" among commanders in terms of war correspondent policies and procedures.<sup>78</sup> Davis also emphasized that SHAEF should prepare for heavy increases in war correspondents seeking accreditation.<sup>79</sup> Other officials sought to revisit accreditation policies as well, often considering ways to limit the number of accredited correspondents, such as differentiating them by background, previous accreditation, and type of publication.<sup>80</sup>

Gender first appeared as a category in war correspondent regulations in a SHAEF Public Relations Division policy dated June 11, 1944, which explained that "women correspondents are eligible to receive SHAEF endorsement within the assigned quotas."<sup>81</sup> Three days later, an official memorandum noted that accredited women war correspondents could use information room facilities on the same basis as men but that these facilities would "normally be related to" areas with women service personnel, "provided prior approval is obtained from the command concerned."<sup>82</sup> That same week SHAEF published its revisions to the official uniform requirements for accredited correspondents, specifying differences for male and female correspondents.<sup>83</sup> The revision would have had no direct bearing on accredited war correspondents because it described the uniform they had been wearing since 1942, but its timing underscores the military's official recognition, beginning in June 1944, of a new category for female war correspondents. Correspondence after these new policies referred to "women war correspondents" or "female correspondents" as a separate category with specific restrictions.<sup>84</sup>

Although it does not appear that the Navy formally reviewed or revised its policies, a military official's memo in November 1944 revealed the unwritten policy that seemed to govern the Navy's treatment of war correspondents throughout much of the war.<sup>85</sup> The commander of the U.S. Pacific Fleet notified the public relations director for the Navy that the Pacific Fleet would accredit a small number of women correspondents, "each case to be judged upon its own merits," and elaborated, "Inherent difficulties, such as housing facilities, which arise due to the presence of women in the forward areas naturally make their ready acceptance as Correspondents a problem." The commander noted that it was not necessary to accredit women in forward areas because plenty of male correspondents were available, before adding, "It is recognized, however, that certain stories (such as those concerning Army or Navy nurses) can best be handled from a woman's point of view."<sup>86</sup> The Navy had far fewer opportunities and facilities for war correspondents than SHAEF and perhaps did not have the time, resources, or need to revise its regulations for war correspondents to include a category for women.



SHAEF's new directives continued to restrict female correspondents' rights, as illustrated by an August 1944 official memorandum. Focusing on Helen Kirkpatrick and her goal "to cover French administrative activities in liberated area," the memorandum recommended that the Twelfth Army Group assign Kirkpatrick to an evacuation hospital "as far forward as possible."<sup>87</sup> The memorandum stressed that women correspondents could visit only those combat zones with women personnel and only with special permission of commanding officers "in accordance with agreements signed by all other women correspondents on far shore."<sup>88</sup>

Similarly, the June 1944 directive threatened Lee Miller's status as an accredited war correspondent, despite orders SHAEF distributed days earlier to elevate her status. These orders confirmed the reassignments of accredited war correspondents, adding that Miller would stay in the European theater "indefinitely as reward for strict adherence to pooling agreement and excellent coverage."<sup>89</sup> It is not clear when SHAEF's right hand caught up with its left, but the conflicting orders nearly cost Miller her credentials. General Francis Fitzgerald cabled August 7 to notify SHAEF that Miller was present in a forward area. "Recommend that no female correspondent be permitted to enter forward area under any circumstances, that each one sign an agreement embodying this provision and that this Headquarters be furnished with copies of each agreement, irrespective of the assignment of the individual," Fitzgerald wrote, adding that he also recommended that Miller's credentials be withdrawn "for violation of agreement."<sup>90</sup>

Before these directives, Kirkpatrick and Miller had access to press facilities and privileges in accordance with their status as accredited war correspondents. Kirkpatrick, who two years earlier had commanded Eisenhower's attention when she vouched for war correspondent access to military facilities, now had to rely upon commanders' approval and settle for the hassle and delay of sending her stories by courier.

Regulations and military correspondence give no reason why women needed a separate category among war correspondents nor any reason they should not cover combat zones or visit areas lacking women personnel. If previous military regulations for war correspondents seemed to apply to all journalists, with no reference to gender, then the War Department's 1944 revisions to those regulations affirmed what should have been clear all along: despite its promise to treat correspondents equally, the military never intended to consider the rights of correspondents who were not men. Thus, as the military revised its press regulations to include specific clauses for women, these revisions effectively excluded women from all regulations that did not mention them—by creating two categories under their jurisdiction: war correspondents and *women* war correspondents.

## ABOUT FACE, 1945

An official category for female war correspondents made work difficult for journalists who had gained military officials' respect long before regulations redefined their role as "women war correspondents." Women who previously identified as war correspondents challenged the policy, indirectly taking on the cause for all women war correspondents. As a *Boston Globe* article noted of Iris Carpenter, "She is as seasoned a veteran as any dirt-grimed G.I. in Germany," after explaining, "For months she was one of a small group of women correspondents who fought for their right to use the press camps on the same basis as the male correspondents, and she finally shared in the victory for feminine rights. Since that victory she has stayed regularly with First Army."<sup>91</sup>

As seasoned veterans, Carpenter and INS war correspondent Lee Carson knew how to make the most of their surroundings—and when to move on. In the months after D-Day, when the War Department tied their accreditation to a willingness to cover the woman's angle, Carpenter and Carson wrote about women and wounded soldiers in France.<sup>92</sup> They used their reporting skills, and the military connections these skills had earned them, to find and break news stories so often that by March 1945 their bylines appeared regularly beneath front-page headlines, nationally syndicated.<sup>93</sup> A SHAEF status report from February 3, 1945, listed Carpenter and Carson among eighteen accredited war correspondents attached to the First United States Army who were writing for American publications.<sup>94</sup> Despite policies limiting female correspondents to the use of couriers, datelines on both women's articles revealed their reports often traveled by wireless, appearing in print within twenty-four hours.

On March 18, 1945, SHAEF reminded commanding generals of the June 1944 directive for female correspondents, noting that some commands continued to treat all correspondents equally, regardless of gender, and asking generals to report and clarify their policies for accepting and accommodating female war correspondents.<sup>95</sup> Most commanders responded within days, conveying relaxed-to-rigid interpretations of the directives. Each general first confirmed that his command did follow the directive, and a few did not elaborate.<sup>96</sup> Those who did elaborate revealed how little guidance the directives provided. For example, the First French Army said it treated all war correspondents equally.<sup>97</sup> The Strategic Air Force and the Ninth Air Force also offered equal treatment, though neither command would allow women on combat missions.<sup>98</sup> Other responses were less clear. The Third Army had "no objection to arranging facility visits for women war correspondents to such portions of the Army area as may be deemed advisable," but also reported that accommodating women correspondents was "not considered practical."

The Ninth Army was similarly ambivalent: although its policy accommodated correspondents regardless of sex, the commander recommended the number of women “be kept to a minimum.”<sup>99</sup> The most detailed clarification illustrated the directives’ inherent challenge. The Sixth Army, which also handled the Seventh Army’s correspondents, confirmed its adherence to the directives but noted that “women correspondents have accompanied men correspondents on sorties without restriction” other than general security and that no commanders in their area had objected. A second letter sought to amend the Sixth Army’s first letter with the following: “In case any commander should object, his desire should certainly govern the situation.”<sup>100</sup>

Taken together, the responses revealed that the original directive’s central problem was its reliance on the approval of commanding generals. This ambiguity allowed women to work freely as war correspondents in some commands but not others. Presumably, it also allowed commanders to provide access to *some* women but not others. A general could complain if an individual war correspondent’s presence was somehow problematic, but he could do little else if the correspondent was a man who had not broken any rules. On the other hand, a general could guard against a whole category of war correspondents just by declaring the accommodation of women impractical. Even Iris Carpenter, whose prolific war reporting in 1945 might belie such hindrances, expressed frustration with the “fantastic, beyond description hodgepodge” of factors working for and against women wherever they tried to do their jobs.<sup>101</sup>

After the War Department’s informal command survey in March 1945, the matter does not appear again in official documents or correspondence. Postwar field manuals and regulations, just as those prior to June 1944, do not mention gender as a category or condition of war correspondence. Military reports that provide postwar assessments of all aspects of communication also fail to mention gender as a category, condition, or factor. Likewise, memoirs, diaries, correspondence, and other writings by men who served as war correspondents or public relations officers rarely mention female war correspondents. A 1946 WAC report on public relations activities during the war offers some insight as to why military officials might not have felt a need to explain their reasons for limiting women’s activities. The report listed among the WAC’s chief headaches “antagonisms between the Army male and the Army female,” followed by this statement in parentheses: “Since this problem is self-evident, there’s no reason for further discussion.”<sup>102</sup>

The problem might have seemed self-evident within a society that defined and valued most aspects of war in masculine terms. Portrayals of press camps illustrate challenges that female war correspondents might have presented for their male counterparts at that time. One film clip of a press camp in the Mariana Islands shows several male war correspondents, some without shirts

or pants, as they lounge on cots, play cards, or type stories, with pinup posters hanging from the sides of their hut.<sup>103</sup> Another clip shows nude male war correspondents and soldiers jumping into a lake, where they bathe, swim, and splash around.<sup>104</sup> War correspondents' memoirs also describe the easy camaraderie in close quarters that, in the 1940s, seemed suited for men.<sup>105</sup>

Helen Kirkpatrick, speaking years later, recalled that the military restrictions for women were based on practical considerations, as well as personal prejudice and ignorance.<sup>106</sup> On naval battleships, for instance, "men run around not fully dressed," she said. "If you have a whole bunch of men who have been in the army cut off from women and you put some young girl in their midst, this can cause certain problems."<sup>107</sup> Yet, Kirkpatrick said, the no-facilities-for-women claim was often made by officials who were really "arm-chair characters" and did not understand the front, where "life is very simple and very primitive." As she told one official, "There aren't any latrines at the front; it is exactly like camping in the woods; it doesn't raise any problems."<sup>108</sup> Kirkpatrick also noted that many of the restrictions she faced were political, such as when military officials were unhappy with her articles.<sup>109</sup>

For all the categorizing in the final year of the war, when the War Department and the Navy officially recognized accredited war correspondents for "outstanding and conspicuous service with the armed forces under difficult and hazardous combat conditions," gender was not mentioned, even though twenty-seven of nearly 400 ribbon recipients were women.<sup>110</sup> For its Medal of Freedom, the War Department charged a committee of five public relations officers with determining "appropriate decorations" for a proposed limit of five war correspondents. The committee started by considering the full list of accredited correspondents from Allied nations and narrowed that list to twelve, listing Kirkpatrick third.<sup>111</sup> The nomination explained that Kirkpatrick had provided objective coverage of military operations and "never hesitated to face danger in the pursuance of her profession."<sup>112</sup> While Kirkpatrick was the only woman among the nominees, official documents do not mention her gender in the board's assessment. The War Department approved the board's recommendations, but when the medals were announced in 1947, the list had grown to nineteen recipients, to include the names of seven additional men.<sup>113</sup>

## CONCLUSION

By the time the United States entered World War II, several dozen women had already proven themselves as exceptional journalists through their coverage of war and foreign relations. At the start of World War II, such foreign correspondents as Martha Gellhorn, Clare Hollingworth, and Helen

Kirkpatrick had reason to believe the War Department's claims of ensuring equal treatment for all war correspondents. These women had already demonstrated that rules for other women did not apply to them—by proving themselves the best person for the job.

In 1942 and 1943, however, the War Department began considering the best woman for the job, for its campaign to encourage women's participation in the nation's commitment to total war. Just as the new women's interest section worked with woman's angle reporters to promote the war effort domestically, it made sense to send them to cover the WAACs in North Africa. Yet war correspondents and military officials were unprepared for women correspondents who themselves seemed unprepared for life at the front. As the value of a woman's angle took hold, the military sought to accredit more women and editors sought to send more women. Many of these women had neither traveled abroad nor reported on politics, military strategy, or anything close to war. Articles about them ran nearly as often as articles by them, often exaggerating their femininity against masculine surroundings.

The short-term effect of so many women war correspondents was to make life more difficult for women who had long worked as war correspondents. Although it might only have been a few women whose presence was disruptive, these few tended to be seen as representative of all female war correspondents. Those who saw themselves as war correspondents, whether they were men or women, often resented these women war correspondents. Some of this resentment was territorial. Skilled war correspondents who knew their way around war and the military, and had worked hard to secure their status and privilege, resented competing with these newcomers for facilities, stories, and access. Yet it was also likely a reaction to the frivolous tone in some woman's angle articles, as well as the novelty headlines editors plastered above them.

This tension is illustrated in personal correspondence, if not official documents. These conflicts likely led the War Department, in 1944, to recognize officially a category for women war correspondents, along with a directive to assist officials in handling them. The War Department did not document the rationale behind the new policies, yet it is clear that many officials would have welcomed the directive as a means of handling the many women who sought greater access to the front. This strategy also stood to benefit the military as a form of information control. Accrediting more women, and limiting them to covering women's activities, offered a way to increase news coverage while ensuring a stream of stories least likely to assist the enemy and most likely to boost morale. The War Department also likely saw the directives as a means of reducing conflict among war correspondents grappling for limited accommodations, among commanders who did not believe women belonged at the front, and among women who continually questioned why officials

were excluding them when regulations did not. The military needed a way to justify its treatment of women, within a military culture that was traditionally masculine but comprised individuals from varied backgrounds, with various opinions on women's rights. Reasons aside, the military's attempt to segregate the work of war correspondents by gender was consistent with workplace strategies in other industries, throughout the war, to balance the need for more women workers with a greater need to ensure that workers did not challenge society's accepted roles for men and women.<sup>114</sup>

The folly of these partial directives became clear immediately. The military had attempted to fit individuals with diverse skills and goals into the category of "woman war correspondent," revoking many privileges in the process. The directives discounted the differences among the women whom they described, while failing to account for differences in the mindsets of officials charged with interpreting them. Clearly, the War Department's public relations division would not have seen itself as the place, or the war as the time, to fight the equal rights battles society as a whole had not resolved. Allowing individual commanders to limit the work of female war correspondents might have seemed like a solution, but the military's attempt to navigate these attitudes, by creating a directive with no consequences but plenty of room for interpretation, led to further confusion and conflict.

The directives seemed to backfire in other ways as well. Women who gained accreditation as war correspondents long before they lost ground as women war correspondents began to challenge the military. Instead of working efficiently among men, separate from other women, they began to speak up for their rights and, therefore, the rights of all women. They pointed out that the overarching regulation stipulated equal treatment for war correspondents and found ways around the flawed directives. Women who were exceptional war reporters were by definition hardworking and resourceful; by 1945, many of them knew their way around a military command better than some of the public relations officials who sought to control them. Those whose bylines had become household names, who understood war, military strategy, and international affairs, also had connections to match their reputations. Many military officials who had worked with Helen Kirkpatrick, Iris Carpenter, Lee Carson, and many others understood that it was not in the military's best interest to prevent these women from working. As more women found their way around the directives and as more military officials relaxed their interpretations of the policies, female war correspondents, as a group, began to redefine the concept of "woman war correspondent." Some who were first billed as women war correspondents, such as Carson and Carpenter, later published front-page news regularly with "war correspondent" bylines. When the military honored them for outstanding service in the face of danger, once again the only official category was accredited war correspondent.

The ground these women gained as war correspondents soon shifted, just as it did for women in other professions after World War II.<sup>115</sup> When the war ended, women war correspondents returned to safety, but not necessarily to security. Their personal risk diminished drastically, but so did their professional potential. As historian Patricia Bradley noted, these women returned from the war only to encounter the same working conditions they had faced before the war.<sup>116</sup> They also faced the shared plight of all working women: postwar propaganda beseeching women to step aside and return to the home so men could reclaim their jobs.<sup>117</sup> Most took on traditional roles, such as wife and mother, or found jobs with women's magazines or women's newspaper pages.<sup>118</sup> Even women whose war coverage had all but guaranteed lifelong respect and writing assignments faced challenges returning home, as they readjusted to life that was, as Martha Gellhorn described it, "tiresomely superficial" and tried to find work that felt as necessary as their work during the war.<sup>119</sup>

## NOTES

1. Martha Gellhorn to Colonel J.B.L. Lawrence, letter, June 24, 1944, quoted in Caroline Moorehead, *Selected Letters of Martha Gellhorn* (New York: Henry Holt & Co., 2006), 167. Lawrence directed public relations for Supreme Headquarters, Allied Expeditionary Forces (SHAEPF).

2. Jean Bethke Elstain, *Women and War* (New York: Basic Books, 1987), 183. For a fuller picture of the history of women who worked as war correspondents, see the book from which this chapter is adapted, Carolyn Edy, *The Woman War Correspondent, the U.S. Military, and the Press, 1846–1947* (Lanham, MD: Lexington Press), as well as Nancy Caldwell Sorel, *The Women Who Wrote the War* (New York: HarperCollins, 1999).

3. William H. Chafe, *The Paradox of Change* (New York: Oxford University Press, 1991), 66–69.

4. Ruth Milkman, *Gender at Work: The Dynamics of Job Segregation by Sex during World War II* (Urbana: University of Illinois Press, 1987), 28; and Rosalind Rosenberg, *Divided Lives: American Women in the Twentieth Century* (New York: Hill and Wang, 2008), 103.

5. Chafe, *Paradox of Change*; Susan M. Hartmann, *The Home Front and Beyond* (Boston: Twayne Publishers, 1982), 20–27.; David M. Kennedy, *Freedom from Fear* (New York: Oxford University Press, 1999); Milkman, *Gender at Work*, 49, 60–64; and Rosenberg, *Divided Lives*, 103.

6. Patricia Bradley, *Women and the Press: The Struggle for Equality* (Evanston: Northwestern University Press, 2005); and Marion Marzolf, *Up from the Footnote: A History of Women Journalists* (New York: Hastings House, 1977).

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## Chapter 7

# Conflicts of Interest in Journalism

## *Debating a Post-Hutchins Ethical Self-Consciousness*

Gwyneth Mellinger

In October 1968, Arville Schlaben, editor of the *Post-Crescent* in Appleton, Wisconsin, wrote to a fellow member of the American Society of Newspaper Editors to say, “I feel a little prouder this morning, now that ASNE has taken a big step in cutting loose from the commercial hoopla at our conventions.”<sup>1</sup> The letter commends Vincent Jones of Gannett Newspapers, president of the ASNE, for persuading his board of directors to abandon the syndicate parties that had been a fixture at the organization’s annual meeting, attended each spring by daily newspaper editors from across the United States and usually convened in Washington, DC. These open-bar gatherings, hosted by syndicates that sold national political columns and such “soft” content as comics, features, and puzzles, were held during the evenings of the convention and often featured an extravagant buffet and live entertainment. The ASNE board’s support for Jones’ proposal ended both a controversy that had festered within the organization for more than a decade and a practice that some members had come to view as a contradiction of journalism’s growing emphasis on professional ethics and accountability to the public. In particular, the board’s action affirmed conflict of interest as an ethical concern for newsrooms and subjected editors to the same standard of conduct many of them expected from government officials and their own news staffs.

Indeed, a decade before the ASNE board ended the syndicate parties, Robert C. Notson of *The Oregonian* in Portland had articulated a philosophical concern about editors’ participation in an ethical double standard. Responding to a survey of member sentiment about the parties, Notson wrote, “It does seem a little inconsistent that we should editorialize and resolute [*sic*] against governmental employees free-loading and then ourselves seek such

favors.”<sup>2</sup> But Notson’s critique had placed him in the minority as the 1958 survey of the membership suggested that 74 percent of respondents had no objection to the syndicate parties or were ambivalent toward them.<sup>3</sup> During the 1950s, though some news professionals, academics, and press critics were expanding the conversation about journalism’s accountability to the public, the newspaper profession had no codified standard—or even a broad commonsense understanding—that might have guided more editors to Notson’s conclusion. Although Notson used the term “free-loading” to describe his objection, at issue was whether, on the question of editorial decision-making, an editor created a conflict of interest or the appearance of one by being the guest at lavish parties hosted by companies selling newspaper content. Syndicates had a significant effect on what appeared on the pages of mid-century newspapers. In a 1965 analysis titled “Journalism’s Wholesalers,” press critic Ben Bagdikian found that syndicate purchases accounted for 20 to 35 percent of total newspaper content.<sup>4</sup>

With the 1923 adoption of its *Canons of Journalism*, one of journalism’s earliest codes of ethics, the ASNE had established itself as an industry conscience on matters of press conduct. Even so, the *Canons* were vague on the point of journalistic independence—“Freedom from all obligations except that of fidelity to the public interest is vital”<sup>5</sup>—and included no guidelines for conflicts of interest or acceptance of gifts and commercial hospitality. By comparison, when the organization abandoned the *Canons* in 1975 in favor of a new *Statement of Principles*, that document would engage these concerns directly, with a formal proscription against accepting consideration from news sources or those seeking to influence the content of newspapers: “Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.”<sup>6</sup>

When President Jones led the ASNE to end the syndicate parties in 1968, the board was approaching consensus on the issue and passed the party ban with just one vote against the proposal, even with the new ethics code still several years away.<sup>7</sup> A board of directors is not always an ideological mirror of an organization’s rank-and-file membership and can set policy that would not be approved if placed before the membership for a vote; however, by 1968 the standards for press conduct in dealings with commercial entities and other special interests had been elevated to include wariness about conflict of interest and the double standard it often entails when applied to the Fourth Estate. During the 1950s, many editors and ASNE leaders supported or were indifferent to the parties, and calls for reform even generated a fair amount of hostility, but by 1968 the ethical environment in which the ASNE board functioned had evolved quickly and significantly.

Assuming that development of normative sensibilities in journalism is a politically and socially contingent historical process,<sup>8</sup> this inquiry will analyze the ASNE's initial accommodation of the syndicate parties and members' sometimes contentious defense of their right to attend them, as well as the factors that produced the issue's ethical shift in the 1960s and moved daily newspapering toward a new professional standard on commercial hospitality. The syndicate party dispute is documented in the institutional record of the ASNE, as well as the archived correspondence of at least six editors, and those primary sources provide the foundation of this study. In addition, the analysis will consider the historical context that informed ASNE decision-making on this issue and argue that positions taken by the ASNE had consequences for journalism. As the organization representing newsroom leaders in the daily newspaper industry, the ASNE had not only established one of journalism's first ethics codes, but had been at the vanguard of journalism's freedom of information movement since the early 1950s.<sup>9</sup> At mid-century, the ASNE held sway within and beyond journalism, and its deliberations on matters of ethics bore significance for the craft and its reputation.

Although the ASNE presents an opportunity for targeted scholarship on the development of an ethical standard governing conflicts of interest, the implications of this controversy extend beyond one professional association negotiating a single ethical quandary. At stake in the syndicate parties dispute was an acknowledgment by editors that their own actions, and the inferences drawn from those actions by others, contributed to *perceptions* of journalistic professionalism, both inside and outside the newsroom. This aligned with emerging concerns about press credibility that would intensify in the 1970s.<sup>10</sup> Ultimately, the syndicate parties' demise coincided with the emergence of an ethical self-consciousness that altered newsroom standards for decades to come. This acknowledgment of social responsibility as a value in competition with the libertarian priority on editorial autonomy both validated mounting criticism of the press and made possible a response from the profession that emphasized institutional and individual integrity.

This analysis also will engage academic and professional discussions of journalistic accountability, including those that emerged at mid-century and later work that focused on the history of that period, and bring them into conversation with ASNE discourse on ethics. Relying on the extensive archive, the analysis will trace the history of the ASNE's syndicate party controversy, demonstrating that the defensiveness exhibited by many editors during the 1950s was replaced in the 1960s by broad awareness of new standards of ethical propriety and public accountability. This change in perception documents a paradigm shift in general standards for press conduct during the 1960s, even as the new ethical environment continued to meet libertarian resistance from some editors. In 1975, the same year that the ASNE adopted its updated code



of ethics, the organization faced a new controversy over commercial hospitality, this one involving an annual Southern Railway luncheon for southern editors attending the ASNE convention. As a result, the analysis demonstrates the clear limitations of institutional directives, such as board decisions or ethics codes, in altering ethical common sense.

## RECALIBRATING ETHICAL NORMS

In making the case against syndicate parties to the 1968 ASNE directors, President Jones noted that other press organizations already had banned syndicate parties from their conventions. Though he did not mention them by name, the list included the Associated Press Managing Editors, which voted in 1967 to end social events hosted by commercial interests.<sup>11</sup> In the years following the ASNE board's 1968 vote, the ASNE would establish a standing committee on journalism ethics that would develop the 1975 ethics code that imposed the higher standard on "impropriety and the appearance of impropriety," and, by implication, caution editors against involvement in such questionable activities as the syndicate parties. In so doing, the ASNE fell in line with an ethical reform movement within journalism that foregrounded accountability to the public and singled out gifts and favors as incompatible with journalistic integrity. Although the first ethics code adopted by Sigma Delta Chi in 1926 was the verbatim 1923 ASNE code,<sup>12</sup> that organization, having added Society of Professional Journalists to its name, led the way in 1973, two years before the ASNE revised its own code, by listing *quid pro quo* as its first ethical concern: "Gifts, favors, free travel, special treatment or privileges can compromise the integrity of journalists and their employers. Nothing of value should be accepted."<sup>13</sup> Clearly, for the ASNE and journalism more broadly, ethical standards were recalibrated during the 1960s to encourage newsroom employees, including editors, to subject their own conduct and work product to continual and reflexive self-critique against more exacting professional expectations.

The ASNE's change of official position on syndicate parties signals a redefinition of ethical common sense over a ten-year period, transforming the ASNE from an organization that tolerated the events, despite some members' concerns about professional propriety, into an organization whose leadership viewed the parties as sufficiently problematic to justify eliminating them by edict. As Ted Glasser and James Ettema have concluded, a commonsense understanding of morality, the ability to discern right from wrong within specific normative contexts, is central to, but not the only component of, ethical decision-making in journalism. Recognizing "the logic of common sense as a distinct and distinctively valuable form of knowledge,"<sup>14</sup> Glasser

and Ettema define common sense as “the kind of instrumental ‘know-how’ acquired through experience, a type of competence developed through coping with everyday problems. . . . Common sense implies not only the ability to act but the ability to act in correct or useful ways.”<sup>15</sup> Within journalism, common sense, despite its limitation to “local and practical questions,” can contribute to standards of professional accountability.<sup>16</sup> Moreover, a journalist, or in this case an editor, often develops on the job, through practice rather than through education or training, the pragmatic understanding that informs ethical common sense on decisions made in news work. Common sense is thus constructed through the experience of being a journalist or editor, by aligning work routines with prevailing norms in the culture of the newsroom and the dictates of a professional’s own conscience.<sup>17</sup>

For the ASNE of the 1950s, the newly identified concern about editors’ participation in commercial hospitality, specifically in the form of syndicate parties, presented a circumstance for which many editors had no experience in practical ethical decision-making on which to rely. A question of impropriety, even when raised by professional peers, was insufficient to overcome many editors’ self-interest in allowing the parties to continue. As a result, the ASNE board would acquiesce to the parties until the 1960s, when its commonsense understanding of professional propriety, shaped by internal debate and external influences, made eliminating the events from the annual convention appear ethically necessary.<sup>18</sup>

## A CLASH OF SENSIBILITIES

The syndicate party debate arose and was resolved in ASNE organizational policy within a dynamic context invigorated by the 1947 release of the Hutchins Commission’s report, *A Free and Responsible Press*. The most forceful and credible work of direct press criticism to date, the Hutchins Report asserted that the press had a reciprocal obligation under the First Amendment to be socially responsible, even if it meant practicing self-restraint and subordinating self-interest: “The moral right of free public expression is not unconditional. Since the claim of the right is based on the duty of a man to the common good and to his thought, the ground of the claim disappears when this duty is ignored or rejected.”<sup>19</sup> This position chafed against the libertarian framework for the role of the press, which held that democracy was best served by editorial autonomy as both a means and an end, and cast suspicion on those who would challenge or attempt to limit the rights of the press. As such, the ASNE of 1947 had what editor Norman Isaacs, then of the *St. Louis (Mo.) Star-Times*, described as a “visceral” reaction to the Hutchins Report, passing a twenty-four-page resolution acerbically condemning its

recommendations, even though the call was for “self-regulation” rather than government intervention, and for all media, not just newspapers, to provide a comprehensive, unbiased, and contextualized accounting of events, trends, and concerns of society.<sup>20</sup>

The Hutchins Commission may have been independent of government, but the ASNE fostered a general resistance to any external oversight and, hewing to organizational tradition, viewed the report as infringement.<sup>21</sup> After nearly a decade of debate, the ASNE had resolved in 1932 not to take enforcement action against members who violated the Canons of Journalism, solidifying the libertarian principle of editorial autonomy within the ASNE’s professional philosophy.<sup>22</sup> The credo of voluntary ethical compliance had endured. Indeed, Erwin Canham of the *Christian Science Monitor* made this point when he addressed the ASNE in 1958 and argued that “self-control is working among American newspapers.”<sup>23</sup>

Despite the daily newspaper industry’s initial resistance to social responsibility, the significance of the Hutchins Report’s recommendations and their eventual impact on journalism’s self-identity cannot be overstated. Noted Victor Pickard, “Nowhere else within the transitional period of the postwar 1940s were core debates related to media and democracy so clearly articulated.”<sup>24</sup> In arguing that the press had a reciprocal duty to society under the First Amendment, the Commission laid the groundwork for the self-improvement aspect of the journalism ethics movement by asserting a distinction between the moral and legal rights of the press and calling for “the members of the press to engage in vigorous mutual criticism.”<sup>25</sup> In her history of press response to the report, Margaret Blanchard noted that despite the controversy and resistance following its publication, “*A Free and Responsible Press* provided a philosophical framework for reform.”<sup>26</sup> By focusing on the press’s role in democracy, the Commission tied ethical performance, specifically the need for the press to prioritize social responsibility over self-interest, to First Amendment protections and foregrounded accountability to the public as a measure of press conduct. “Social responsibility theory thus represents the triumph of community over the lone individual,” John Nerone and his coauthors reflected nearly five decades later. Over time, they argued, “responsibility” became journalistic common sense. “In the intervening half century, most of the specific recommendations of the Commission have become mainstays of the workplace culture of journalists, who after all have long had an interest in upgrading their public image and professional status.”<sup>27</sup>

For many ASNE members who confronted the issue of syndicate parties during the 1950s, however, the challenge to libertarian assumptions about the rights of the press, even the right to attend an after-hours syndicate party, was unsettling. Many of these editors had been in journalism when the Hutchins Report appeared and had participated in the reflexive outrage in response to

its call for the press to prioritize social responsibility and public accountability. Most also stood outside the circuit of influence during the late 1950s and 1960s of *Four Theories of the Press*, the seminal work of media theory published in 1956, which became a staple of college journalism curricula for decades and influenced journalists hired into newsrooms thereafter.<sup>28</sup>

In his *Four Theories* chapter describing a libertarian framework for the press, Fred Siebert wrote, “In the place of state supervision, libertarian theory provides for a more informal type of control through the self-righting process and through the free competition in the market place of information, opinions, and entertainment.”<sup>29</sup> Later, however, Siebert noted that libertarianism’s “greatest defect has been its failure to provide rigorous standards for the day-to-day operations of the mass media—in short, a stable formula to distinguish between liberty and abuse of liberty.”<sup>30</sup> The book’s description of libertarianism and its limitations appeared just before Theodore Peterson’s discussion of social responsibility, which throughout its thirty pages summarized the Hutchins Report in detail, essentially incorporating into the theory the commission’s emphasis on the press’s accountability to the public and its obligation to practice social responsibility. In his conclusion, Peterson wrote that “pure libertarian theory is obsolescent,” and added, with premature finality, “Individuals who still speak of freedom of the press as a purely personal right are a diminishing breed, lonely and anachronistic.”<sup>31</sup>

This validation of the Hutchins Report gave it standing within the academy and ensured that students educated in the expanding network of accredited journalism programs were exposed, directly or indirectly, to this juxtaposition of the libertarian and social responsibility approaches to journalism.<sup>32</sup> The academy’s most significant contribution to evolving discourse about press accountability, however, was the inauguration in 1962 of the *Columbia Journalism Review (CJR)*, published by the Columbia University School of Journalism. From its inception, the *CJR*, most prominently through a standing feature called “Darts and Laurels,” scolded and complimented members of the press on matters of professional conduct and policed the boundary of ethical normativity in journalism. Early contributors to the publication, who included such press critics as Ben Bagdikian and members of the Columbia University journalism faculty, cemented evaluation of press performance against journalism standards as a component of ethical accountability to the public.

Importantly, from its first issue the *CJR* established conflicts of interest created by commercial relationships as a priority concern. Its very first target, in the first issue, was the *Nashville (Tenn.) Banner*, which had extensively overplayed a story about the officer of a local bank in an issue of the paper in which the bank had purchased a full-page ad.<sup>33</sup> Among the publication’s other early “darts” was the conflict of interest of sports journalists being

simultaneously assigned to cover games and employed by teams to keep statistics. The *San Francisco Chronicle* had banned the practice, the *CJR* reported: “There is no telling where this example may lead. More papers might end up paying their own way, instead of letting baseball clubs pick up the tab. Or it could mean the most drastic step of all—letting managing editors purchase their own box seats.”<sup>34</sup> The analogy to syndicate hospitality at journalism conventions was clear. Indeed, when the Associated Press Managing Editors ended commercial events at its conventions in 1967, the *CJR* praised the organization by conferring a “laurel.”<sup>35</sup>

During the 1960s, the publication also emphasized conflicts of interest for business and financial reporters. Journalists who invested in markets, even receiving free stocks of companies they were covering, received a “dart” in 1963.<sup>36</sup> Scrutiny of conflicts of interest in business journalism increased following release of a 1963 report by the Securities and Exchange Commission, which cited examples of unethical conduct by journalists and called on press and public relations associations to enforce “standards designed to separate corporate propaganda from news, and to control conflicts of interest on the part of writers of financial news.”<sup>37</sup> In raising this concern, the *CJR* summarized for its readers a 1963 *Harper’s* piece that drew attention to “alliances between financial editors and reporters and public-relations men, and [to] cases where newspapermen have held interests in companies they have written about.”<sup>38</sup>

In 1968, the *CJR* again referenced the SEC special study in an article on “Reporters as Insiders: Financial News and Stock-Buying.” Drawing upon a survey of large-market daily newspapers and wire services, author Blaine McKee found that few newspapers had developed formal guidelines for their business journalists; many daily papers that produced original financial news functioned with an unwritten conflicts policy, if they had considered any parameters at all. Interestingly, some editors feared that having an ethics policy would suggest that their staffs were not trustworthy, McKee wrote. “Many of the editors who took part in this survey seemed to feel that having rules to guide their employees would be a reflection upon their reporters’ honesty.” He added that the SEC had clear rules governing employee conflict of interest. “If one follows the reasoning of some editors, this would mean that the SEC considers its employees dishonest.”<sup>39</sup> At this point in the ethical evolution, editors appear to have been grappling with the concepts, which flowed from social responsibility, that ethical accountability also resided in the media institution, not exclusively in the individual, and that the existence of policies might contribute to public confidence in the press, not undermine it.

Despite its gradual incorporation into journalistic common sense, social responsibility still represented a non-traditional perspective and its embrace was by no means universal. In fact, the enduring tension between the

libertarian and social responsibility frameworks was exacerbated during the 1960s by the empanelling of federal commissions that implicated the press in broader societal dysfunction and shaped the professional climate in which the ASNE board would eventually ban the syndicates from holding parties during the annual convention. Whereas the Hutchins Commission was a private, postwar endeavor funded by Henry Luce, publisher of *Time* and *Life* magazines, during the 1960s federal commissions took aim at the press. Glen Feighery's examination of press criticism in government reports included two that preceded the ASNE board's vote to end the syndicate parties: the Warren Commission's 1964 findings on the assassination of John F. Kennedy and the Kerner Commission's 1968 report on the causes of urban disorders. Feighery wrote that the respective commissions implicated the press for interference with the Kennedy investigation and for constructing and maintaining perceptions of a racially segregated society.<sup>40</sup> Feighery argued that the "litany of fault-finding" in the reports met resistance from "news professionals [who] were steeped in libertarian traditions and profoundly wary of government control," but that the press gradually accepted the commissions' challenge to "be more accountable and to adopt broader definitions of responsibility."<sup>41</sup>

The ASNE board's 1968 vote to end the syndicate parties fell early in the cycle Feighery described and coincided with McKee's findings on editor reluctance to impose ethical standards on business journalists—yet, it clearly reflected the professional self-consciousness engendered by mounting scrutiny of press performance since the Hutchins Report. The ensuing tension between the libertarian and social responsibility frameworks for journalism had forced editors who asserted their editorial autonomy under the First Amendment to consider that right alongside acknowledgment of a reciprocal obligation to serve the public. The articulation of an ethical common sense that marginalized the syndicate parties emerged during a period in which the press was routinely chastised for a wider variety of transgressions than in the past. The syndicate party ban was a response to that intensified criticism.

## THE SYNDICATE PARTY CONTROVERSY

The precise genesis of the syndicate parties is unclear as they were not official ASNE events and were not listed on the ASNE's convention schedule, but they had become routine by the 1940s. Sponsored by Post-Hall, General Features Corp., and other purveyors of contractual and nationally distributed newspaper content, the parties initially were small events for existing syndicate clients, held in hospitality suites in the convention hotel. The syndicates also sponsored social events for editors' wives and included them in the invitations to the parties.<sup>42</sup> The scope and obvious expense of the parties, as

well as the controversy surrounding them, increased with a decision by the 1954 convention program chairman, Michael Gorman of the *Flint (Mich.) Journal*, to invite Ford and General Motors to host parties as well.<sup>43</sup> Following that convention, some members grouched about the commercialization of their annual meeting,<sup>44</sup> and by 1958, when several ASNE members were calling for the organization to examine its unofficial affiliation with the parties, some members referenced extravagant events that featured unlimited alcohol, caviar, and live entertainment. One editor estimated the 1950s cost of a syndicate party attended by 600 editors and their guests at more than \$11,000, nearly \$100,000 in current dollars.<sup>45</sup> Formal invitations found in archives, including the Post-Hall syndicate's invitation to a dinner-hour event during the 1953 convention and another to an 11 p.m. General Features party in 1959, suggest that a degree of elegance and prestige was attached to the festivities.<sup>46</sup> For newspaper editors, many of whom were lowly paid in comparison to their publishers, participation in a social event of this order was an extraordinary experience.

Without clear ethical guidelines in the ASNE's 1923 Canons of Journalism or a commonsense understanding of the ethical conflict raised by the syndicate parties, ASNE members of the late 1950s were left to draw their own conclusions about the events' propriety. In fact, some complaints centered not on the syndicates' possible expectation of a quid pro quo that would place their columns and feature material in partygoers' newspapers, but on the inebriation and subsequent behavior of editors who attended the parties. For example, in responding to the 1958 survey on the question, Joseph Lee of the *Topeka (Kan.) State Journal* wrote, "My vote is for a complete cut-off of free-loading. It benefits nobody but the drunks, who should be able to figure out some other way to deduct their whiskey."<sup>47</sup> Some who recognized that syndicate representatives attended ASNE conventions to sell content seemed annoyed by the commercialization of the meeting and its encroachment on their annual visit to Washington, DC, and stay at the Statler Hilton Hotel. Wrote R.M. Hitt of the *Charleston (S.C.) Evening Post* in 1954, "If I were a syndicate salesman and just happened to be staying at the Statler while the place was alive with ASNE members seeking federal knowledge, I think I would not collar members in the lobby and try to peddle a new comic strip."<sup>48</sup>

By 1958, however, a small chorus of members had concluded that the number and extravagance of evening syndicate parties, as well as the presence of open-bar hospitality suites throughout the day, represented an ethical compromise. In response, ASNE president George Healy appointed a special committee—what one member termed a "Committee of Levitative Oversight"<sup>49</sup>—to conduct the survey on member sentiment about the parties. An announcement in the August 1958 *ASNE Bulletin* asked members to weigh in by mail with a thumbs-up or thumbs-down on the events and to offer open-ended comments.<sup>50</sup>

When the results were in, a strong majority voted to continue the syndicate parties or were ambivalent about their future. Some even scoffed at the notion that editors should be restricted from participation in a practice that might be suspect for other members of their newspapers' staffs. For example, Jonathan Daniels of the *Raleigh (N.C.) News & Observer* viewed the parties as a benefit for underpaid editors. He wrote, "The folks who buy from and sell to newspapers throw so much money around so gaily in New York for publishers that I am in favor of all the crumbs that fall from the rich man's table to the editors."<sup>51</sup> C.A. McKnight, editor of the *Charlotte (N.C.) Observer*, agreed. "Since they're optional, the fellow who objects violently is free to stalk off somewhere."<sup>52</sup> Preserving individual choice and, by extension, individual autonomy is a libertarian concern that informed responses of some editors who were ambivalent about continuing the parties. "It is not the function of the ASNE Board to be my guardian angel in Washington," wrote Fred Christopherson of the *Sioux Falls (S.D.) Argus-Leader*.<sup>53</sup> Charles A. Guy of the *Lubbock (Texas) Avalanche-Journal* agreed: "Every member of ASNE is over 21 and should be able to decide for himself whether he wants to drink for free with the syndicate boys or, as I once was wont to do, surround himself with a few sympathetic souls and do his elbow-bending in the men's bar."<sup>54</sup>

Even some who wanted the ASNE to distance itself from the parties opposed banning them. Thomas Waring of the *Charleston (S.C.) News and Courier* said that he did not support listing the syndicate parties in the convention program but that the organization should not try to control what members did with their own time, whether they accepted an invitation to a "syndicate wingding" or partook of "the open bottles in salesmen's hotel rooms." He wrote, "Acceptance of hospitality should be left to the individual editor, as it is in his hometown when a syndicate salesman shows up."<sup>55</sup> Similarly, Virginius Dabney of the *Richmond (Va.) Times-Dispatch*, the ASNE's immediate past president, wrote that he was neutral on the syndicate party question:

I think they are getting to be a nuisance, and yet I don't feel strongly enough on the subject to urge that we try to stop them.

Even if we were determined to do so, how could we? Syndicates can rent some part of the Statler and send out invitations to anybody they want at the time of our convention. Its [*sic*] a free country. That also implies freedom on the part of ASNE members to go or not, as they please, to these parties.

I never felt that I had sold my soul to Post-Hall or any of the others by lapping up their booze and looking at their floor shows.<sup>56</sup>

Dabney's response is most significant because of its libertarian concern for editors' autonomy in deciding whether to attend the parties and syndicates' right to host them.<sup>57</sup> Dabney fails to acknowledge a problem related to the



*appearance* of impropriety, regardless of his belief in his own ability to withstand the unseemly influence implied by the parties.

Such positions were typical in 1958 and counted these editors among the 74 percent who opposed board action against the syndicate parties. In response, the 1958 ASNE board rebuffed the concerns of members who objected to syndicates providing hospitality during the annual convention. “The directors agreed that nothing can be done about eliminating syndicate parties,” the board’s minutes state. The ASNE would, for the next decade, take a “hands-off attitude,” leaving the choice of attendance to members, but the syndicate parties would no longer be announced in the *ASNE Bulletin*.<sup>58</sup>

Strikingly, the ASNE board solicited member sentiment about the parties in a *Bulletin* issue that featured a cover story on “Gifts, Favors and Gratuities,” by J.R. Wiggins of the *Washington Post* and *Times Herald*. The relevance of Wiggins’ arguments against “free-loading” by journalists who accepted gifts, food, and alcohol from public relations practitioners may have been too subtle for the ASNE of 1958. Without mentioning the ASNE or any news outlet by name, Wiggins congratulated the profession for moving beyond “the days when ink-stained wretches were grateful for a handout” at press conference buffets and other events hosted by news sources, as well as at annual conventions where “newspapermen [were] wined and dined by ‘the interests’ and furnished all kinds of free entertainment.”<sup>59</sup> If Wiggins recognized irony in his condemnation, in the pages of the *ASNE Bulletin*, of practices that paralleled the syndicate parties during ASNE conventions, he did not say so:

This is not so much done these days, thank goodness. There are still a few newspaper groups who ask various private individuals and interests for free entertainment, expensive talent, drinks and novelties at their annual meetings. If the public thinks the attending newspapermen are free loading they are entirely right—that’s just what they are doing and they ought to be ashamed of themselves. (I have been present at some of these functions myself and I was and I am ashamed.)<sup>60</sup>

Invoking Exodus 23:8—“And thou shalt take no gift for the gift blindeth the man and perverteth the words of the righteous”—Wiggins connected his criticism of such events to journalism values. “Gifts and gratuities,” he wrote, “are objectionable because they impair either the objectivity or the appearance of objectivity of the press.”<sup>61</sup>

Wiggins’s failure to mention syndicate parties or editors is remarkable, but so is the omission of the word “ethics” in his discussion of problems with accepting “gifts and gratuities.” At this point in the ASNE’s discourse on commercial relationships with sources of newspaper content, those who

intuitively recognized a problem and grappled with a nascent common sense in this sphere were still developing the vocabulary and conceptual framework that would be available to them in coming years. For the time being, most could articulate a concern only about a narrow range of practices that included “free loading,” but not conflict of interest. It would be another decade before the ASNE board of directors would, as a matter of policy and in recognition of a shift in common sense, formally tie this argument about the ethical compromise entailed in “gifts and gratuities” to members’ participation in the syndicate parties. The sometimes-strident defense of syndicate hospitality by editors who felt entitled to it, combined with the individual liberty argument, stymied the official conversation until ASNE president Jones brought the matter to his directors in 1968.

## CHANGE AND RESISTANCE

Indeed, most responses to the issue were decidedly different a decade later, when the ASNE board took the action Jones likened to “throwing the money changers out of the temple.”<sup>62</sup> Jones obtained permission from his board of directors to notify the syndicates that they were not welcome to continue hosting the parties in conjunction with ASNE conventions.<sup>63</sup> “A society such as ours, dedicated to the highest principles of journalistic ethics, should avoid the acceptance of commercial hospitality,” he wrote.<sup>64</sup> In his communication with the syndicates, Jones extended the ethical argument to include concern for their image as well as the ASNE’s: “What seemed like a harmless social custom assumes today an appearance of possible impropriety. Neither you nor we can afford any such appearance.”<sup>65</sup>

By 1968, many editors now viewed commercial hospitality from a more critical professional vantage and saw the parties as an ethical problem and professional embarrassment. After the vote Jones reported that he had received thirty-three letters, all but one of them applauding the board’s action. Among comments Jones shared with the board was that of George Beebe of the *Miami Herald*, who reportedly said, “It always annoyed me to have these booze chambers and lavish entertainment [*sic*], particularly when we seek to discourage this with our staffs at home.” In addition, Louis Guzzo of the *Seattle Post-Intelligencer*, agreed: “It is rank commercialism and has absolutely no place at an assembly whose primary purpose should be to agitate editors to the point at which they will become angry enough to set things right.” And C. Hal Nelson of Rockford (Ill.) Newspapers saw the ban as “a hopeful sign that ASNE has grown up.”<sup>66</sup> This was a markedly different perspective on the press’s ethical responsibility in service to the public, more in line with a social responsibility theory of the press. Such a change in professional ethos

required individual editors, and the ASNE board as setter of professional policy, to elevate the concern for public accountability above the very self-interest that, a decade earlier, had led many editors to defend their right to attend syndicate parties against assertions that these events compromised the organization's integrity—and their own.

Isolating precise causes for the evolution in ethical common sense, from one decade to the next, is impossible; however, the organization and journalism generally experienced a change in culture that suborned the editors' sense of entitlement to a more sharply defined understanding of ethical duty, one that entailed the need for professional self-restraint. This was a process that began before the 1950s and certainly did not end with the ASNE board's 1968 vote to eliminate syndicate parties from the convention or the organization's adoption in 1975 of the new Statement of Principles. In the context of such press milestones as the *New York Times's* 1971 legal battle over publication of the Pentagon Papers and the *Washington Post's* reporting on Watergate, which led to President Richard Nixon's resignation in 1974, many in journalism attached deeper social and political meaning to their labor and viewed the new standards of integrity as a requisite for professionalism.

ASNE members, who now saw the syndicate party ban as an obvious choice, would be reminded that ethical consensus can be elusive, that common sense may be shared and validated institutionally, but that it ultimately resides in the individual. Just as the ASNE shifted to its new ethics code—which directly cautioned members against “impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict,” and warned that “they should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity”—editors confronted a new controversy over commercial hospitality. A luncheon hosted annually by Southern Railway reignited questions about special interests seeking to influence newspaper content by wining and dining editors. Like the syndicate parties, the Southern Railway luncheon was not affiliated with the ASNE convention; it was an invitation-only event at which editors in a thirteen-state region served by the railroad were given an elegant meal with an open bar, cigars, and prizes ranging from pocket knives to a \$100 savings bond. In 1975, 125 editors and their wives attended the event, which had been scheduled just before the convention opened for about ten years.<sup>67</sup>

An unbylined opinion piece in the *ASNE Bulletin* kicked off the debate by noting that Southern Railway did not sell content to newspapers, as the syndicates did, but used the luncheon to present its point of view to editors whose newspapers covered the railroad's business in the communities it served. “Nobody seems to know . . . what, if *anything* is wrong with it,” the author wrote of the luncheon. “But there is a nagging question in the minds of some

editors.” The author described the event in detail, noting that editors provided a captive audience for a thirty-minute question-and-answer exchange with the railway’s president. “The answers enable Southern’s chief to explain, among other things, why Southern doesn’t pay for warning systems at highway crossings (the railroads were there before the highways),” the article stated.<sup>68</sup>

A fairly one-sided debate on the issue appeared in a subsequent issue of the *Bulletin* and included eight letters, just one of them sharing concerns in the anonymous commentary. Richard Seaton of the *Coffeyville Journal* in Kansas argued that “editors should not expose themselves even to the appearance of being under obligation to any vested interest like a railroad.”<sup>69</sup> Other letters to the *Bulletin* denounced the suggestion that the Southern Railway luncheon compromised editors’ ethics. For example, Paul McKalip of the *Tucson Daily Citizen* wrote, “I am getting very tired of the veneer of plastic purity with which many of our editorial associates seem so devoutly determined to cloak themselves—and expect the rest of us to join in their holier-than-thou posturing.”<sup>70</sup> Louis Harris of the *Augusta (Ga.) Chronicle* viewed questions about the ethics of the railway luncheon as a “new attack on my integrity,” drawing a parallel to the syndicate party ban, which he had opposed. “It struck me that we were being protected from ourselves, that otherwise we could be bought for a free drink, and, once compromised, we would,” Harris wrote. Asserting that Southern’s hospitality produced no bias, he added, “I have editorially patted it on the back when we felt a pat was deserved, and I have editorially kicked it in the pants when our paper found itself in sharp disagreement with a Southern action or position.”<sup>71</sup>

The six *Bulletin* letters defending the Southern Railway luncheon included one from Waring, the editor from Charleston, who said that he had “not been conscious of ethical impairment because of Southern hospitality.” He continued, “No doubt my views are influenced by having come up in the pre-Watergate age of innocence, when a newspaperman was not expected to be a practicing ascetic so long as he held a press card.”<sup>72</sup> Waring’s published letter takes on additional meaning when viewed in the context of Waring’s archived correspondence with William F. Geeslin, a Southern Railway official. In June 1975, following publication of the anonymous piece, Geeslin wrote to Waring, attaching a copy of the initial *Bulletin* article, and suggested Waring write a letter to the editor, if he had “a particular feeling about the luncheons.”<sup>73</sup> Waring’s letter to the *Bulletin*, dated the following day, is copied to Geeslin. A few months later, Geeslin wrote again to say that pro-Southern sentiment in the *Bulletin* represented “a lopsided vote in favor of the April luncheons” and thanked Waring for writing on the railroad’s behalf.<sup>74</sup> Then, in December Waring wrote to Geeslin thanking him for a “splendid bag of game. . . . I had a couple of ducks this week, and look forward to tackling the chukar, quail and pheasant next.”<sup>75</sup> It is not clear whether other editors who wrote

the *Bulletin* to defend the Southern Railway luncheon also were solicited for letters and compensated with a gift, though Geeslin was surprised by the letter from McKalip, the editor in Arizona, which was not served by Southern Railway. "We'll see that this forthright editor is invited [to the luncheon] next year," Geeslin wrote to Waring.<sup>76</sup>

A few months after the letters from Southern Railway's defenders appeared, the *Bulletin* published a piece by A.C. Snow of the *Raleigh Times*, who identified himself as author of the anonymous commentary. Snow noted that sports editors had come under fire for accepting hospitality from the teams they covered. "Questioning the ethical conduct of our sports editors while the editors close their minds even to the mere questioning of their own freeloading habits shapes up like an unhealthy set of dual standards," he wrote. Snow doubted that editors would sell out for a meal, but he also did not believe the railroad put on the luncheon for no reason. "Strangely enough," Snow wrote, "we have not heard of Southern throwing sumptuous luncheons for the sharecroppers, the storekeepers or even the bankers who live and work along the network of rails that criss-cross the South."<sup>77</sup>

Snow's argument suggested that he, at least, shared the common sense articulated in the new ASNE Statement of Principles, which had been informed by the ascendancy of the social responsibility framework; however, he did not persuade those who believed it was their libertarian right to attend the Southern Railway luncheon and believed they were immune to the influence of railroad hospitality. When Waring returned to Charleston from the 1976 convention, he wrote to Geeslin to thank him and Graham Claytor, the railroad's president, for "a most enjoyable luncheon" the previous week in Washington, DC: "I took a train ride to New York on the Metroliner and mentioned something about it in a column, recalling Mr. Claytor's answer to a question about the possibility of reviving passenger train service outside the densely populated corridor."<sup>78</sup> Clearly, the railroad's investment in the luncheons was not wasted.

## CONCLUSION

The libertarian framework for journalism, with its preference for individual and unregulated freedom, collided during the late 1950s and the 1960s with the profession's growing concession to the public expectation that the press be socially responsible. As is apparent from some ASNE members' resistance to the organization's eventual censure of the syndicate parties and its discouragement of other commercial hospitality, the libertarian habit persisted. Viewing themselves as professionals who were above the influence of vested interests, some editors were slow to capitulate to the new ethical common

sense in journalism, or ignored it altogether as the Southern Railway dispute shows. For these editors, questions of impropriety and the appearance of impropriety were assaults on their personal integrity, and the public's perceptions did not factor into their choices. As scrutiny of the press intensified during the 1960s and the ASNE moved toward the new ethics code adopted in 1975, however, a growing number of ASNE members recognized the ethical imperative of social responsibility and its correlate, accountability to the public. Without this strong shift in many editors' shared understanding of journalism's role in society, the ASNE board's eventual ban of syndicate parties would have been impossible.

Importantly, the social responsibility movement within journalism, which both accompanied and encouraged the increased emphasis on ethics, essentially called for journalists, their editors, and the organizations that employed them to practice self-restraint. Rather than act on just any of the choices constitutionally available within the libertarian framework, the call for social responsibility asked them to be ethically thoughtful in their decisions, to view their own actions as a reflection on press credibility, and to weigh the potential impacts of media content, even sometimes not publishing when they were legally entitled. Although some editors continued to resist the expectations of social responsibility and clung to the old model of an autonomous newspaper accountable to no one but its publisher, this professional attitude had given significant ground by the end of the 1960s.

The libertarian perspective did not disappear but coexisted, sometimes uneasily and sometimes symbiotically, with social responsibility. Because the ethical reforms that emerged during this period emphasized not just social responsibility but also self-restraint, the focus on ethics also prioritized individual choice and duty. In this way, the evolving ethical environment relied upon libertarian principles as well as new thinking about accountability to the public. In addition, even as objectivity came in for intensified challenge during the 1960s,<sup>79</sup> the press affirmed its investment in objectivity as a standard of performance. Within the strident debates over the conflict of interest or the appearance of a conflict entailed in syndicate parties, the root question was whether an editor who accepted commercial hospitality could remain impartial in making decisions about newspaper content.

Disputes over syndicate parties at the ASNE convention or gifts to editors who attended a railroad luncheon, which may seem trivial when viewed in isolation, are evidence of journalism's mid-century questioning of its ethical relationship to the public it served. Attendant to this process was a redefinition by many, but not all, ASNE members of their self-identity and the development of the ethical self-consciousness that an editor's decisions and conduct had implications for both the profession and the public's faith in the press. For some, this was too counter-intuitive and they never saw the

necessity of restraining their personal inclinations for a greater public good. The history of this period within the ASNE clearly shows the limitations of institutional mandates in changing the ethical culture of an organization. Even so, within the newspaper profession, a critical mass of editors incorporated the demand for greater accountability into their commonsense understanding of duty and changed the profession's ethical expectations for decades to come.

## NOTES

1. Arville Schlaben to Joseph Shoquist, October 22, 1968, Joseph William Shoquist Papers, Wisconsin Historical Society, box 3, folder 10. This chapter was previously published in *American Journalism* 34, no. 2 (Fall 2017): 1–21, and is included here by permission.

2. Alice Fox Pitts, *Read All about It!: 50 Years of ASNE* (American Society of Newspaper Editors, 1974), 306.

3. Of the survey's 203 respondents, 130 had no objection to the parties, fifty-three were against them, and twenty were categorized as noncommittal. American Society of Newspaper Editors, board of directors' minutes, October 17–18, 1958, 164. The ASNE's institutional archives are held at the Reynolds Journalism Institute at the University of Missouri-Columbia.

4. Bagdikian's conclusion was based on daily newspapers with a typical 40 percent "newshole," which was the surface area left for nonadvertising material. Ben H. Bagdikian, "Journalism's Wholesalers," *Columbia Journalism Review*, Fall 1965: 28.

5. Paul Alfred Pratte, *Gods within the Machine: A History of the American Society of Newspaper Editors, 1923–1993* (Westport, CT: Praeger, 1995), 206.

6. Pratte, *Gods within the Machine*, 210. Of particular significance for this discussion is the 1975 code's emphasis on the appearance of impropriety, even for editors who believed themselves above actual compromise from commercial hospitality. In their analysis of ethics codes as cultural practice, Wilkins and Brennan wrote, "Conflict of interest is one of the few areas of professional ethics where perception of 'reality' has equal standing in a moral sense with the actual reality. The goal here is twofold: first, to circumscribe the sorts of influences that can erode professional judgment, and second, to maintain the bond of trust and authority between professionals and the larger society." Lee Wilkins and Bonnie Brennan, "Conflicted Interests, Contested Terrain: Journalism Ethics Codes Then and Now," *Journalism Studies* 5, no. 3 (2004): 302–303.

7. ASNE board minutes, October 14, 1968, 378.

8. In a similar vein, Hazel Dicken-Garcia wrote, "Since conceptions of the press's role are products of ideas and trends in a given society at a given time, notions of this role, shaped by dominant trends, differ in each era. These conceptions in turn shaped standards—the criteria governing the way journalists conducted and viewed

their work, and the norms as manifested in content. Related to this, the press's own development as a social institution also influenced conceptions of its role." Hazel Dicken-Garcia, *Journalistic Standards in Nineteenth-Century-America* (Madison: University of Wisconsin Press, 1989), 17.

9. Gwyneth Mellinger, "Washington Confidential: A Double Standard Gives Way to *The People's Right to Know*," *Journalism & Mass Communication Quarterly* 92, no. 4 (Winter 2015): 857–69.

10. Kevin Lerner points to such developments in the 1970s as the ombudsman movement at metropolitan daily newspapers and the proliferation of journalism reviews among many examples. Kevin Michael Lerner, "Gadfly to the Watchdogs: How the Journalism Review [MORE] Goaded the Mainstream Press Toward Self-Criticism in the 1970s," PhD diss., Rutgers University, 2014, 26–70. In 1972, the *Columbia Journalism Review* reported on increased focus on defining ethical standards, including the ASNE's interest in updating its ethics code. Referencing the impact of Vice President Spiro Agnew's 1969 speech in Des Moines, Iowa, attacking the media, the *CJR* said, "Possibly this stir would have seemed more worthy if it had been set in motion before the news media entered the present period of Agnewsticism. Nonetheless, the efforts are welcome, for they bring before journalism's collective conscience matters that traditionally have been left to individual inclination." "An Onrush of Ethics," *Columbia Journalism Review*, September/October 1972: 8.

11. "Darts, Laurels and Other Missiles," *Columbia Journalism Review*, Winter 1967/1968: 2.

12. Sigma Delta Chi, "Sigma Delta Chi's New Ethics Code," November 1926, <http://www.spjnetwork.org/quill/codedcontroversy/ethics-code-1926.pdf>.

13. Society of Professional Journalists, Sigma Delta Chi, "Code of Ethics," November 16, 1973, <http://www.spjnetwork.org/quill/codedcontroversy/ethics-code-1973.pdf>.

14. Ted Glasser and James Ettema, "Ethics and Eloquence in Journalism: An Approach to Press Accountability," *Journalism Studies* 9, no. 4 (2008): 513.

15. Glasser and Ettema, "Ethics and Eloquence in Journalism," 514.

16. *Ibid.*, 513.

17. *Ibid.*, 516.

18. As Gramsci noted, "Every philosophical current leaves behind a sedimentation of 'common sense': this is the document of its historical effectiveness. Common sense is not something rigid and immobile, but is continually transforming itself, enriching itself with scientific ideas and with philosophical opinions which have entered ordinary life." Quintin Hoare and Geoffrey Nowell Smith, eds., *Selections from the Prison Notebooks of Antonio Gramsci* (New York: International Publishers, 1971), 326 (fn. 5).

19. Commission on Freedom of the Press, *A Free and Responsible Press* (Chicago: University of Chicago Press, 1947), 10.

20. Norman Isaacs, *Untended Gates: The Mismanaged Press* (New York: Columbia University Press, 1986), 103.

21. John Nerone and his coauthors located the dispute within the tension produced by postwar capitalism. "The notion that media should have responsibility, that they



had moral obligations, was abhorrent to those who clung to free-market principles,” they wrote. “The controversy was but a replay of a larger debate about whether business in general had any responsibilities at all to society, beyond a primary obligation to owners and investors.” John C. Nerone, ed. *Last Rights: Revisiting Four Theories of the Press* (Urbana: University of Illinois Press, 1995), 14. This view is supported by Norman Isaacs, who noted that postwar newspapers “were in a state of near panic” over competition from radio, newsmagazines, and now television. Isaacs, *Untended Gates*, 103.

22. This episode of the ASNE’s history is described in detail in Pratte, *Gods within the Machine*, 1–13, and Pitts, *Read All about It!*, 25–28.

23. Pratte, *Gods within the Machine*, 15.

24. Victor Pickard, “‘Whether the Giants Should Be Slain or Persuaded to Be Good’: Revisiting the Hutchins Commission and the Role of Media in a Democratic Society,” *Critical Studies in Media Communication* 37, no. 4 (October 2010): 392.

25. Commission on Freedom of the Press, *A Free and Responsible Press*, 94.

26. Margaret A. Blanchard, “The Hutchins Commission, the Press, and the Responsibility Concept,” *Journalism Monographs* 49 (1977): 51.

27. Nerone, *Last Rights*, 78.

28. Fred S. Siebert, Theodore Peterson and Wilbur Schramm, *Four Theories of the Press* (Urbana: University of Illinois Press, 1956). Nerone et al. argued persuasively that “*Four Theories* does not offer four theories: it offers one theory with four examples.” *Last Rights*, 18. Without disputing that position, which is extraneous to this analysis, the discussion that follows will source *Four Theories* as a historical document and, per the book’s authors, occasionally refer to libertarianism and social responsibility as theories.

29. Fred Siebert, “The Libertarian Theory of the Press,” in Fred S. Siebert, Theodore Peterson and Wilbur Schramm, *Four Theories of the Press* (Urbana: University of Illinois Press, 1956), 53.

30. Siebert, “The Libertarian Theory of the Press,” 71.

31. Theodore Peterson, “The Social Responsibility Theory of the Press,” in Fred S. Siebert, Theodore Peterson and Wilbur Schramm, *Four Theories of the Press* (Urbana: University of Illinois Press, 1956), 103.

32. For discussion of the impact and historical context of *Four Theories*, see Nerone, ed. *Last Rights*, 1–16. The *Four Theories* framework was also presented during the 1950s in Wilbur Schramm, *Responsibility in the Media* (New York: Harper & Row, 1957), which reappeared in a revised coauthored edition twelve years later: William L. Rivers and Wilbur Schramm, *Responsibility in the Media* (New York: Harper & Row, 1969).

33. “The Lower Case,” *Columbia Journalism Review*, Spring 1962: 64. This feature was soon renamed “Darts and Laurels,” and “The Lower Case” featured headline errors and layout bloopers.

34. “Darts and Laurels,” *Columbia Journalism Review*, Spring 1963: 3.

35. “Darts, Laurels and Other Missiles,” *Columbia Journalism Review*, Winter 1967/1968: 2.

36. “Darts and Laurels,” 3.

37. Blaine K. McKee, "Reporters as Insiders: Financial News and Stock-buying," *Columbia Journalism Review*, Spring 1968, 36. The report is the *Securities and Exchange Commission's Report of Special Study of Securities Markets* (Washington, DC: U.S. Government Printing Office, 1963).
38. "Warning to Investors," *Columbia Journalism Review*, Fall 1963: 43, and Peter Bart, "How to Read the Financial Pages without Going Broke," *Harper's Monthly*, August 1963: 31–35.
39. McKee, "Reporters as Insiders," 40.
40. The full and formal names of the commissions were the President's Commission on the Assassination of President Kennedy and the National Advisory Commission on Civil Disorders.
41. Glen Feighery, "Two Visions of Responsibility: How National Commissions Contributed to Journalism Ethics, 1963–1975," *Journalism and Communication Monographs* 11, no. 2 (Summer 2009), 170.
42. Alice Fox Pitts to Virginius Dabney, undated memo, Virginius Dabney Papers, University of Virginia, MSS 7690-h, box 1, untitled folder; "Late Memo to Wives," *ASNE Bulletin*, April 1958: 15.
43. Pitts, *Read All about It!*, 305.
44. "Three-Sentence Appraisals of the Convention," *ASNE Bulletin*, June 1954: 4.
45. Pitts, *Read All about It!*, 306.
46. Various ephemera, Sylvan Meyer Papers, Southern Historical Collection, University of North Carolina-Chapel Hill, box 5, folder 1.
47. Pitts, *Read All about It!*, 306.
48. "Three-Sentence Appraisals of the Convention," 4.
49. Loye Miller, "Do Syndicates Vindicate?" *ASNE Bulletin*, August 1958: 15.
50. Miller, "Do Syndicates Vindicate?"
51. Jonathan Daniels to Reed Sarratt, September 5, 1958, Reed Sarratt Papers, University of North Carolina-Chapel Hill, Southern Historical Collection, box 1, ASNE folder.
52. C.A. McKnight to Reed Sarratt, undated, Reed Sarratt Papers, University of North Carolina-Chapel Hill, Southern Historical Collection, box 1, ASNE folder.
53. Pitts, *Read All about It!*, 306.
54. *Ibid.*
55. Thomas Waring to Carl Weimer, August 4, 1958, Thomas R. Waring Papers, South Carolina Historical Society, box 425, folder 5.
56. Virginius Dabney to Thomas Haynes, August 29, 1958, Dabney Papers, MSS 7690-h, box 4, "ASNE board minutes and meetings" folder.
57. For years, the syndicates were adamant that they would continue to host the parties. Alice Fox Pitts, in her institutional history of the ASNE, wrote, "Mild attempts to discourage [the parties] failed. Hall's Ira Emerich gloated, 'Any rules against parties won't apply to us. We don't come in until after the banquet when the convention has adjourned.'" Pitts, *Read All About It!*, 305. Interestingly, when the 1968 ASNE board voted to inform the syndicates that they were no longer welcome to host parties in conjunction with the annual convention, the syndicates acquiesced.
58. ASNE board minutes, October 17–18, 1958, 165.

59. J.R. Wiggins, "Gifts, Favors and Gratuities," *ASNE Bulletin*, August 1958: 1.
60. Wiggins, "Gifts, Favors and Gratuities."
61. *Ibid*, 2.
62. Pratte, *Gods within the Machine*, 122.
63. ASNE board minutes, October 14, 1968, 376. The lone dissenting vote was cast by director Sylvan Meyer of the *Gainesville (Ga.) Times*. According to the board minutes, "Mr. Meyer said he felt the matter had been brought before the Board for action too abruptly and that time should be allowed to sound out the membership before making a decision."
64. Pitts, *Read All About It!*, 307.
65. *Ibid*.
66. Vincent Jones, letter to ASNE board, October 30, 1968, Sam Ragan Papers, University of North Carolina-Chapel Hill, Southern Historical Collection, folder 336.
67. "Southern Hospitality, Railway Style," *ASNE Bulletin*, May-June 1975: 28.
68. "Southern Hospitality, Railway Style."
69. "Now About that Southern Hospitality," *ASNE Bulletin*, July-August 1975: 22.
70. "Now About that Southern Hospitality."
71. *Ibid*.
72. *Ibid*.
73. William F. Geeslin to Thomas Waring, June 4, 1975, Waring Papers, box 425, folder 7.
74. William F. Geeslin to Thomas Waring, September 4, 1975, Waring Papers, box 425, folder 7.
75. Thomas Waring to William F. Geeslin, December 10, 1975, Waring Papers, box 425, folder 7.
76. Geeslin to Waring, September 4, 1975.
77. A.C. Snow, "More on Southern Hospitality," *ASNE Bulletin*, October 1975: 18.
78. Thomas Waring to William F. Geeslin, April 10, 1976, Waring Papers, box 425, folder 7.
79. Lerner, "Gadfly to the Watchdogs," 66-74.

## Chapter 8

# Ethical Duty and the Right to Know

## *Sam Ragan's Crusades to Provide the Public with Access to Information*

Erin K. Coyle

Samuel T. Ragan, executive editor of the Raleigh *News & Observer*, was the soft-spoken product of a poor farming family who went to college to study religion but found a calling as a journalist focused on fairness. Ragan was drawn to the role of a watchdog defending all members of society, particularly those who lacked a voice or means to defend themselves against injustices.<sup>1</sup> He gained national prominence during the 1960s, crusading on behalf of citizens and the press as he defended citizens' rights to be informed about government actions, criminal defendants' rights, and the press's right to be free of government restrictions.<sup>2</sup> His arguments for a public right to know are grounded in the premise that knowledge about government actors is essential to furthering individual liberties and responsible government.<sup>3</sup> Such advocacy for press freedom to serve the right to know may be justified with John Stuart Mill's principle of utility, which requires providing the greatest good for the greatest number of people, and with Immanuel Kant's principle of humanity, which requires treating people with dignity and respect.<sup>4</sup> Advocates for the right to know have assumed, according to scholar Christopher Meyers, that access to information is important because knowledge "plays a vital role in the creation and maintenance of just societies."<sup>5</sup>

Ragan was a spokesperson for American editors who were concerned that criticism of the press and proposals to limit access to criminal justice information were enabling government secrecy that threatened press freedom and the public's right to know.<sup>6</sup> He advocated for citizens' right to know information about governmental affairs in his speeches to Congress, college students, journalists, and lawyers and judges in the 1960s.<sup>7</sup> Two histories of the American Society of Newspaper Editors address Ragan's involvement

in the fight for access to federal government information.<sup>8</sup> He also crusaded for access to criminal justice information more than a decade before the U.S. Supreme Court recognized a First Amendment right for journalists and citizens to attend criminal trials.<sup>9</sup>

Ragan communicated with other editors crusading for people's rights to receive information about criminal justice in his roles as president of the Associated Press Managing Editors (APME) in 1964, author of the 1967 American Newspaper Publishers Association (ANPA) report on free press and fair trials, vice chairman of the American Society of Newspaper Editors' (ASNE) Freedom of Information and Press-Bar Committee in 1967, and chairman of that committee in 1968.<sup>10</sup> Ragan and editors across the nation used newspaper columns, speeches, and letters to fight for people's right to know how law enforcement and courts addressed crime.<sup>11</sup> Editors advocated for a broad right to know government information after World War II. One scholar wrote that the freedom of information movement that emerged at that time could be considered "inevitable reactions to bureaucratic secrecy concerning information about foreign policy or atomic energy when the Cold War intensified."<sup>12</sup>

Members of the press used the right to know as a slogan when crusading for greater access to government information in the 1960s. Ragan and other editors also applied the right to know to state and local challenges to press freedom not addressed by the 1966 federal Freedom of Information Act.<sup>13</sup> Specifically, he crusaded for citizens' right to know about the investigation and adjudication of crime. He associated press freedom with self-government, the public's right to know, and a watchdog role for the press.<sup>14</sup> These arguments relate to an ethical reform movement addressing the press's role in serving society.<sup>15</sup> The Society of Professional Journalists' 1973 Code of Ethics lists serving the public's right to know as an ethical responsibility, calling the public's right to know about matters of public importance "the overriding mission of the mass media."<sup>16</sup>

This chapter examines how Ragan and other editors served this duty by defending press freedom and the public right to know between 1964 and 1968. At that time, editors feared that two events would increase government secrecy, threaten press freedom, and threaten citizens' right to know about government business. In 1964, the President's Commission on the Assassination of President John F. Kennedy published a report—commonly called the Warren Commission and the Warren Report because U.S. Supreme Court Chief Justice Earl Warren led the commission—criticizing press coverage that would have undermined Lee Harvey Oswald's right to a fair trial.<sup>17</sup> In 1966, the U.S. Supreme Court's majority opinion in *Sheppard v. Maxwell* indicated that prejudicial news coverage and the disruptive presence of journalists at

a trial undermined the fair trial rights of a criminal defendant.<sup>18</sup> In 1967, the ASNE Freedom of Information Report indicated that the freedom of information (FOI) movement, which sought better access to government information, had lost ground, partly because of *Sheppard*.<sup>19</sup> Identifying press coverage as a threat to Sam Sheppard's fair trial rights, the majority opinion scolded a trial judge for failing to prevent law enforcement and lawyers from providing prejudicial information to journalists.<sup>20</sup>

This analysis uses primary and secondary sources to determine how Ragan and other editors addressed restrictions on crime news as threats to press freedom and citizens' right to know in the 1960s. Triangulation verified information found in Ragan's papers at the University of North Carolina, periodicals, and reports published by press organizations, including ASNE, APME, and ANPA. The author carefully read those sources and performed an in-depth interview with one of Ragan's daughters to identify how Ragan addressed the right to know and press freedom in relation to the Warren Report, *Sheppard v. Maxwell*, and actions by lawyers, judges, and police following the report and opinion's recommendations.<sup>21</sup>

Communication scholar Barbie Zelizer explained that "journalistic authority" allows journalists to serve as authoritative and credible spokespersons" who retell what has occurred in relation to a specific event. She reasoned that journalists have used narrative strategies to tell stories, and journalists have retold those stories in similar ways because they act as members of "an interpretive community."<sup>22</sup> Through shared narratives, or common explanations of events, journalists' words have reflected shared values for their collective community. This study examines how Ragan, and other editors, described press freedom, the press's responsibility to serve the public right to know, and threats to both press freedom and citizens' right to know.

## ASSOCIATING PRESS FREEDOM WITH A RIGHT TO KNOW

Ragan and other leaders of news organizations served as political actors after World War II when government officials used propaganda and suppression to shape what information the public received.<sup>23</sup> Previous scholarship recognizes that journalistic institutions and editors also performed as political actors, as they identified government secrecy as a problem and engaged in coordinated crusades during that period.<sup>24</sup> Professional organizations moved from studying government secrecy to crusading for openness as American society became more open and democratic between the late 1950s and late

1970s.<sup>25</sup> Culture also changed for citizens and the media, as individuals and members of the press fought for greater civil liberties and professional journalism organizations fought to reduce government secrecy. Editors and professional organizations asserted First Amendment rights and a right of the people to know about government. They denounced government secrecy and fought to protect a public interest in learning about government.<sup>26</sup>

Government secrecy is a problem that predates the founding of the United States. Political leaders who promoted secrecy were at times labeled “would-be tyrants.”<sup>27</sup> According to historian Jeffery Smith, secrecy was “understood to be limited to highly sensitive matters of military or diplomatic necessity” during the nation’s earliest days; American officials subsequently developed a culture of secrecy.<sup>28</sup> Smith stated that early American journalists shared ideals for a press free from censorship to serve “as a ‘bulwark of liberty’ and ‘scourge of tyrants.’”<sup>29</sup> He traced the right to know to writings by James Madison and other founding fathers who indicated that self-governing citizens needed to receive information that would empower self-government.<sup>30</sup>

Some literature has associated freedom from government censorship and prior restraints with the press’s values of autonomy and diversity.<sup>31</sup> Editorial autonomy shields the press against government restrictions that would allow government officials rather than journalists to choose what may be printed. To enjoy such liberties in a democracy, government may not impose unwarranted limitations on the press’s publication rights, or unduly influence the press’s content.<sup>32</sup> Providing that autonomy, in turn, contributes to the press’s freedom to publish a broad array of topics, including information that may be critical of government. Allowing the press to serve the right to know by expressing diverse ideas is essential to protect democratic society against tyranny and to respect human dignity.<sup>33</sup> According to media ethicist Candace Gauthier, members of the press perceive the public’s right to know as “the moral basis for journalists’ freedom to gather and disseminate information.”<sup>34</sup>

Legal theorists have identified similar social responsibilities for freedom of expression. Alexander Meiklejohn assigned communicators duties to convey information that enables individuals to make informed decisions about government.<sup>35</sup> The press has fostered that self-government value by serving as an independent branch that monitors and reports on the government. Justice Potter Stewart’s 1974 speech on freedom of the press described that watchdog function as what the authors of the First Amendment intended for the press. Almost three years later, Vincent Blasi articulated a related, supplementary value for speech and press to prevent abuses of power by holding public officials accountable for their actions.<sup>36</sup>

Editors’ crusades to promote self-government, autonomy, diversity, and watchdog values for press freedom also relate to ethical principles for

journalism. According to the “Canons of Journalism” provided at the first annual meeting of ASNE in 1923, “Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss what is not explicitly forbidden by law, including the wisdom of any restrictive statute.”<sup>37</sup> That code of ethics also states that editors must be committed to serve the public interest.<sup>38</sup> Editors, accordingly, have fought for people’s right to know information about government in American society, a concept fundamental to self-government and autonomy.<sup>39</sup>

## THE RIGHT TO KNOW ABOUT PUBLIC BUSINESS

Executive director of the Associated Press Kent Cooper is credited with introducing “the right to know” concept when giving a speech in 1945. *The New York Times* quoted him as stating, “The citizen is entitled to have access to news, fully and accurately presented. There cannot be political freedom in one country, or in the world, without respect for ‘the right to know.’”<sup>40</sup> By 1956, journalists and editors started using “the right to know” as a slogan for promoting access to government information. That phrase became a rallying call for journalists fighting for the public’s right to be informed about government.<sup>41</sup>

The ASNE Freedom of Information Committee worked with attorney Harold Cross to study access to government records after World War II. Their efforts led to Cross’s book, *The People’s Right to Know*. In its preface, Cross identified the ability for citizens to receive government information as a foundation for the First Amendment. “Public business is the public’s business,” Cross wrote. “The people have the right to know. Freedom of information is their just heritage. Without that, the citizens of a democracy have but changed their kings.” Associating access to government information with a self-government rationale for freedom of speech and press, he argued that legislatures needed to create better laws to provide citizens with access to government information.<sup>42</sup> Editors echoed those sentiments in campaigns that ultimately resulted in open records and meetings laws for states and the federal government.<sup>43</sup> Those laws have helped journalists act as watchdogs and citizens to access information to make informed decisions about supporting specific government actors.<sup>44</sup>

In 1956, James Russell Wiggins, executive editor of the *Washington Post and Times Herald*, referred to the right of citizens to know about government business as a collection of rights also called “freedom of the press.”<sup>45</sup> He associated that phrase with five separate institutional rights: to get government information, to print information without governmental prior restraint, to lawfully print information without fearing retribution, to access printing



materials, and to distribute information. Those rights of the press enable the public to receive information essential to democracy.<sup>46</sup>

## CRUSADING FOR FREEDOM OF INFORMATION AND PRESS FREEDOM

Members of ASNE, APME, and Sigma Delta Chi collectively acted as political actors, “establish[ing] what is valuable in society and seek[ing] to distribute such values,”<sup>47</sup> crusading for freedom of information laws and international press freedom in the 1940s, 1950s, 1960s, and 1990s.<sup>48</sup> They promoted freedom of information in editorial pages, testified before government bodies, drafted legislation, and advocated for better access to government-held information.<sup>49</sup> They used the right-to-know slogan and Cold War rhetoric in their campaigns to protect citizens against a “paper curtain,” totalitarian government, and government secrecy.<sup>50</sup>

In the twentieth century, editors had responsibilities to defend the press and public against threats to democracy. The foremost responsibility of the press was “keeping the public of this democracy informed,” according to a 1965 *New York Times* editorial quoted in a 1967 book on the editor and editorial writer, which described newspapers as “an essential ingredient in the democratic process.” Editors, consequently, were responsible for cultivating public opinion, fighting battles, defending liberties, and protecting individuals from tyrannical actors who threatened press freedom and democracy.<sup>51</sup>

In the 1960s, editors fought for rights to access criminal justice information, arguing for a First Amendment right of access to information about criminal investigations and trials almost two decades before the U.S. Supreme Court recognized a First Amendment right to attend criminal trials.<sup>52</sup> In 1967, in a book on free press and fair trial rights, editor Alfred Friendly and attorney Ronald L. Goldfarb wrote that society needs to receive information from the press about the investigation and adjudication of crime, but sensational coverage of rare crimes made it difficult to find jurors who were not prejudiced by news coverage.<sup>53</sup> Ragan, however, believed that criminal defendants needed the free press to report on criminal proceedings, scrutinize government activities, and serve the public’s right to know.<sup>54</sup>

In summary, news leaders have encouraged editors to protect press freedom and citizens’ right to know about public affairs. Studies also have indicated that editors acted as watchdogs crusading for freedom of information after World War II. Previous scholarship, however, has not examined journalism ethics in relation to Ragan’s crusades to protect press freedom and the public right to know against attempts to limit access to crime news in the 1960s.

## PRESS FREEDOM AS A MEANS RATHER THAN AN END

Ragan identified secrecy and government tyranny as problems that started before the founders formed the United States, problems that would arise again if courts and law enforcement agencies restricted press freedom and access to information. Voicing concerns about secret arrests and court proceedings, he referred to the practices of the Court of the Star Chamber during the reign of King Charles I in England.<sup>55</sup> That court used extreme and secretive practices to suppress seditious libel and religious dissent in the decade before the first English civil wars. The court's practices during that decade subsequently transformed the court's name into a symbol for tyrannical and secret judicial proceedings.<sup>56</sup> The Sixth Amendment to the U.S. Constitution later provided criminal defendants with rights to speedy and public trials.<sup>57</sup>

Ragan said that because government secrecy limited access to information about the investigation and adjudication of crime, journalistic scrutiny of law enforcement and judicial activities was necessary to protect the constitutional rights of criminal defendants and the rights for citizens in a democracy to be informed about government actions. Citizens needed such watchdog journalism to promote a just society.<sup>58</sup>

Ragan described 1964 as “the crucible year of the American press” in his President's Message delivered at the 31st annual APME convention.<sup>59</sup> Ragan explained that reactions to press coverage of Kennedy's assassination challenged press freedom. He said that newspapers across the nation “were called upon to give measure and meaning to that basic democratic concept of a people's right to know—to know and to make decisions on the basis of that knowledge.” Ragan indicated that the press's coverage of the 1963 assassination and subsequent arrest of Lee Harvey Oswald should have drawn praise rather than criticism. Ragan stated that editors must defend the people's right to know and press freedom against limitations recommended by critics of press coverage.<sup>60</sup>

In September 1964, the Warren Commission report criticized news media and law enforcement officials for endangering Lee Harvey Oswald's safety and free trial rights. The committee devoted a chapter to news coverage of the assassination and the arrest, detention, and shooting death of Oswald. Describing “a regrettable lack of self-discipline” by members of the media, the committee assigned the media some responsibility for Oswald's death and for prejudicial coverage that could have prevented a fair trial.<sup>61</sup> As president of APME that year, Ragan said that reporters who covered Kennedy's assassination protected the people's right to know what happened and how authorities responded. He described that right as a basic democratic concept

similar to the self-government value for press freedom, a right for people “to know and to make decisions on the basis of that knowledge.”<sup>62</sup>

The Warren Report blamed the press and police for confusion and crowding that contributed to Oswald’s death. It described reporters and photographers as flooding the police department after Oswald was arrested, filling the third floor and basement loading area through which Oswald was moved toward a car.<sup>63</sup> The report alleged that police had not adequately checked press credentials and reporters had shouted questions as Oswald moved through the crowded police station.<sup>64</sup> In the loading area, Jack Ruby moved between reporters and a detective before he shot Oswald. Television cameras recorded the shooting, and television stations later broadcast those images. Had Oswald survived, the committee determined that intense interest in the crime and information law enforcement had provided to the press would have undermined his constitutional right to receive a fair trial by an impartial jury.<sup>65</sup> In response, press organizations and bar associations formed committees and organized panels to address free press and fair trial rights.<sup>66</sup>

Leaders in ASNE and APME agreed that the press could exercise more restraint, but they rebutted the Warren Report’s criticism of the press.<sup>67</sup> Ragan, an active member in both organizations, warned editors not to ignore criticism of sensational mass coverage of major news.<sup>68</sup> He said that criticism of press coverage of Oswald’s arrest rekindled a long-standing debate about whether press coverage of crime threatened criminal defendants’ fair trial rights.<sup>69</sup> The Warren Report recommended that members of the press, law enforcement, and bar associations work together to establish standards for providing and publishing information before the culmination of criminal trials.<sup>70</sup> Ragan described that suggestion to create codes as a call for controls that would limit press coverage. He said that editors who believed in democracy would need to defend the people’s right to know and the right for the press to speak and publish “the unpalatable and unpopular” if critics moved forward with recommendations to limit news coverage of crime.<sup>71</sup>

According to Ragan, the Warren Commission’s claim that intense press coverage threatened fair trial rights and triggered “dormant guns of attack,” combined with its recommendation for codes that could determine what journalists could learn and print, jeopardized the ability of citizens to learn about government actions. Alluding to the Star Chamber’s legacy of tyranny and secrecy, Ragan suggested that reporting on crimes and courts might protect criminal defendants and society against oppressive, secret government. Reasoning that the press was as concerned with constitutional rights as were lawyers and judges, he stated that editors must be prepared to defend the people’s right to know.<sup>72</sup>

In a 1965 draft speech for Sigma Delta Chi, Ragan wrote that members of the American Bar Association had interpreted the Warren Report’s

recommendations as a call to restrict lawyers, judges, and law enforcement officials. Ragan suggested that some interpretations would prevent the public from obtaining public records from police. He said that those types of restrictions “could ultimately lead to secret arrest and secret trials, and the end of American democracy as we know it.” As an example, he said that public officials in Flint, Michigan, gave orders not to disclose information about crime and arrests for crime. He praised the Flint newspaper for vigorously protesting “this totalitarian action” in editorials. He stated that the press cannot accept such restrictions.<sup>73</sup>

Ragan and eleven other news leaders committed to protecting the public interest and constitutional liberties when they joined the ANPA committee on free press and fair trial rights in 1965.<sup>74</sup> In speeches and articles, Ragan quoted a description of that committee’s duties provided by Gene Robb, then president of ANPA.<sup>75</sup> “The public interest is paramount in any consideration of these two constitutional guarantees—a free press under the First Amendment and a fair trial under the Sixth Amendment. These few instances where they appear to be in conflict should be resolved without any loss of our liberties.”<sup>76</sup> That committee met with press leaders, lawyers, and judges; read court rulings, letters from legal experts and editors, and news clippings; and completed a study drafted primarily by Ragan.<sup>77</sup> The book-length study addressed ten points about the perceived conflicts between free press and fair trial rights and potential threats from censorship. Those conclusions stated that no conflict existed between the First and Sixth Amendments, no evidence supported the claim that pretrial publicity was prejudicial, and press freedom required access to information. The conclusions also stressed that the press must fight threats to freedom of the press, “which inherently embodies the right to know,” described by Ragan as “one of our most fundamental rights.”<sup>78</sup>

Ragan also addressed the right to know in 1964 and 1965 in testimony before three U.S. Senate subcommittees. In 1964, he spoke about the need for access to federal agency records. He stated, “The right of the public to know the public’s business, which is government in all its aspects, has long been recognized, indeed, since the beginning of the Republic, as one of the first bulwarks of American democracy. An informed public is, in fact, a necessity if our form of government is to survive.”<sup>79</sup> The next year he used a similar theme when speaking to a subcommittee investigating free press and fair trial rights. Ragan said, “The right to know is not only one of our most precious rights but an absolute necessity for the preservation of democracy, or indeed, of civilization.” Ragan called for journalists, lawyers, judges, and law enforcement officials to discuss potential clashes between free press and fair trial rights, and he stressed that those conversations could not neglect the people’s right to know.<sup>80</sup>

Thus, Ragan identified recommendations to limit press coverage of sensational crimes as a potential problem that could limit the public's right to know, press freedom, and self-government. He connected the press's responsibility to serve the public interest and enable people to be informed in a democracy to editors' responsibility to fight against such restrictions. He called upon editors to defend press freedom, the "foundation stone of democracy."<sup>81</sup> Ragan's appeals to the right to know were undergirded by the ideal that journalists served the public's interest by providing knowledge essential "for the public's good."<sup>82</sup>

### **CALLING FOR EDITORS TO PROTECT PRESS FREEDOM AND THE RIGHT TO KNOW**

Between 1964 and 1968, Ragan and his colleagues from APME, ASNE, ANPA, and Sigma Delta Chi used common themes when addressing press freedom as a means to protect fair trial rights and the public right to know about criminal justice, particularly when addressing threats from criticism of the press.<sup>83</sup> Editors and publications identified common problems: judicial orders and proposals that would suppress speech of trial participants, restrict access to information about crimes prior to the culmination of trials, threaten press freedom, and threaten the public's right to know. They indicated that the U.S. Supreme Court had reversed only three verdicts between 1955 and 1965 because of prejudicial publicity.<sup>84</sup> Editors advised other editors to defend press freedom and the right to know.<sup>85</sup>

Ragan responded to critics' references to press freedom as a threat to fair trial rights with assertions that press freedom protected two fundamental liberties: criminal defendants' fair trial rights and society's right to be informed about the investigation and adjudication of crime.<sup>86</sup> The 1965 APME Freedom of Information Committee report noted that the executive committee was focusing on press freedom as a means to protect the interests of criminal defendants and the public. That report quoted Ragan's reasoning that free press and fair trial rights "are not incompatible, for there cannot be a fair trial without a free press."<sup>87</sup> APME focused on informing its members and the public about both sides of the free-press-fair-trial debate.<sup>88</sup>

In his 1965 statements before two Senate subcommittees on the constitutional rights of free press and fair trial, Ragan said that he was "equally concerned" about the rights to a fair trial and the "fundamental right of the public to know."<sup>89</sup> His draft stated that he had requested and found no examples of cases in which an innocent person went to prison because of prejudicial pre-trial publicity. On the other hand, he noted that history indicated that secret arrests and court proceedings have been carried out to the disadvantage of

innocent defendants. “Publicity can be the best guarantor of individual rights and a fair trial,” he wrote. “The press is simply the instrument in the people’s right to know. That right is not an abstraction, but a real and vital right—a right on which all other rights hinge and function and exist.” He argued that proposals for legal restrictions on what trial participants could publicly share “would hang a cloak of secrecy over criminal cases.”<sup>90</sup>

Around that time, Ragan questioned whether to continue using the phrase “the right to know” because some editors believed the phrase was weak.<sup>91</sup> Speaking before Senate subcommittees in 1965, though, he changed his mind. He wrote, “I decided that all of the Senate members, at least the ones on our side, were very enamoured [*sic*] of the phrase. It seemed to mean something to them so I reinstated it in my comments.”<sup>92</sup>

### EMPHASIZING BENEFITS OF PRESS FREEDOM TO FAIR TRIAL RIGHTS AND PEOPLE’S RIGHT TO KNOW

News organization leaders recognized that threats to press freedom could also arise from the Supreme Court’s majority opinion in *Sheppard v. Maxwell*, which addressed threats that sensational news coverage and the presence of journalists at a trial posed to a criminal defendant’s constitutional right to a fair trial.<sup>93</sup> That 1966 opinion described Cleveland-area newspapers’ aggressive coverage of the investigation and adjudication of the bludgeoning death of Marilyn Sheppard, a pregnant woman whose husband was accused of killing her. The opinion noted that news media emphasized Sam Sheppard’s reenactment of the tragedy that the coroner requested and Sheppard’s refusal to take a lie detector test or to allow authorities to inject him with truth serum. Newspapers covered a three-day coroner’s inquest by stressing “evidence that tended to incriminate Sheppard.” One paper even ran a front-page editorial that said “someone is getting away with murder.” Another front-page editorial asked, “Why isn’t Sam Sheppard in jail?”<sup>94</sup> Justice Tom C. Clark majority opinion criticized the trial judge for not restricting jurors’ access to sensational news coverage or trial participants’ prejudicial statements to the press. The opinion also criticized the judge for allowing a crowd of reporters to move about the courtroom, contributing to a “carnival atmosphere.”<sup>95</sup>

Although Clark’s opinion criticized the trial court for allowing prejudicial publicity and the presence of journalists in court to undermine a criminal defendant’s fair trial rights, Clark noted that the court typically was unwilling to limit press coverage in public courtrooms. He identified a watchdog role for the press when he reasoned that reporting on trials “guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism.”<sup>96</sup> Nonetheless, he

concluded that publicity and the disruptive presence of journalists in a courtroom deprived Sheppard of his right to receive a fair trial. Clark listed steps the trial judge should have taken to protect Sheppard's due process rights against bedlam in the courtroom, including limiting what information lawyers and law enforcement officials could release publicly.<sup>97</sup> Those recommendations concerned editors who feared that government officials would use the ruling as an excuse for withholding information about the investigation and adjudication of crimes.<sup>98</sup>

Less than a week after the Supreme Court published its *Sheppard v. Maxwell* opinion, Ragan's *News & Observer* published an editorial about ways that judges ought to protect fair trial rights without hindering press freedom. Recognizing that some people would read the opinion "as an indictment of the news media" for providing sensational coverage, the editorial presented the opinion as instructions for judges. On one level, the editorial agreed with criticism of the Cleveland press. The editorial acknowledged that reporters had scrambled to cover sensational trials and lawyers had presented sensational information to newspapers. But the editorial indicated that the North Carolina press ought not be restrained because of Ohio journalists' past conduct. The editorial focused on the responsibility for judges to protect the fair trial rights of criminal defendants in a way that does not restrain press freedom. The newspaper, not surprisingly, preferred that journalists be allowed to exercise self-restraint rather than have trial judges limit journalists' access to trials or information, which could limit journalists' abilities to serve the public's right to know.<sup>99</sup>

Some judges, however, perceived the Supreme Court ruling as instructions to limit crime-related information that could be released for publication before the culmination of criminal trials.<sup>100</sup> Addressing a September 1966 Wake County, North Carolina, judicial order created to follow the *Sheppard* ruling, Ragan presented in his weekly column, "Southern Accent," two common arguments—free press and fair trial rights are not incompatible and limiting access to government information threatens democracy.<sup>101</sup> Ragan warned that suppression of criminal justice information threatened the very justice system that judges sought to protect. "For unless police are required to state publicly their reasons for the arrest of a citizen then all society is endangered and we are perilously close to a police state. Justice cannot be served in darkness," he wrote. "There is no conflict between a fair trial and a free press. Indeed, there cannot be a fair trial without a free press, a press free to report to the public."<sup>102</sup> His argument expanded the traditional conception of First Amendment rights as protection against prior restraints on the press to include a right to access information. He reasoned that democracy and justice necessitated that citizens be informed about the public's business.

Although the Wake County court rule expired in 1966,<sup>103</sup> Ragan used the rule in the ANPA report on free press and fair trial published in January 1967 as an example of censorship that is unfair to the public, defendant, and press.<sup>104</sup> Echoing arguments from his APME President's Message and his draft statement for a U.S. Senate Subcommittee addressing free press and fair trial rights,<sup>105</sup> Ragan said that limiting access to information about the arrest of a citizen threatened the American justice system, the right of citizens to be informed, and press freedom. "Secrecy at the source endangers justice and the general welfare of the public," he wrote.<sup>106</sup> Any restriction judges imposed on information journalists could learn about police activity or crime undermined the public's right to know about public business.<sup>107</sup> The press needed to learn information about the investigation of crimes because the press served as "the eyes and ears of the public" with a duty to protect the accused against mistreatment and the public against secrecy.<sup>108</sup>

According to the ANPA, the *Sheppard* ruling protects fair trial rights without calling for direct restrictions on the press. Ragan wrote that Clark's majority opinion upholds both "the press's right to report and the public's right to know."<sup>109</sup> Describing the Cleveland-area news coverage of Sheppard's case, Ragan stated that media and the Supreme Court deplored that behavior. Nonetheless, he noted that the ruling does not call for the press to be punished for such conduct and does not indicate that the judiciary has power to direct public officials' conduct with the press. Rather, the ruling assigned judges the responsibility to protect a criminal defendant's fair trial rights with procedural safeguards—including continuation of trials or change of venue—rather than by restricting freedom of the press.<sup>110</sup> The report, accordingly, recommended the press seek positive steps to preserve fair trial rights without restricting press freedom.<sup>111</sup>

The ANPA report reflected Ragan's broad interpretations of press freedom as protection against judicial restraints that hampered the ability for the public to receive information about public business.<sup>112</sup> He wrote, "It is quite clear that freedom of the press means the right to gather, to print, and to circulate information. Any judicial restraint of that right at any point constitutes a prior governmental restraint on publication." Ragan reasoned that "the responsible press" has to provide information to help the public oversee the administration of justice.<sup>113</sup>

Ragan stressed the duty of the press to report threats to the people's right to know.<sup>114</sup> When he led the ASNE FOI and Press-Bar Committee at the end of 1967, he appointed advisers in each state to serve as listening posts. Those advisers were to report state or local government actions that threatened the press's ability to inform the public about government business.<sup>115</sup> Defending the people's right to know was fundamental for allowing citizens to engage in self-government and to help maintain and promote a just society.<sup>116</sup>



## EMPHASIZING SECRECY AND CENSORSHIP AT THE SOURCE OF CRIMINAL JUSTICE INFORMATION

In a piece on the free press-fair trial controversy drafted for the *ASNE Bulletin* in 1968, Ragan again warned that secrecy and censorship were threatening people's ability to gain knowledge necessary for their pursuit of a just society. Ragan criticized an American Bar Association committee recommendation for members of the bar and bench to protect fair trial rights—in part by restricting what types of statements could be made to the press regarding criminal cases.<sup>117</sup> Ragan wrote that the committee “recommends a course of censorship at the source, a prior restraint on a free press that goes counter to the guarantees of the First Amendment to the Constitution.” He added that press freedom means “free access to information” as well as freedom from prior restraint. Ragan warned, “Our whole historical experience of an open society, in which both the means and ends of justice were neither clouded nor cloaked in secrecy, could well go for naught if such restrictions on the public's right to know are not vigorously resisted.”<sup>118</sup>

In a letter explaining his copy editing of Ragan's article, Norman Isaacs, then vice president and executive editor of the *Courier-Journal* and *Louisville Times*, wrote that he revised Ragan's references to censorship because the judge leading an American Bar Association Committee stated that judges were not censoring content. Isaacs also wrote that a number of editors winced when they heard “the right to know” phrase because it had “the weakness of being a slogan or label” and thus was open to challenge. Isaacs stated that he quit using the phrase because he could not answer the question “the right to know what?”<sup>119</sup> Ragan responded that he preferred to clarify that people have the right to know the public's business by saying “The Public's Right to Know the Public's Business.”<sup>120</sup> His explanation connected the slogan to self-governance and promoting knowledge necessary for a just society.<sup>121</sup>

Ragan used the longer phrase in a speech he presented to the National College of Trial Judges about free press and fair trial rights in August 1968. He reiterated themes from his prior speeches and columns indicating that free press and fair trial rights both were fundamental to “the search for truth and justice.” He complained that judges had closed preliminary hearings and that police had threatened “the public's right to know the public's business” by hiding warrants and reports and refusing to make statements about criminal activity. “The characteristic that most distinguishes democracy from totalitarianism is that the means are as important as the end,” Ragan wrote. “To drape a cloak of secrecy over actions of police or jurists not only fails to serve the cause of justice but places it in danger, and democracy itself in danger.” Ragan added that reporting on crime serves as a deterrent to crime, and the press must provide more and better coverage of crime and courts. He said

that public concern about crime would be eased only by journalists reporting the full truth.<sup>122</sup>

Ragan's arguments reiterated the checking, self-government, and autonomy values of free expression as well as the importance of knowledge and justice. He asserted that the press's role in scrutinizing courts and law enforcement is essential in a democratic society.<sup>123</sup> The ANPA report he drafted presented press freedom as a right of the people, a right that "inherently embodies the right of the people to know."<sup>124</sup> Thus, he urged members of the press to be vigilant and oppose any type of government secrecy that prevented the press and public from learning about the administration of justice at the local, state, or national level. Ragan also encouraged members of the press to engage in dialogues with members of the bench and bar to indicate that members of the press are devoted to the rights of the press, criminal defendants, and the public.<sup>125</sup>

While many editors focused upon government secrecy and abuses of executive power at the federal level after World War II,<sup>126</sup> Ragan also focused on state and local public officials' suppression of crime news in the 1960s.<sup>127</sup> As a leader of the press's crusade for free press and fair trial rights, he encouraged editors to defend press freedom that served the public's right to know about public affairs.<sup>128</sup> By 1968, Ragan and other editors worked with lawyers and judges to form cooperative approaches among journalists and jurists to distinguish types of information the public had a right to know that promoted justice and self-government from types of disclosure that could undermine criminal defendants' fair trial rights.<sup>129</sup> Ragan focused on the press's ability to access information to serve the public's right to receive information about government business.<sup>130</sup> He argued that the press needed to scrutinize the investigation and adjudication of crime to protect society against totalitarian governance.<sup>131</sup> Accordingly, he associated the press's rights to access and report crime news with the press's responsibility to provide the public with information that promotes self-government and justice. He described a role for the press's reporting on criminal justice as a means to prevent abuses of power that would endanger democracy.<sup>132</sup>

Ragan's arguments for press rights responded to potential threats of secrecy from the Warren Report, *Sheppard v. Maxwell*, and proposals he believed would encourage government officials to restrict access to information about the investigation and adjudication of crime.<sup>133</sup> One scholar has argued that the right to know offers passive support for press freedom as a means to serve the public's interest in receiving information, which is weaker than a focus on the active rights of the press to seek information and decide what to publish.<sup>134</sup> But Ragan presented more than a passive moral argument for press freedom to serve as a means for the public to learn information. He presented press freedom as a right to access information as well as a responsibility to provide

the public with information.<sup>135</sup> Ragan connected the press's duty to serve the right to know with the people's rights to help promote and maintain a just society.<sup>136</sup>

Ragan encouraged editors to act as watchdogs, promoting the checking, self-government, and autonomy values of free expression. He stated that the Constitution calls for a press free from prior restraints to provide the public with information necessary for the people to oversee the actions of sovereign governors.<sup>137</sup> Those arguments focused on the press's duties to foster democracy, as well as the press's rights to access information about government. Ragan indirectly addressed the First Amendment value of autonomy by arguing against censorship that undermined the press's ability to choose what information the press ought to access and report.<sup>138</sup> Tying press freedom to the public's right to know about the government's business connected the press's reporting on criminal justice to the press's ethical duty to provide citizens with knowledge essential for citizens to participate in self-government and promote a just society.

## NOTES

1. Tribute to Sam Ragan, 104 Cong. Rec. H5265 (daily ed. May 16, 1996) (statement of Eva Clayton); Talmadge Ragan, interview by Erin Coyle, June 30, 2016. Portions of this chapter were previously published as "Press Freedom and the Citizen's Right to Know in the 1960s: Sam Ragan's Crusade to Provide the Public with Access to Criminal Justice Information," *Journalism History* 43, no. 1 (2017): 44–55, and is included here by permission—copyright © The History Division of the Association for Education in Journalism and Mass Communication, <http://www.aejmc.org/home/2013/01/hist/>, reprinted by permission of Taylor & Francis Ltd, <http://www.tandfonline.com> on behalf of The History Division of the Association for Education in Journalism and Mass Communication.

2. For example, see "Tar Heels Star," *Goldsboro News-Argus*, April 25, 1968, Sam Ragan Papers, Southern Historical Collection, University of North Carolina at Chapel Hill (hereafter Ragan Papers).

3. See, for example, Christopher Meyers, "Justifying Journalistic Harms: Right to Know vs. Interest in Knowing," *Journal of Mass Media Ethics* 8, no. 3 (September 1993): 137–38.

4. Candace Cummins Gauthier, "Right to Know, Press Freedom, Public Discourse," *Journal of Mass Media Ethics* 14, no. 4 (December 1999): 203–5.

5. Meyers, "Justifying Journalistic Harms," 137.

6. For example, see "Tar Heels Star."

7. Bob Sherill, "Ragan: 'Sound and Fury' Lives On," *Carolina Financial Times*, June 28, 1976; *Administrative Procedure Act: Hearing on S. 1663 Before the S. Subcomm. on Administrative Practice and Procedure of the Comm. on the Judiciary*, 88th

Cong. 45. (1964) (statement of Sam Ragan); “Free Press and Fair Trial” Sam Ragan speech at Wake Forest College, Winston Salem, N.C., April 27, 1966, Ragan Papers; “Sigma Delta Chi,” Sam Ragan speech at Sigma Delta Chi Meeting, Williamsburg, Va., April 29, 1965, Ragan Papers; and see, for example, Sam Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” *Notre Dame Law Review* 42, no. 6 (January 1967): 888; and “Fair Trial and Free Press,” Sam Ragan speech at Judicial Conference of New Jersey, Newark, May 24, 1968, Ragan Papers.

8. Alice Fox Pitts, *Read All about It!: 50 Years of ASNE* (Easton, PA: American Society of Newspaper Editors, 1974), 217; and Paul Alfred Pratte, *Gods within the Machine: A History of the American Society of Newspaper Editors, 1923–1993* (Westport, CT: 1995), 123.

9. *Richmond Newspapers v. Virginia*, 448 U.S. 555, 576–77 (1980).

10. “Press Critics Draw Replies from Editors,” *Spokane Daily Chronicle*, November 18, 1964; American Newspaper Publishers Association, *Free Press and Fair Trial* (New York: American Newspaper Publishers Association, 1967); and Pratte, *Gods within the Machine*, 123.

11. See, for example, “State Listening Posts Alerted in FoI Effort,” *Editor & Publisher*, July 6, 1967, 40; Sam Ragan, “Jaw-Jaw and Not War-War,” *Bulletin of the American Society of Newspaper Editors*, July 1968, 9–10; and Ralph Sewell, “Public’s Right to Examine Is at Stake,” *Quill*, March 1965, 14.

12. Kiyul Uhm, “The Cold War Communication Crisis: The Right to Know Movement,” *Journalism & Mass Communication Quarterly* 82, no. 1 (Spring 2005): 141.

13. 5 U.S.C. § 552 (1966).

14. U.S. Supreme Court Justice Potter Stewart explained the watchdog function of the press in a speech that he gave on press freedom. Echoing a description made by Thomas Carlyle in 1841, Stewart described the press as a “fourth estate” that scrutinized government. Potter Stewart, “Or of the Press,” *Hastings Law Journal* 26 (1975): 634.

15. See, for example, Gwyneth Mellinger, “Conflicts of Interest in Journalism: Debating a Post-Hutchins Ethical Self-Consciousness,” *American Journalism* 34, no. 4 (Fall 2017): 390–95, which is incorporated into this volume.

16. Society of Professional Journalists, *Sigma Delta Chi Code of Ethics*, November 1973.

17. *Report of the President’s Commission on the Assassination of President John F. Kennedy* (Washington, DC: United States Government Printing Office, 1964), 241–242 (hereafter called the Warren Commission and the Warren Report).

18. *Sheppard v. Maxwell*, 384 U.S. 333 (1966).

19. J. Edward Murray, “Free Press and Fair Trial: A Report by the FoI and Press-Bar Committee Chairman,” *Problems of Journalism* (Washington, DC: American Society of Newspaper Editors, 1967), 86–87.

20. *Sheppard v. Maxwell*, 384 U.S. 333, 358 (1966).

21. *Ibid.*, 362.

22. Barbie Zelizer, *Covering the Body: The Kennedy Assassination, the Media, and the Shaping of Collective Memory* (Chicago: University of Chicago Press, 1992), 8–10.

23. See, for example, Robert V. Hudson, "FOI Crusade in Perspective: Three Victories for the Press," *Journalism & Mass Communication Quarterly* 50, no. 1 (March 1973): 118.

24. See, for example, Emily Erickson, "The Watchdog Joins the Fray: The Press, Records Audits, and State Access Reform," *Journalism & Communication Monographs* 16, no. 2 (Summer 2014).

25. Michael Schudson, *The Rise of the Right to Know: Politics and the Culture of Transparency* (Cambridge: Harvard University Press, 2015), 5.

26. See, for example, Murray speech at the 90th Meeting of the American Bar Association. Murray was speaking as the chair of the ASNE Freedom of Information and Press-Bar Committee, and he sent copies of his remarks to other members of the committee.

27. See, for example, Daniel N. Hoffman, *Government Secrecy and the Founding Fathers* (Westport, CT: Greenwood Press, 1981): 3–18.

28. Jeffery A. Smith, "Panel IV: The Future of the Press and Secrecy," *Communication Law and Policy* 19, no. 1 (January 2014): 130.

29. Jeffery A. Smith, *Printers and Press Freedom: The Ideology of Early American Journalism* (New York: Oxford, 1988), 163.

30. Smith, "Panel IV: The Future of the Press and Secrecy," 129–130.

31. Liberal theories are grounded in John Stuart Mill's association of protection for freedom of expression with a marketplace of ideas philosophy. That indicates that individuals benefit when individuals discuss and debate opposing views, as long as expression does not harm others. See, for example, Elizabeth Blanks Hindman, "First Amendment Theories and Press Responsibility: The Work of Zechariah Chafee, Thomas Emerson, Vincent Blasi and Edwin Baker," *Journalism Quarterly* 69, no. 1 (Spring 1992): 58.

32. See, for example, Randall P. Bezanson, "The New Free Press Guarantee," *Virginia Law Review* 63, no. 5 (June 1977): 732, 761 and 763.

33. John Stuart Mill, *On Liberty*, ed. David Bromwich and George Kateb (New Haven: Yale University Press 2003), 73–74. See, for example, Gauthier, *Right to Know*, 203–205.

34. Gauthier, *Right to Know*, 197.

35. Alexander Meiklejohn, "The First Amendment Is Absolute," *The Supreme Court Review* (1961): 254.

36. Vincent Blasi, "The Checking Value in First Amendment Theory," *American Bar Foundation Research Journal* 2, no. 3 (1977): 528, 538.

37. Edwin Emery, *The Press and America* (Englewood Cliffs, N.J.: 1978), 511–512.

38. Emery, *The Press and America*, 512; Gauthier, *Right to Know*, 203–205.

39. See, for example, Bert Bostrom, *Talent, Truth and Energy: Society of Professional Journalists*, *Sigma Delta Chi* (Chicago: Society of Professional Journalists, 1984), 64 and Pratte, *Gods within the Machine*, 188.

40. Kent Cooper, *The Right to Know* (New York: Farrar, Straus and Cudahy, 1956), xiii.

41. More recent scholarship, however, criticizes authors for failing to effectively differentiate between a legal right to attain information and a moral obligation for the

press to provide the public with information about governmental affairs. See Brian Richardson, "The Public's Right to Know: A Dangerous Notion," *Journal of Mass Media Ethics* 19, no. 1 (2004): 46–47.

42. Harold Cross, *The People's Right to Know* (Morningside Heights, N.Y.: Columbia University Press, 1953), xiii.

43. Erickson, "The Watchdog Joins the Fray."

44. Stewart, "Or of the Press," 634; and Cross, *The People's Right to Know*.

45. James Russell Wiggins, "The Role of the Press in Safeguarding the People's Right to Know Government Business," *Marquette Law Review* 40, no. 1 (1956): 74.

46. James Russell Wiggins, *Freedom or Secrecy* (New York: Oxford University Press, 1964), 24.

47. Timothy Cook, *Governing with the News: The News Media as a Political Institution* (Chicago: University of Chicago Press, 1998), 86.

48. See, for example, Gwyneth Mellinger, "Washington Confidential: A Double Standard Gives Way to the People's Right to Know," *Journalism and Mass Communication Quarterly* 92, no. 4 (December 2015): 858; Schudson, *The Rise of the Right to Know*, 47–50; and Erickson, "The Watchdog Joins the Fray," 126–27.

49. *Ibid.* Also see Michael Schudson, "Where the Right Know Comes From," *Columbia Journalism Review*, October 14, 2015.

Erickson, "The Watchdog Joins the Fray," 145.

50. Schudson, *The Rise of the Right to Know*, 47.

51. A. Gayle Waldrop, *Editor and Editorial Writer* (Dubuque, IA: Wm. C. Brown Co., 1967), 1 and 4; "After the Strike," *New York Times*, October 11, 1965. The editorial also stated that "the responsibility for analysis and criticism of public affairs and public policies" was of equal importance.

52. *Richmond Newspapers Inc. v. Virginia*, 448 U.S. 555, 577 (1980).

53. Alfred Friendly and Ronald L. Goldfarb, *Crime and Publicity: The Impact of News on the Administration of Justice* (New York: Vintage Books, 1968), 237–243.

54. Sam Ragan, "President's Message," *The APME Red Book* (New York: Associated Press, 1964), 6–7.

55. Ragan, "President's Message," 6–11.

56. See, for example, Daniel L. Vande Zande, "Coercive Power and the Demise of the Star Chamber," *American Journal of Legal History* 50, no. 3 (July 2008): 326–327.

57. U.S. Const. amend. VI.

58. Ragan, "President's Message," 6–7.

59. *Ibid.* Ragan likely was drawing a parallel between Arthur Miller's play about the Salem witch trials that took place in the seventeenth century. U.S. Senator Joseph McCarthy and the House Committee on Un-American Activities' prosecution of people accused of being communists inspired Miller's play. See Arthur Miller, "Why I Wrote 'The Crucible,'" *New Yorker*, October 21, 1996, 158.

60. Ragan, "President's Message," 6 and 8.

61. *Warren Report*, 241–42.

62. Ragan, "President's Message," 6.

63. *Warren Report*, 201.
64. *Ibid.*, 228–29.
65. *Ibid.*, 20.
66. Glen Feighery, “The Warren Report’s Forgotten Chapter: Press Response to Criticism of Kennedy Assassination Coverage,” *American Journalism* 20, no. 2 (Spring 2003): 87.
67. *Ibid.*, 92.
68. Ragan, “President’s Message,” 7. Some journalists, however, criticized coverage of President Kennedy’s assassination and Oswald’s detention. See, for example, Darrel Winger, “SDX Urges Press Reply to Irresponsible Attacks: Journalism Society Also Votes to Examine Reporters’ Ethics,” *Editor & Publisher*, December 12, 1964, 13.
69. Ragan, “President’s Message,” 7.
70. *Warren Report*, 27.
71. Ragan, “President’s Message,” 8–9.
72. *Ibid.*, 7. Also see “Press Critics Draw Replies from Editors,” *Spokane Daily Chronicle*, November 18, 1964.
73. Ragan, “Sigma Delta Chi,” 2. Ragan’s arguments are similar to those Wiggins made in 1964. See Wiggins, *Freedom or Secrecy*, 24.
74. “ANPA Appoints 12-Man Committee on Free Press and Fair Trial,” *American Newspaper Publishers Association General Bulletin*, February 3, 1965, 1.
75. See, for example, “Fair Trial and Free Press”; “National Newspaper Week,” Sam Ragan draft speech, no date, Ragan Papers; and Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” 888.
76. Stanford Smith, foreword in *Free Press and Fair Trial*, ix. Also see Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” 888.
77. See, for example, Mollenhoff to Sam Ragan, January 15, 1967, in Ragan Papers. A letter from William Dwight, publisher of the *Holyoke (Mass.) Daily Transcript*, also congratulated Ragan for his work on the report.
78. Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” 888–889. On the other hand, the U.S. Supreme Court addressed the potential for news coverage or the presence of journalists at court proceedings to undermine fair trial rights four times between 1959 and 1966. See *Marshall v. United States*, 360 U.S. 310 (1959); *Irvin v. Dowd*, 366 U.S. 717 (1961); *Rideau v. Louisiana*, 373 U.S. 723 (1963); and *Sheppard v. Maxwell*, 384 U.S. 333 (1966).
79. *Administrative Procedure Act: Hearing on .S. 1663 Before the S. Subcom. on Administrative Practice and Procedure of the Comm. on the Judiciary*, 88th Cong. 45. (1964) (statement of Sam Ragan).
80. *Free Press and Fair Trial: Hearing on S. 290 Before the S. Subcom. on Constitutional Rights and the Subcom. on Improvements in Judicial Machinery*, 89th Cong. 423 (1965) (statement of Sam Ragan).
81. Ragan, “President’s Message,” 8–9.
82. See, for example, Meyers, “Justifying Journalistic Harms,” 137.
83. See, for example, Murray speech at the 90th Meeting of the American Bar Association; *Free Press and Fair Trial* (statement of Sam Ragan).

84. See, for example, Alfred Friendly, "Press-Bar Committee: Report to the ASNE Board of Directors," in *Problems of Journalism* (Washington, DC: American Society of Newspaper Editors, 1965), 222.

85. See, for example, Friendly, "Press-Bar Committee," 224; and Ragan, "President's Message," 8–9.

86. See, for example, "Free Press and Fair Trial," Sam Ragan, speech at Wake Forest College, Winston Salem, N.C., April 27, 1966, Ragan Papers; "Statement to Members of the U.S. Senate Subcommittee on Constitutional Rights and the Subcommittee on Improvements in Judicial Machinery"; and Ragan, "Jaw-Jaw and Not War-War," 10.

87. Richard Smyser, "Freedom of Information Committee Report," in *APME Red Book* (New York: Associated Press, 1965), 129–30. Also see, "Free Press and Fair Trial," Sam Ragan, speech at Wake Forest College, Winston Salem, N.C., April 27, 1966, Ragan Papers.

88. See, for example, *APME Fact Guide on the Free Press-Fair Trial Debate*, 4.

89. *Free Press and Fair Trial: Hearing on S. 290 Before the S. Subcom. on Constitutional Rights and the Subcom. on Improvements in Judicial Machinery*, 89th Cong. 423. (1965)(statement of Sam Ragan).

90. *Free Press and Fair Trial: Hearing on S. 290 Before the S. Subcom. on Constitutional Rights and the Subcom. on Improvements in Judicial Machinery*, 89th Cong. 423. (1965)(statement of Sam Ragan).

91. Sam Ragan to Norman Isaacs, June 18, 1968, Ragan Papers. See also Norman Isaacs to Sam Ragan, June 11, 1968, Ragan Papers.

92. Sam Ragan to Norman Isaacs, June 18, 1968, Ragan Papers.

93. Bostrom, *Talent, Truth and Energy*, 80.

94. *Sheppard v. Maxwell*, 384 U.S. 333, 338–43 (1966).

95. *Ibid.*, 358.

96. *Ibid.*, 350.

97. *Ibid.*, 355, 357–363.

98. Pratte, *Gods within the Machine*, 120–122.

99. Editorial, "Bedlam and Judges," *News & Observer*, June 10, 1966.

100. Bostrom, *Talent, Truth and Energy*, 80; Erin Coyle, "Turning Point: Balancing Free Press and Fair Trial Rights After Sheppard v. Maxwell," *Journalism History* 44, no. 3 (Fall 2018): 152–154.

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102. Ragan, "Southern Accent."

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104. American Newspaper Publishers Association, *Free Press and Fair Trial*, 4.

105. Ragan, "President's Message," 8–9; and Ragan, "Statement to Members of the U.S. Senate Subcommittee on Constitutional Rights and the Subcommittee on Improvements in Judicial Machinery."



106. American Newspaper Publishers Association, *Free Press and Fair Trial*, 4.
107. *Ibid.*, 8.
108. *Ibid.*, 4–5.
109. *Ibid.*, 135–36.
110. *Ibid.*, 140–43.
111. *Ibid.*, 10.
112. The report supported the right-to-know rationale for press freedom by quoting Federal Judge W. Wilson of Chattanooga, Tenn.: “Freedom of the press is the right of the public to know, not merely the right of any particular publisher to report as he chooses. No publisher or group of publishers and no members of the bar or bar associations has the prerogative to bargain away the public’s right to know.” See *ibid.*, 9.
113. *Ibid.*, 4–5.
114. See, for example, Ragan, “President’s Message,” 8–9.
115. “State Listening Posts Alerted in FOI Effort,” *Editor & Publisher*, July 6, 1967, 40.
116. Ragan, “President’s Message,” 6–7. See, for example, Meyers, “Justifying Journalistic Harms,” 137.
117. Ragan, “Jaw-Jaw and Not War-War,” 9, Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” 888–94.
118. Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” 889.
119. Norman Isaacs to Sam Ragan, June 11, 1968, Ragan Papers.
120. Sam Ragan to Norman Isaacs, June 18, 1968, folder 338, Ragan Papers.
121. See, for example, Meyers, “Justifying Journalistic Harms,” 137.
122. “Free Press and Fair Trial,” Ragan speech to the National College of Trial Judges.
123. Sam Ragan, “Fair Trial? Free Press?” in *The APME Red Book* (New York: Associated Press, 1966), 45; and Ragan, “President’s Message,” 7.
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127. Ragan, “Jaw-Jaw and Not War-War,” 9–10.
128. Sam Ragan, “President’s Message,” 8–9.
129. “Fair Trial and Free Press.”
130. James R. Sutphen, managing editor of *The (Bergen County) Record* in New Jersey, thanked Ragan “for going to a good deal of trouble to come up here and defend the right to know.” See Sutphen to Sam Ragan, June 4, 1968, Ragan Papers.
131. “Fair Trial and Free Press.”
132. American Newspaper Publishers Association, *Free Press and Fair Trial*, 4–5; and Ragan, “The ABA Recommendations: A Newspaperman’s Critique,” 888–891.
133. *Warren Report*; 384 U.S. 333; and see, for example, Mallard and Braswell, “Rule of Court Concerning Publicity and Due Process”; and *ABA Project on Minimum Standards for Criminal Justice, Fair Trial and Free Press* (Tent. Draft 1966); S. 290, 89th Cong. (1965).

134. Richardson, "The Public's Right to Know: A Dangerous Notion," 46–47.
135. Ragan, "The ABA Recommendations: A Newspaperman's Critique," 891.
136. See, for example, Ragan, "President's Message," 6–7; and Meyers, "Justifying Journalistic Harms," 137.
137. See, for example, Ragan, "President's Message," 8–9; and Friendly, "Press-Bar Committee," 225.
138. Ragan, "Sigma Delta Chi," 2.



## Chapter 9

# “Blackening Up Journalism”

## *An Ethical Imperative for Newsroom Diversity*

Gwyneth Mellinger and Erin K. Coyle

When journalism’s diversity movement crystallized in the 1970s, advocates for newsroom integration believed that the political moment offered a historic opportunity to advance justice and the press’s responsibility to the broader society. As a result of their efforts, the formal newsroom diversity effort, which the American Society of Newspaper Editors (ASNE)<sup>1</sup> launched in 1978, committed the daily newspaper industry, whose newsroom workforce was just 3.95 percent nonwhite,<sup>2</sup> to racially equitable employment by the end of the century. Goal 2000, which promised to bring the newsroom workforce into demographic parity with the national nonwhite population, then a target of about 17 percent, seemed reasonable and achievable only because the civil rights movement had altered the national conversation about the rights of African Americans and federal law barred racial discrimination in workplaces. Racial segregation, which had functioned as a largely unchallenged norm throughout the history of American journalism, had structured newspapers into the majority white press and its counterpoint, the minority black press, and their newsrooms were, with few exceptions, monoracial in staffing. By the 1970s, the civil rights movement had finally produced the social and political conditions under which this division might be healed.

The newsroom integration movement also had strong implications for journalism ethics, which had become a point of emphasis for the news media during the 1970s. For the white daily press, which had focused the nation’s attention on injustice and scrutinized institutional racism through its civil rights coverage,<sup>3</sup> the persistence of white newsrooms was a troubling hypocrisy. Eugene Patterson, the ASNE president in 1978, when Goal 2000 was adopted, was among the white ASNE members who recognized early on an

ethical mandate for newsroom integration, and believed that the press, which held others to account, had an obligation to scrutinize its own conduct. “It’s not enough to demand ethical and responsive action at city hall or the state capital,” Patterson said. “It’s required that we look within our own newsrooms and have the same goals.”<sup>4</sup> Despite American society’s strong shift toward acceptance of racial equality, many white ASNE members would be unmoved by Patterson’s passion and appeal to their better nature, and the Goal 2000 parity effort ultimately would fail. In 1998, it would be retired and replaced with new hiring objectives. This disconnect says much about the state of ethical consciousness in twentieth-century American journalism. Using the theoretical frameworks of social responsibility and John Rawls’s conceptualization of justice as fairness, this chapter examines the twenty-year history of the ASNE hiring initiative, itself the product of professional and political change, as an ethical reckoning for editors holding different interpretations of journalistic duty.

Despite growing activism for newsroom integration, the ASNE, serving as the conscience of white journalism, did not adopt its Goal 2000 newsroom hiring initiative until fourteen years after the Civil Rights Act of 1964 banned racial discrimination in hiring. Moreover, the ASNE did not take decisive action until a full decade after the National Advisory Commission on Civil Disorders, commonly known as the Kerner Commission, castigated the white daily press for presenting news “from the standpoint of a white man’s world.” Its 1968 report continued: “Slightings and indignities are part of the Negro’s daily life, and many of them come from what he now calls the ‘white press’—a press that repeatedly, if unconsciously, reflects the biases, the paternalism, the indifference of white America.” The Kerner Report, which devoted a full chapter to the failings of the white-owned media, pointed directly to a need for integrated newsrooms, as well as collaboration between the white and black presses.<sup>5</sup> The ASNE’s slow response to the Kerner Commission’s indictment was an early signal that the organization and its industry lacked consensus about the ethical need for newsroom integration.<sup>6</sup>

Robert Maynard, the most committed of the early newsroom integration champions, understood something important about ethics, race, and newsrooms, namely that moral suasion alone would not force daily journalism to open its doors to nonwhites. White newsroom leaders needed to be convinced that hiring nonwhite journalists was in their own self-interest. Reflecting on newsrooms’ initial impetus to begin recruiting nonwhites, Maynard, an African American who had quit his job at the *Washington Post* to work full time on “minority” hiring,<sup>7</sup> pointed to the difficulty that all-white news staffs encountered in covering news in the inner city during racial unrest in the 1960s. Specifically, Maynard described the destruction of a KNXT news van during the Watts uprising as “the precise moment in time—August 11, 1965,

to which virtually every black journalist in America owes his or her employment. It was that frightful scene in south central Los Angeles that made most news editors across the country aware for the first time that there might be an imperative for even the token desegregation of their newsrooms.”<sup>8</sup> Importantly, in his assessment of those early years of newsroom desegregation, Maynard did not discern an ethical epiphany among white newsroom leaders or attribute white editors’ change of priority to anything other than a pressing need to cover the unfolding story of race in America, accompanied by some realization that white journalists might not have been best qualified to gather news in predominantly African American neighborhoods. Importantly, the daily newspaper industry’s conditional acceptance of integration as ethically necessary to journalism would be hindered by *competing* self-interests, which impeded the necessary evolution in personal and professional values. That resistance to ethical reform is the focus of this chapter.

Although the racial transformation occurred unevenly throughout the daily newspaper industry, many white editors did, to varying degrees, embrace the social justice dimension of newsroom integration, in addition to recognizing the practical and professional advantages of hiring African American journalists. For example, John Quinn became executive editor of the Gannett newspapers in Rochester, New York, two years after that city’s unrest in 1964, and was among white editors who developed an early understanding that an integrated newsroom was essential to balanced and informed coverage of race. The cause of the uprising troubled Quinn. “I discovered a good part of it was because the Rochester establishment was ignoring the minority community, and that included the newspaper leadership,” he said. Understanding the need for African American journalists, who could report on issues of race and the lived experience of Rochester’s black residents, changed Quinn’s approach to hiring. “We proceeded there to try and bring some integration in,” he said.<sup>9</sup> From that early awakening in Rochester, Quinn would go on to become one of the newspaper industry’s most passionate white advocates for the ethical necessity of nonwhite hiring, both as an ASNE board member and as an executive with Gannett Newspapers, where diversity hiring was a criterion for the evaluation of top editors and the calculation of their annual bonuses.<sup>10</sup>

The newsroom integration movement proposed to address an ethical failing in journalism, but the process of diversifying news staffs raised as many ethical questions as it settled. The African Americans who were among the first hires in daily newspaper newsrooms were pigeonholed as specialists in coverage of racial issues and the black community.<sup>11</sup> In addition, the unchecked racism that informed much of the early white response to the 1968 Kerner Report is, at a distance of fifty years, rather breathtaking. For example, Richard Smyser of the *Oak Ridger* in Tennessee was among white editors who

launched the ASNE's diversity initiative in 1978, and later described early efforts to confront racism as "quite primitive." In 1969, as chair of the Associated Press Managing Editors' (APME) General News Committee, Smyser oversaw the production of reports that discussed "blackening up journalism" and "blackening up news values," references to blackface minstrelsy that many viewed, even then, as racist. Importantly, despite the Kerner Report's unequivocal call for newsroom integration, that early APME report focused merely on increasing news about African Americans, not hiring them to do the reporting.<sup>12</sup>

In the decades to come, many white editors and journalists had difficulty viewing African American hires simply as journalists, capable of covering the entire community and valued for their expertise in subjects other than being black. Even with a concerted, twenty-year push by the ASNE to increase the number of black journalists and editors at daily newspapers, white coworkers' suspicions about African Americans' qualifications for news work would persist, creating inhospitable working conditions at many newspapers, and turnover of black journalists would remain high. Betty Winston Bayé, an assistant editor at the *Louisville Courier-Journal*, wrote in 1990 about the resentment of white journalists against diverse hires. "Being a black journalist in a mostly white newsroom means always having to pass another test and knowing that no matter what your credentials or how hard you work, your talents are always suspect," she wrote.<sup>13</sup> The breadth of this sentiment was documented in 1993 by the National Association of Black Journalists, which released a survey-based report titled "Muted Voices: Frustration and Fear in the Newsroom." In one of its most alarming findings, the report warned that 51 percent of black news workers did not expect to be working in journalism in five years.<sup>14</sup> Indeed, if turnover is an indicator, nonwhites' satisfaction with the daily newspaper work environment would not improve. In 2001, after decades of recruiting against the undertow of an unstable nonwhite newsroom workforce, the ASNE reported that departures of African American journalists had exceeded the number of new hires.<sup>15</sup>

Throughout the diversity initiative's two decades, because of job dissatisfaction among nonwhites and because of ambivalence and resistance by white coworkers and supervisors, progress toward demographic parity was slow and incremental, as evidenced by the ASNE's own data. The ASNE held editors accountable for the racial composition of their staffs and progress toward the parity target by conducting an annual newsroom census of nonwhite employees in member newsrooms and then publicizing the results. By 2000, when the initial goal had called for the racial composition of newsroom staffing to align with the U.S. population, just 11.85 percent of the newsroom work force was nonwhite, compared to a national nonwhite population of 28.4 percent.<sup>16</sup> Even if the U.S. nonwhite population had remained at the 17 percent level

recorded when Goal 2000 was launched in 1978, the progress was insufficient to achieve parity. In 1997, when nonwhite newsroom employment was about 15 percentage points lower than the national nonwhite population, the ASNE leadership confirmed the obvious and announced that demographic parity was unattainable.

In a frank address that year, President Robert Giles pointed to a gap between the levels of commitment at the top of the organization, which had championed the initiative, and in newsrooms. "Our critics acknowledge our effort and leadership, but they believe the pace of change has been glacial," Giles said. "As one critic observed recently, 'If the newspaper industry had been as committed to technology as it is to diversity, we'd still be using manual typewriters.'"<sup>17</sup> The initiative failed despite, according to Lee Stinnett, the ASNE's executive director during much of Goal 2000, the organization's commitment of more resources to diversity—for recruitment, training, and member education—than any other organizational focus, including the First Amendment.<sup>18</sup> When the ASNE retired Goal 2000 in 1998, it developed a new set of hiring objectives to achieve parity by 2025; however, during the first decade of the new millennium, when the financial pressures on the newspaper industry brought declining advertising revenue and triggered broad layoffs, resources committed to diverse hiring also declined.<sup>19</sup>

Although the newsroom diversity initiative had a clear ethical dimension, the assumption that white editors and journalists who experienced Goal 2000 could recognize it as such is grounded in presentism and does not reflect the broadly shared understanding of journalism ethics during the twenty-year history of the diversity initiative. The ASNE's Goal 2000 newsroom hiring initiative was hamstrung by the organization's failure to make an unambiguous connection between sound, accountable journalism and the social justice commitment entailed in an integrated news staff. Even as the ASNE and other professional organizations emphasized journalism values and principles to improve public confidence in the press, and acknowledged a moral and constitutional obligation to serve the entire public, they struggled to embrace nonwhite newsroom employment as ethically essential to their mission. That ethical disconnect allowed editors to rationalize, on professional grounds, their resistance to newsroom integration.

## ETHICS AND INCLUSIVITY

The ASNE's first ethics committee was appointed in 1969, foregrounding professional responsibility amid increased scrutiny of journalism, a loss of public confidence in the press, and a burgeoning emphasis on media accountability.<sup>20</sup> Over the coming decades, however, the evolving concern



for newsroom integration, which initially was promoted as one means of improving press coverage of racial issues and nonwhite communities, would remain largely isolated from the news industry's effort to enhance press credibility and public service through the ethical practice of journalism. Although the civil rights movement had pressed the moral imperative of integration in society at large, many in the white press believed that their profession was exempt because the First Amendment insulated journalists and their professional conduct from external dictates and intervention. The codes of ethics available to editors and journalists during the twenty-year run of Goal 2000 offered no guidance on diversifying newsrooms, creating an ethical vacuum in which editors and journalists who did not immediately grasp the moral necessity of newsroom integration could opt out.

There was, of course, no mention of identity in the ASNE's Canons of Journalism, codified in the 1920s and adopted by Sigma Delta Chi, which later changed its name to the Society of Professional Journalists (SPJ). The SPJ approved a new code of ethics in 1973, "to preserve the bond of mutual trust and respect between the American press and the American people," but neither those guidelines nor the ASNE's new Statement of Principles, released in 1975, revealed even a hint of the Kerner Report's 1968 exco-riation of the press for its exclusionary racial coverage.<sup>21</sup> By 1996, the SPJ would revise its code to encompass issues pertaining to identity and power differentials, urging journalists to "give voice to the voiceless" and to "avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status"; however, the ASNE's new Statement of Principles, published that same year, made no mention of these concerns.<sup>22</sup> Significantly, even as the ASNE promoted Goal 2000 and gauged progress in an annual newsroom employment survey, the organization's code of ethics articulated no ethical prescription on race in news content. Moreover, nowhere in its organizational documents did the ASNE link ethics and Goal 2000, which might have motivated more editors to hire and promote nonwhite journalists, or guided the white journalists who were asked to welcome diverse journalists into newsrooms.

Finally, in 1998, under pressure from diversity advocates within its membership, the ASNE finally adopted a Diversity Mission Statement, which firmly tied a diverse newsroom staff to journalism values. This move by the ASNE board, which marked an evolution in ethical thinking within ASNE, followed the declaration that Goal 2000 had failed to bring demographic parity to daily newspaper employment by the original end-of-century deadline. "To cover communities fully, to carry out their role in a democracy, and to succeed in the marketplace, the nation's newsrooms must reflect the racial diversity of American society by 2025 or sooner," the document stated, reaffirming parity targets but modifying the national goal: "At a minimum, all

newspapers should employ journalists of color and every newspaper should reflect the diversity of its community.” The statement also expanded the focus of the ASNE diversity effort, which had concentrated since 1978 on racial diversity, and asserted that “the newsroom must be a place in which all employees contribute their full potential, regardless of race, ethnicity, color, age, gender, sexual orientation, physical ability or other defining characteristic.”<sup>23</sup> This statement, which was the ASNE’s first official acknowledgment of gender and other identities as components of diversity, tied diversity to the journalist’s duty and provided the ethical mooring that the hiring effort had lacked from its inception in 1978 until the first rendition culminated twenty years later.

That it took the ASNE two decades to make a clear and formal link between diversity and professional ethics provides context for the failure of many editors to prioritize diverse hiring and promotion as values inextricable from sound journalism. Much of the lobbying for the Diversity Mission Statement came from the most committed diversity activists who created a public relations “firestorm” for the ASNE leadership following the retirement of Goal 2000.<sup>24</sup> Certainly, the adoption of a statement could not alter the ethical common sense of the membership at large; however, the absence of a clear values commitment over the preceding twenty years had made hiring diverse journalists seem optional to ambivalent white editors and sapped Goal 2000 of its moral authority.

## THEORIZING THE ETHICAL STRUGGLE

The ASNE board’s adoption of the hiring initiative in 1978 had been a symbolic triumph of the social responsibility theory of the press, advanced most prominently by the 1947 report of the Commission on Freedom of the Press. The Hutchins Commission, as it is known, called on the press to pay greater heed to accuracy and to provide forums for broader diversity of opinion and information.<sup>25</sup> The commission’s social responsibility thesis, which was reiterated in prominent media scholarship during the 1950s and taught in college journalism courses,<sup>26</sup> had been embraced by some editors as common sense, as the logical manifestation of journalism’s reciprocal obligation to the public in exchange for the constitutional protection of the free press. Whereas some editors embraced social responsibility for the press, others preferred a classic libertarian conception of the press as free from outside influence. The latter group were tormented by the suggestion that their editorial autonomy should be subordinated to and compromised by interests external to the press, that any pursuit but a factual report of the day’s news, edited by themselves, was an affront to the mission

of journalism. After attending the 1947 ASNE meeting at which editors discussed the Hutchins report, Herbert Brucker of the *Hartford Courant* described the recommendation to create a watchdog for the press as the most upsetting matter.<sup>27</sup> The ASNE was among the professional journalism organizations that vehemently condemned the Hutchins Commission's perceived meddling in the affairs of the press, passing a strident resolution in protest at its 1947 meeting.<sup>28</sup> According to one observer, the report's perceived threat to editorial autonomy caused editors at the convention to "huddle rumps together, horns out, in the immemorial manner of, say, the National Association of Manufacturers faced by a threat of regulated prices."<sup>29</sup> That view softened over time, as new generations of editors joined the ASNE. Rather than focus solely on their individual rights, some editors came to believe that press freedom was accompanied by responsibility, that journalists had an ethical duty to provide people with truth and context, serve a public right to receive information, and accurately represent diverse social groups. On this point, media scholar Theodore Peterson wrote, "As a social being, man owes a duty to his fellow beings; and morality is duty not primarily to oneself but to the interests of the community."<sup>30</sup> Even so, many ASNE members retained a reflexive opposition to the suggestion that a social agenda should influence their news judgment and hiring decisions.

This division of opinion on social responsibility is central to understanding the uneven commitment to Goal 2000 among ASNE members. White editors who believed that the daily press had a moral obligation to integrate its newsrooms embraced social responsibility and saw righting the historic wrong of segregation as being in their own ethical self-interest. Not only did the white champions of Goal 2000 commit to newsroom integration as ethically necessary in a professional context, but they also internalized anti-racism as a core personal value. It is no coincidence that the white editors who pushed Goal 2000 forward included white southerners who had been on the front lines of civil rights coverage. Among them were Patterson, the 1978 ASNE president who had been an editor of the *Atlanta Journal and Constitution*. Patterson, who witnessed black activism and the white response to the civil rights movement from that newsroom, wrote his most famous column, "A Flower for the Graves," following the 1963 bombing of the 16th Street Baptist Church in Birmingham, Alabama, that killed four girls attending Sunday school.<sup>31</sup> In 1964, the Atlanta newspapers, under the leadership of Patterson and his mentor, Ralph McGill, very purposefully hired their first black reporter.<sup>32</sup> Another white ASNE diversity advocate who developed an early commitment to anti-racism was John Seigenthaler Sr., who had been an editor at the *Nashville Tennessean*. In 1961, on leave from the newspaper to advise Attorney General Robert Kennedy on civil rights matters, Seigenthaler was beaten by a white mob when a bus carrying Freedom Riders stopped in

Montgomery, Alabama.<sup>33</sup> Although Patterson led the founding of the initiative, Seigenthaler, who would be ASNE president in 1988, was unrelenting in his commitment to newsroom integration throughout the two decades of Goal 2000. For them and other strong diversity advocates in the ASNE, newsroom integration was a moral absolute.

Through their examples, the commitment to newsroom diversity became an article of faith for the ASNE leadership, but the 1978 board of directors that adopted Goal 2000, as well as the boards that followed during the 1980s and 1990s, were more progressive on the issue of race than the ASNE membership at large. Given the organization’s commitment to Goal 2000, and the fear of being perceived as politically incorrect, many rank-and-file ASNE members were reluctant to express reservations about the initiative on the record. In 1991, however, Philip Terzian, a columnist for the *Providence Journal*, called the ASNE’s intense focus on its annual newsroom employment census at the annual conventions and in ASNE publications “a painful obsession.” In an article in the *ASNE Bulletin*, Terzian wrote, “I wish the American Society of Newspaper Editors had better things on its mind than the imposition of racial quotas in newsrooms.” Advocating a position of colorblindness, which aligned with the backlash against affirmative action,<sup>34</sup> Terzian wrote that “progress must be measured by the extent to which race does not matter, does not pervade, does not influence decisions, or the way people think, or businesses operate.” He also questioned the value of recruiting nonwhites into journalism, suggesting that “anyone who must be drafted into service is not likely to adorn the vocation as a whole.”<sup>35</sup>

Reservations about newsroom integration festered within the ASNE membership through the end of Goal 2000. Stunningly, twenty years after Terzian’s piece appeared in the *ASNE Bulletin*, the National Press Club conferred a book award on William McGowan’s polemic *Coloring the News: How Crusading for Diversity has Corrupted Journalism*.<sup>36</sup> Tim McGuire, the 2001 ASNE president, was circumspect in framing the range of sentiment among members of the organization. “Nobody opposes diversity, most people acknowledge its importance, but it is not a holy mantra for the entire membership,” he said.<sup>37</sup>

Most white journalists and editors affected by Goal 2000 did not contemplate ethics beyond the guidelines in professional codes, which focused primarily on journalism practice; however, philosopher John Rawls’s theorizations of liberty, justice, and the social contract help explain how the ASNE membership, in solidarity through their commitment to journalism, could remain so fragmented regarding the fundamental question of a moral duty to desegregate the profession—how, for example, Eugene Patterson and Philip Terzian, both reasonable and accomplished, could claim ethical loyalty to the same profession and hold such divergent views on Goal 2000. The matter

of ethical consensus in journalism, and the lack of it, is a foundational concern for identifying shared understandings of ethical duty at any point in time and the ongoing process for revising ethical common sense within the profession.<sup>38</sup>

Rawls, in articulating his theory of justice as fairness, would assume that both Patterson and Terzian had developed an individual sense of justice as well as a commitment to social cooperation and basic rights, and were capable of making moral decisions that could be supported by reasons.<sup>39</sup> To address concerns about democratic inequalities, disparities that arise within social contracts, Rawls would propose that they step behind the “veil of ignorance,” an ideal state in which individuals can abstract themselves from personal characteristics and self-interest, as a method for resolving questions pertaining to social justice and, ultimately, ensuring maximum liberty is also equally available to all members of society. By deliberating behind the “veil of ignorance,” participants can make decisions without respect to race, gender, and class, for example, but they must then emerge prepared to accept a revised social contract that is more just, even if it reduces their own personal advantages.<sup>40</sup> Importantly, Rawls’s theory of justice calls for redistribution of resources to benefit the least advantaged in society, a solution that would encompass remedies such as Goal 2000.<sup>41</sup>

In the cases of Patterson, an anti-racist who embraced the concept of affirmative action, and Terzian, a proponent of colorblindness in decision-making about the workplace, Rawls’s theory of justice as fairness asks them to evaluate inequitable access to newsroom employment as a race-neutral question about access to resources. For Terzian and other opponents of affirmative action, the “veil of ignorance,” which requires the hypothetical return to an original state in which personal distinctions did not exist, would not have sanctioned colorblindness—if it left inequities intact. Within the “veil of ignorance,” Patterson would have been required to set his devout anti-racism aside and imagine a raceless society. For both, the process would have entailed imagining all persons, themselves included, in a hypothetical “original position of equality,” in which “no one knows his place in society.”<sup>42</sup>

At the end of the process, however, Rawls would insist that “the arbitrariness of the world,”<sup>43</sup> in this case the privileging of white journalists over non-whites, be addressed with a redistribution of resources that would benefit the weakest in the system.<sup>44</sup> The ASNE diversity initiative’s objective of desegregating the daily newspaper industry and providing equitable opportunities to all would align with Rawls’s vision of justice as fairness. Returning to Rawls, the ASNE’s lack of consensus about Goal 2000 points to the absence of a social contract for justice and the equitable sharing of professional resources, but it also suggests that self-interest grounded in identity, of the kind that would have temporarily disappeared under the “veil of ignorance,” prevented

the ASNE from forming a unified commitment to racial equity. “Once knowledge is excluded, the requirement of unanimity is not out of place and the fact that it can be satisfied is of great importance,” Rawls wrote. “It enables us to say of the preferred conception of justice that it represents a genuine reconciliation of interests.”<sup>45</sup> Standing in the way of an ethical consensus on Goal 2000 were racial attitudes and disagreements over professional duty that the ASNE membership had never addressed.

## ETHICAL TENSIONS WITHIN GOAL 2000

During the two decades of the ASNE’s first diversity initiative, editors accepted varying degrees of responsibility for the legacy of racism in journalism, a lack of consensus that was possible because the profession’s ethical standards were both evolving and open to debate. Because those standards focused narrowly on journalism practice, specifically the ethical production of content, they did not address the broader moral question of who should be assigning and preparing that content. Without a shared, commonsense understanding of the ethical imperative of newsroom integration, many editors were able to ignore or downplay the ASNE’s commitment to Goal 2000, even as they placed greater emphasis on professional standards in journalism. For the second half of the twentieth century, in lockstep with the institutionalization of journalism education and accreditation,<sup>46</sup> as well as the introspective critiques offered by the *Columbia Journalism Review* and other publications examining journalistic practice and the profession’s accountability to the public,<sup>47</sup> many journalists had been engaged in a broad and vibrant conversation about defining sound journalism and improving public trust, in order to ensure a robust industry empowered and protected by the First Amendment. When confronted with Goal 2000, and without the “genuine reconciliation of interests”<sup>48</sup> imagined by Rawls, many white journalists and editors perceived the hiring initiative as a threat to their profession, just as their predecessors had rejected the Hutchins Commission’s call for social responsibility. Following is a discussion of four ethical tensions about journalism standards that activated some editors’ self-interest and accommodated a defensive response throughout the initiative’s twenty-year run.

### The Qualifications Debate

Implicit in the call for higher journalism standards was a sensibility about who, exactly, was capable of being a journalist, a judgment rendered primarily by white men who wielded authority within the profession. Although it should have been easier in the post–civil rights climate for diversity champions

to assert an ethical imperative for newsroom diversity, many white editors perceived that hiring nonwhite journalists, rather than strengthening the profession, required them to betray their commitment to good journalism. Early diversity activist Nancy Hicks Maynard, who collaborated with her husband, Robert, in running training programs for nonwhite journalists, said that this particular perception was an obstacle from the beginning. “There was a belief that we just weren’t smart enough or well-trained enough to do this work,” she said. “There was an inherent belief that to get involved in an organized way in changing the face, if you will, of the newspaper industry was going to harm it in some basic way.”<sup>49</sup>

Such an attitude was clearly grounded in racism, but it also can be traced to the segregated history of American journalism and marginalization of African American journalists. The black press, which began in 1827 to “plead our own cause,”<sup>50</sup> according to the editors of *Freedom’s Journal*, became over the next 150 years a cultural institution with its own values and norms, and with the dual missions of advocating for civil rights and informing the black community, which the white press had ignored and misrepresented.<sup>51</sup> The image of the black journalist, in the minds of many white editors who were making hiring decisions, did not fit the daily press’s template of the ideal hire, who was typically a journalism school-educated white reporter. In 1971, Sylvan Meyer, chairman of the ASNE Committee on Education in Journalism, reported that a study of job opportunities for “minority” journalists had identified a “limited supply of prospects with reasonable chance of success” and editors’ perceptions that they “can’t find qualified people” as two reasons for the lack of minorities in newsrooms.<sup>52</sup> Black journalists were often perceived as having inferior skills and were, as a result, subject to greater scrutiny in many newsrooms. “Beginning minority reporters are especially vulnerable,” said a university placement director, who noted that grammatical errors by nonwhites were amplified. “I recently received a note from an award-winning veteran white reporter who used ‘hear’ twice when she should have used ‘here.’ Just a mistake.” But, she said, many editors perceived the same type of error, committed by an African American, as disqualifying.<sup>53</sup> To counter this perception and to assure white editors that black journalists could do the job, a number of training programs were in operation before and during Goal 2000, including those led by the Maynards<sup>54</sup> and a number of successive initiatives sponsored by the ASNE in collaboration with historically black colleges and universities.

## The Objectivity Standard

Concern for journalistic objectivity was another defensive response to the call to hire more diverse news staffs. Objectivity as a pure journalism value was widely understood as an unattainable ideal, one that most approximated

balance in comprehensive, multisource news coverage. It had been vigorously challenged by literary journalism in the 1960s and 1970s; however, it remained an enduring value for the daily press, as defined by white, mostly male journalists and editors.<sup>55</sup> Rather than viewing the participation of black journalists as a way to ensure greater objectivity of a news report, many white editors assumed that black journalists would serve a political agenda, as evidenced by the advocacy mission of the black press and the civil rights movement's push for equality. As a result, some white editors limited African Americans' reporting assignments to stories about the black community. "I regret to say that the usefulness of minority professionals has been confined largely to a very selective sense of minority coverage," said one editor, who responded anonymously to a 1972 ASNE survey. "In that field they sometimes have given us insights and stories we would not have had otherwise."<sup>56</sup>

Broad acceptance of objectivity as a standard of ethical journalism also influenced editors' thinking about diversity in another important way that, for some editors, contradicted the moral case for newsroom integration. Elevating diversity to a news value or hiring criterion appeared, in the minds of some editors, to introduce editorial activism into newsroom decision making. This view assumed that pure, unbiased journalism was produced in newsrooms that, in the words of the Kerner Commission, reported "from the standpoint of a white man's world."<sup>57</sup> Critics were correct that the newsroom integration effort was a movement for social justice, but instead of viewing it as essential to good journalism, they rejected it as ethically corrupt. In a 1982 report that included members' anonymous comments, some editors raised this issue. "The purpose of a small town newspaper is to inform the readers and to serve the community, not to embark on social engineering," wrote one. "Jesus Christ! Are we going to bus journalists?????" asked another.<sup>58</sup> Variations on this perspective remained, long after the diversity initiative became a fixture in ASNE. In 1998, Claude Sitton, who had covered the civil rights movement for the *New York Times*, objected to the move to adopt the Diversity Mission Statement and formally designate diversity as an ethical value. "To advocate diversity as a journalistic 'core value' implies that journalism's mission should be social change as opposed to disinterested news coverage," Sitton wrote.<sup>59</sup>

## **The Threat to Editorial Autonomy**

These positions on journalism standards, which were squarely at odds with social responsibility as well as Rawls's call for decision-making within a "veil of ignorance," also interpreted the First Amendment's free press guarantees to mandate, not a reciprocal obligation to serve the entire, racially diverse public, but to protect their own editorial autonomy. Hiring decisions



were, according to this logic, inseparable from news judgment,<sup>60</sup> and the First Amendment protected the selection of new employees from the influence of diversity advocates. Richard Smyser, the ASNE Minorities Committee chair in 1978, recalled that this sentiment was as powerful as lingering racism. “There was an equal amount of ‘this is nobody’s business but our own paper’s and nobody should be trying to tell us who we should hire or what,’” he said.<sup>61</sup>

This emphasis on the press’s constitutional rights, rather than its obligations to the broader public, represents the classic libertarian approach that waned during the ascendance of social responsibility theory. The libertarian framework holds that the Constitution insulates the press from external pressures and that the public is best served when press freedom is prioritized over other considerations. On this view, journalistic duty can be fulfilled when the press, a vital and necessary component of democracy, acts in its own self-interest and guards against encroachment designed to alter its mission and content. Such threats would include mandates to hire women or minorities. Under the libertarian theory outlined by Fred S. Siebert, press reform occurs not from external pressure but a “self-righting process and through free competition in the marketplace of information, opinions, and entertainment.”<sup>62</sup>

### **Diversity as a Business Proposition**

In attempting to counter resistance to newsroom integration, ASNE leaders introduced another ethical tension into the conversation about Goal 2000. From its inception, the hiring initiative was framed both as a morally correct atonement for past racism and as good business. Even as ASNE leaders discussed “minority” hiring as a means toward social justice, they also represented it as a business imperative for an industry struggling to expand its audience into the growing nonwhite population. In its recommendation that the 1978 ASNE board adopt Goal 2000, the ASNE Minorities Committee highlighted the perceived financial benefits of diversity. “This is simply the right thing to do,” the committee said. “It is also in the newspaper industry’s economic self-interest.”<sup>63</sup> In the ethical construct, nonwhite journalists were valued for their anticipated impact on content, but under the business rubric their contribution was transactional, as beneficial to the financial future of newspapers. In this vein, Creed Black, the 1982 ASNE president, even portrayed achieving Goal 2000 as an existential concern. “We believe achievement of the goal is absolutely essential for the health and future of our industry,” he wrote.<sup>64</sup>

The failure of the hiring initiative to generate universal support even within an ASNE membership that was increasingly focused on the bottom line during this period suggests that many members were unpersuaded by the narrative that tied diversity to profitability. The newspaper industry faced several

challenges to the bottom line, and a lack of newsroom diversity may have been just one. Conflating the ethical value of social justice with a financial strategy transformed nonwhite newsroom employees into business assets. Similarly, the nonwhite journalists whose arrivals and departures were counted each year in the ASNE’s newsroom census, quantifying them according to four racial categories (African American, Hispanic, Native American, and Asian American), were commodified when the ASNE reduced them to data.<sup>65</sup>

### A Flawed and Incomplete Census

Finally, the ASNE diversity initiative was hindered by an ethical tension produced by inequity within the effort itself. Although it was envisioned as an initiative to promote inclusion, Goal 2000 was structured to exclude non-racial diversity and to reify the opposition produced by the white/nonwhite binary. The nonwhite journalists whom Goal 2000 sought to integrate into newsrooms were categorized according to four traditional, inflexible, and outdated racial categories. The four-race census erased diversity within categories such that the Hispanic identifier was applied to people with ancestry from throughout the Western Hemisphere as well as Europe, and the growing and increasingly visible cohort of journalists with Middle Eastern ancestry was conflated with Asian American journalists. The racial census also was inadequate to measure demographics in newsrooms with biracial employees. Journalists of more than one race had to choose, or an editor chose for them, and those with one white parent were most likely counted as nonwhite. Moreover, owing to the civil rights movement’s influence on Goal 2000 and the relative clout of the National Association of Black Journalists, the largest of the professional organizations for nonwhite journalists, African Americans were prioritized over other identities that also had been marginalized from daily journalism. African American recruitment received more attention and resources, and, when the ASNE made plans for a diversity initiative to replace Goal 2000, NABJ members were among the most vocal advocates for the ASNE’s continued focus on race to the exclusion of gender, sexual orientation, and disability. “Racism is the country’s most pressing issue, and we want to remain focused on ethnicity,” said Vanessa Williams, NABJ’s 1998 president.<sup>66</sup>

Importantly, gender was excluded from Goal 2000 despite a history of misogyny in the ASNE. For example, white women journalists, as well as African Americans of both genders, were perceived by some white editors of the 1960s and 1970s as inherently unobjective. Although the organization’s documented discourse did not include openly racist comments, the *ASNE Bulletin* published frank musings about whether women were capable of being journalists. In 1966, for example, Robert Atwood of the *Anchorage Daily*

*Times* complained that women “are always in one of four stages: premenstrual, menstrual, post-menstrual or pregnant. We call it ‘moon phases.’ We think emotional peaks and depressions affect women’s work as they move from stage to stage. . . . Dispositions range from charming to snarling.”<sup>67</sup>

Women’s exclusion from Goal 2000 also seems unusual given the ASNE’s acknowledgment of gender discrimination as a professional concern earlier in the decade. In 1972, ASNE leaders had ethical motivations for starting what they expected to be an unpopular ad hoc committee to explore women’s roles in journalism. Anticipating controversy, ASNE president J. Edward Murray suggested the existence of the Women’s Rights Committee be confidential prior to the annual convention. “Otherwise,” he wrote, “we could stir up unnecessary arguments, bleed the whole thing to death before it has a chance, or complicate selection of the committee.”<sup>68</sup> Although Murray anticipated negative reactions from the ASNE membership, he believed that the ASNE needed to confront the issue. “Let’s hope that we have some fun striking a spark or two and that we do a bit of good,” he wrote. “And I discount in advance the certainty that we’ll be condemned from a lot of quarters, no matter what we do.”<sup>69</sup> The committee’s four goals were to explore why more women had not joined the ASNE, whether newspapers treated women editorial staff members equally to men, what prejudices against women appeared in newspapers, and “likely avenues for raising the ASNE consciousness with respect to the fair treatment of women in our profession.”<sup>70</sup> Clearly, at this point just a few years before the founding of Goal 2000, some ASNE members recognized fairness regarding gender as an important ethical value. Treating women equally with men and appealing to editors’ consciences flows from social responsibility theory.

The findings of the Women’s Rights Committee provide insight into professional attitudes about gender prior to the launch of Goal 2000. The committee initially mailed surveys to daily newspapers to research women’s current roles and to identify potential members. Females responded that small newspapers provided the best opportunities for women. About 500 male editors responded that they believed “women have the ability to fill top management positions,” yet two responded that they disagreed. Notably, sixty-two respondents stated that they planned to promote women to top management positions and 444 others reported no such plans. The committee’s report in 1973 attributed responsibility for the low number of women in management positions to women’s choices rather than to prejudice against women: “Many highly qualified women had removed themselves from top jobs because of conflicting family interests.”<sup>71</sup>

The Women’s Rights Committee summarized its work as assessing why more women had not joined the ASNE and “what, if anything,” the organization should do to recruit more female members. There were only four active

and three retired female ASNE members in 1972.<sup>72</sup> In 1973, Judith Brown of the *New Britain Herald* wrote that the need for the committee was gradually decreasing. Newspapers seemed to be hiring more female publishers and editors, although “not enough to threaten even slightly the male majority.”<sup>73</sup> The committee also wrote *ASNE Bulletin* articles about women in editorial roles to raise the consciousness of male editors. Brown recommended that the organization should encourage members to promote and train women, “which can only result in their having better newspapers to show for it.”<sup>74</sup> In 1974, female ASNE membership rose to thirteen—less than 2 percent of the ASNE membership. Brown wrote, “This committee can only do so much, if it is to remain in a non-militant role.”<sup>75</sup> That year, the Membership Committee emphasized recruiting women and minorities to the organization and “urged board members to help seek out such candidates.”<sup>76</sup>

Despite their predecessors’ effort at consciousness-raising on the issue of gender, there is no evidence that ASNE leaders, when developing the Goal 2000 initiative in 1978, even considered the need to include women. It was anything but benign neglect, as the ASNE’s exclusion of gender from Goal 2000 undermined the ethical argument for diversity in at least two ways. First, women as a historically marginalized category were not counted in the census or targeted with resources until the end of Goal 2000, when the ASNE reinvented its diversity programming. They were, essentially, left to fend for themselves. Second, the exclusion of gender as an identity meant that nonwhite women were counted only according to their race, negating their gender.

Because women, as a category, were perceived to fare better in hiring and promotion than nonwhites of both genders, some in ASNE and in the diversity advocacy community believed that women’s omission from Goal 2000 was unimportant. The most obvious result was that women’s exclusion from the census deprived the organization of both short- and long-term data on gender and hiring. By 1999, when the ASNE finally targeted diversity resources to women and surveyed their employment, women accounted for 51.1 percent of the U.S. population<sup>77</sup> and 36.88 percent of newsroom employees, compared with an overall nonwhite newsroom cohort of 11.55 percent.<sup>78</sup> Like nonwhites, women had a long way to go to reach parity in newsrooms.

## CONCLUSION

These ethical tensions and the attitudes they encouraged, which developed despite journalism’s growing recognition of its social responsibility, undermined the vision of Goal 2000’s founders, who had hoped to reverse

the segregation of the American press and enhance its credibility with the broader public. Patterson, the 1978 ASNE president, believed that as journalism held others to account for institutional racism, so should the press meet the same standard. Certainly, affirmative action created political controversy throughout the two decades of Goal 2000, when many white journalists were swept up in the backlash against hiring preferences; however, a clear ethical mandate for newsroom integration would have aligned Goal 2000 with good journalism. Any review of the newspaper industry's ethical performance during the post-civil rights twentieth century must account for the elusiveness of a universally acknowledged moral imperative for newsroom diversity and its implications for professional ethics in journalism.

Within the ASNE, this disconnect between the ideal of diversity and the lived experience in newsrooms was sanctioned by the organization's failure to incorporate diversity into its code of ethics. Not until Goal 2000 had been declared unattainable did the ASNE identify diversity as a core value, essential for ethical journalism, and formally recognize identities other than race as contributing to a definition of diversity. It is true that such documents as the 1998 Diversity Mission Statement are developed by a portion of the membership and rarely have full, unequivocal buy-in, but they do set forth organizational expectations and provide necessary frameworks for ethical decision-making. Moreover, their presence establishes a norm. Without such ethical parameters, ASNE members were left to interpret the call for newsroom diversity as they pleased, according to a range of self-interests in conflict with the diversity effort.

Throughout the twenty-year history of Goal 2000, editors' perceptions of the effort to diversify newsrooms varied, as did their perceptions of press freedom, editorial autonomy, and journalistic duty. Those clinging to a classic libertarian conception believed that the founders provided the press with freedom from external pressures, including mandates to hire women or minorities; others believed that a moral responsibility to serve society's interests accompanied their freedom from government restraints. The latter position would assign a duty to newspapers to hire staff representative of society in order to represent and speak to the entire community.

Many of the editors who did bow to pressure to make diverse hires did so begrudgingly, assuming that white men were still more qualified for news work. Respondents to a 1996 survey by the Associated Press Managing Editors were allowed to make anonymous comments on newsroom diversity. "We don't look for the best people anymore but the best blacks and women," one wrote. "To me, that destroys credibility as much as not seeking diversity."<sup>79</sup>

Claiming that demographic, educational, cultural, or personal factors prevented women or nonwhites from being the best employees showed that these editors did not prioritize diversity as an ethical norm and that they rejected Rawls's concept of justice as fairness, which calls for providing all members

of society with equal rights and equitable access to such resources as employment. For those who resisted Goal 2000, disparaging nonwhites and women as inherently less qualified than white men served as a cover for racism and misogyny. Rawls’s concept also would require hiring people regardless of sexual orientation, disability, or social status. Ultimately, narrowly conceptualizing diversity and not hiring nonwhites, women, or other marginalized journalists undermined the social responsibility the Hutchins Commission identified for the press, which called on them to serve entire communities rather than select segments of society.

## NOTES

1. The ASNE, which was founded in 1922 as a selective and prestigious professional organization for daily newspaper editors, changed its name in 2009 to the American Society of News Editors, in acknowledgment of the newspaper’s growing online component.

2. American Society of Newspaper Editors, “Table A—Minority Employment at Daily Newspapers,” <https://www.asne.org/content.asp?contentid=129> (accessed May 8, 2019).

3. The white press’s coverage of school desegregation and the effort to integrate public transportation and public accommodations is most comprehensively detailed in Eugene Roberts and Hank Klibanoff, *The Race Beat: The Press, the Civil Rights Struggle, and the Awakening of a Nation* (New York: Vintage Books, 2007).

4. Eugene Patterson, telephone interview, October 11, 2004.

5. *The Kerner Report: Report of the National Advisory Commission on Civil Disorders* (Princeton, NJ: Princeton University Press, 2016), 368. The commission was chaired by Illinois Governor Otto Kerner.

6. For a comprehensive sixty-year history of the ASNE’s grappling with issues of race in journalism, see Gwyneth Mellinger, *Chasing Newsroom Diversity: From Jim Crow to Affirmative Action* (Champaign: University of Illinois Press, 2013). See also, Lori Demo, “The Shameful Delay: Newspapers’ Recruitment of Minority Employees,” Association for Education in Journalism and Mass Communication, 1999.

7. For the most comprehensive treatment of Maynard’s activism on behalf of newsroom diversity, see Alice Bonner, “Changing the Color of the News: Robert Maynard and the Desegregation of Daily Newspapers.” PhD diss., University of North Carolina-Chapel Hill, 1999.

8. Robert Maynard, “This Far by Fear,” *Kerner Plus 10: Minorities and the Media, A Conference Report*, University of Michigan, Howard R. Marsh Center for the Study of Journalistic Performance, April 22, 1977, 2.

9. John Quinn, telephone interview, March 3, 2005.

10. Ibid. In 2005, a report commissioned by the Knight Foundation named Gannett as “the company with the best overall record on diversity.” Bill Dedman and Stephen K. Doig, “Newsroom diversity has passed its peak at most newspapers, 1990–2005

study shows,” John L. and James L. Knight Foundation, June 1, 2005, [powerreporting.com/knight/](http://powerreporting.com/knight/). Although Quinn was broadly active as a diversity champion, his most significant contribution was establishment in 1991 of the Chips Quinn Scholars Program, which is operated by the Freedom Forum Institute and trains diverse journalists for newsroom careers.

11. For research on race and story assignments, see this Milwaukee newsroom study by David Pritchard and Sarah Stonbely, “Racial Profiling in the Newsroom,” *Journalism & Mass Communication Quarterly* 84, no. 2 (2007): 231–48.

12. Richard Smyser, telephone interview, October 4, 2004. The APME report, titled “Black News: Obligation and Opportunity,” was shared by Smyser but is now archived in his papers in the University of North Carolina Southern Historical Collection.

13. Betty Winston Baye, “A Shot across the Masthead,” *ASNE Bulletin* 726, October 1990, 38.

14. National Association of Black Journalists Print Task Force, “Muted Voices: Frustration and Fear in the Newsroom,” 1993, 22. See also Ted Pease and J. Frazier Smith, *The Newsroom Barometer: Job Satisfaction and the Impact of Racial Diversity at U.S. Daily Newspapers* (Athens, OH: E.W. Scripps School of Journalism, 1991).

15. In 2001, daily newspaper newsrooms lost 698 nonwhite journalists, compared with the addition of 600 first-time, nonwhite hires. LaBarbara Bowman, “Retention in Focus after Diversity Drops,” *American Editor* 818 (May–June 2001): 10.

16. American Society of Newspaper Editors, “2000 Census: Minorities Make Small Gains in Daily Newspapers,” April 12, 2000, <https://www.asne.org/diversity-survey-2000> (accessed May 8, 2019).

17. President’s Address, *Proceedings of the American Society of Newspaper Editors*, April 8–11, 1997, 46.

18. Lee Stinnett, telephone interview, March 10, 2005.

19. Keith Woods, telephone interview, July 17, 2009; Edward Seaton telephone interview, November 17, 2004.

20. The ASNE’s first ethics committee was appointed to explore the feasibility of establishing a grievance procedure, following the press council model used in Great Britain. Norman E. Isaacs, *Untended Gates: The Mismanaged Press* (New York: Columbia University Press, 1986), 109–112. For a detailed history of the ASNE’s thinking on ethics and their enforcement, see Paul Alfred Pratte, *Gods Within the Machine: A History of the American Society of Newspaper Editors, 1923–1993* (Westport, CT: Praeger, 1995), chapter 1.

21. Society of Professional Journalists, Sigma Delta Chi, “Code of Ethics,” November 16, 1973, <http://spjnetwork.org/quill2/codedcontroversey/ethics-code-1973.pdf> (accessed May 10, 2019), and Pratte, *Gods within the Machine*, Appendix C: ASNE Statement of Principles, 209–10.

22. Society of Professional Journalists, “Code of Ethics,” 1996, <http://spjnetwork.org/quill2/codedcontroversey/ethics-code-2009.pdf>, and American Society of Newspaper Editors, “Statement of Principles,” 1996, <https://www.asne.org/asne-principles> (both accessed May 10, 2019).

23. American Society of Newspaper Editors, Board of Directors Minutes, October 20, 1998: 1432.
24. Seaton interview.
25. University of Chicago President Robert Hutchins chaired the commission. Commission on Freedom of the Press, *A Free and Responsible Press* (Chicago: University of Chicago Press, 1947), 20–21.
26. Theodore Peterson, “The Social Responsibility of the Press,” in *Four Theories of the Press*, ed. Fred Siebert, Theodore Peterson, and Wilber Schramm (Urbana: University of Illinois Press, 1984), 73–104. This volume was first published in 1956.
27. Herbert Brucker, *Communication is Power: Unchanging Values in a Changing Journalism* (New York: Oxford University Press, 1973), 202–5.
28. American Society of Newspaper Editors, *Problems of Journalism: Proceedings of the 1947 Convention of the American Society of Newspaper Editors*, 231–32.
29. “The Commission Recommendations,” *Columbia Journalism Review*, Summer 1967, 20, quoted in Pratte, *Gods Within the Machine*, 15.
30. Peterson, “The Social Responsibility of the Press,” 73–104.
31. Ernie Suggs, “A Flower for the Graves,” *Atlanta Journal-Constitution*, September 15, 2017, <https://www.ajc.com/news/local/flower-for-the-graves/QLp11k9fSP7N2OesKR782H/> (accessed May 10, 2019).
32. Patterson interview.
33. John Seigenthaler Sr., telephone interview, November 17, 2004. The Montgomery bus station incident is recounted in Taylor Branch, *Parting the Waters: America in the King Years, 1954–1963* (New York: Touchstone, 1988), 444–50.
34. See, for example, Dinesh D’Souza, *The End of Racism: Principles for a Multi-racial Society* (New York: Simon & Schuster, 1995), which was published two years before Terzian published his article in the *ASNE Bulletin*.
35. Philip Terzian, “Painful Obsessions,” *ASNE Bulletin* 735 (October 1991): 26. Terzian would become an established conservative columnist and wrote for *The Weekly Standard* from 2005 to 2018.
36. William McGowan, *Coloring the News: How Crusading for Diversity Has Corrupted Journalism* (San Francisco: Encounter Books, 2001).
37. Tim McGuire, telephone interview, October 25, 2004.
38. Ted Glasser and James Ettema, “Ethics and Eloquence in Journalism: An Approach to Press Accountability,” *Journalism Studies* 9, no. 4 (2008): 513.
39. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), 10 and 41.
40. Rawls, *A Theory of Justice*, 118–59.
41. In its discussions of inequality, *A Theory of Justice* does not address issues of race or gender; however, Rawls takes up these concerns elsewhere: “Justice as fairness, and other liberal conceptions like it, would certainly be seriously defective should they lack the resources to articulate the political values essential to justify the legal and social institutions needed to ensure the equality of women and minorities.” John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 66.
42. Rawls, *A Theory of Justice*, 11.



43. *Ibid.*, 122.
44. Rawls's second principle of justice addresses redistributive remedies. *A Theory of Justice*, 52–65.
45. Rawls, *A Theory of Justice*, 122.
46. Jean Folkerts, "History of Journalism Education," *Journalism and Communication Monographs* 16, no. 4 (2014).
47. For an overview of press criticism in this period and the rise of the journalism review, see Kevin Michael Lerner, "Gadfly to the Watchdogs: How the Journalism Review [MORE] Goaded the Mainstream Press Toward Self-Criticism in the 1970s," PhD diss., Rutgers University, 2014, 26–70.
48. Rawls, *A Theory of Justice*, 122.
49. Nancy Hicks Maynard, telephone interview, May 9, 2005.
50. *Freedom's Journal*, March 16, 1827.
51. For comprehensive histories of black press, see Patrick S. Washburn, *The African American Newspaper: Voice of Freedom* (Evanston, IL: Northwestern University Press, 2006); Armistead S. Pride and Clint C. Wilson II, *A History of the Black Press* (Washington, DC: Howard University Press, 1997); and Roland E. Wolseley, *Black Journalists in Paradox: Historical Perspectives and Current Dilemmas* (Ames: Iowa State University Press, 1971).
52. Sylvan Meyer to Pete McKnight, December 27, 1971, Arthur C. Deck Papers, University of Utah J. Willard Marriott Library Special Collections, box 2 (hereafter Deck Papers).
53. Walker Lundy, "Is It Possible that Minorities and Whites Fundamentally Disagree about Whether the Playing Field is Tilted—and that this Difference in Perception Fuels Our Lack of Communication?" *ASNE Bulletin* 742 (July–August 1992): 11.
54. The succession of training programs led by Robert and Nancy Hicks Maynard were the forerunner to the Oakland, California-based Robert C. Maynard Institute for Journalism Education.
55. Kathy Roberts Forde, *Literary Journalism on Trial: Masson v. New Yorker and the First Amendment* (Amherst: University of Massachusetts Press, 2008), 48–50.
56. "A Joint Report from the Committees on Minority Employment and Education in Journalism," April 20, 1972, 4.
57. *Kerner Report*, 368.
58. ASNE Minorities Committee, "Minorities and Newspapers," May 1982, 33–36.
59. Gilbert Bailon, "The Mission: Reflect America," *American Editor* 796 (December 1998): 6–7.
60. In chapter 4 of this volume, Michael Sweeney and Patrick Washburn note that in the 1930s editors and publishers also viewed organized labor's hiring rules as an infringement upon their editorial autonomy and an affront to the free press.
61. Smyser interview.
62. Fred S. Siebert, "The Libertarian Theory of the Press," in *Four Theories of the Press*, ed. Fred S. Siebert, Theodore Peterson, and Wilber Schramm (Urbana: University of Illinois Press, 1984), 53.

63. American Society of Newspaper Editors, Board of Directors Minutes, April 8, 1978: 756.
64. Creed Black to Donald Sodewald, June 10, 1983, Creed Black Papers, Wisconsin Historical Society Library and Archives, box 2.
65. Gwyneth Mellinger, “County Color: Ambivalence and Contradiction in the American Society of Newspaper Editors’ Discourse of Diversity,” *Journal of Communication Inquiry* 27, 2 (2003): 129–51.
66. Steven Gray and Carolyn Salazar, “New Definition to Cover Gays, Women, Disabled,” *ASNE Reporter*, April 1, 1998.
67. Robert Atwood, “The Four-Stage Problem,” *ASNE Bulletin* 494 (February 1966): 10–11.
68. J. Edward Murry to ASNE Board Members, January 26, 1972, Deck Papers, box 6.
69. J. Edward Murray to Clayton Kirkpatrick, February 25, 1972, Deck Papers, box 6.
70. Arthur Deck to Pete McKnight, January 26, 1972, Deck Papers, box 6.
71. “Report of the Women’s Rights in Journalism Committee,” 1972–1973, Deck Papers, box 8.
72. American Society of Newspaper Editors, Board of Directors Minutes, April 22, 1972, Deck Papers, box 7. Also see Judith W. Brown to Michael T. Grehl, March 21, 1974, Deck Papers, box 8.
73. Judith W. Brown to Arthur Deck, October 20, 1973, Deck Papers, box 8.
74. Judith W. Brown to Gentlemen, no date, Deck Papers, box 8. Also see American Society of Newspaper Editors, “Women in Journalism Report,” 1974, Deck Papers, box 8.
75. Judith W. Brown to Gentlemen, no date, Deck Papers, box 8.
76. American Society of Newspaper Editors, Board of Directors Minutes, April 19, 1974: 639.
77. U.S. Census Bureau, “Census Brief: Women in the United States,” U.S. Department of Commerce, March 2000, <https://www.census.gov/prod/2000pubs/cenbr001.pdf> (accessed May 15, 2019).
78. American Society of Newspaper Editors, “ASNE Newsroom Census: Minority Employment Inches Up at Daily Newspapers,” March 22, 1999, <https://www.asne.org/diversity-survey-1999> (accessed May 23, 2019).
79. Gilbert Bailon, “Gulf between Minority, White Journalists Wide,” *American Editor* 779 (October 1996): 16.



# Conclusion

## *Journalism Ethics Now and Then*

John P. Ferré

In its landmark 1947 report, *A Free and Responsible Press*, the Hutchins Commission warned that freedom of the press in the United States was imperiled: “When an instrument of prime importance to all the people is available to a small minority of the people only, and when it is employed by that small minority in such a way as not to supply the people with the service they require, the freedom of the minority in employment of that instrument is in danger.”<sup>1</sup> The Hutchins Commission warned the press that information would have to expand in both quantity and quality. “In terms of quantity,” the Commission’s report said, “the information about themselves and about their world made available to the American people must be as extensive as the range of their interests and concerns as citizens of a self-governing, industrialized community in the closely integrated modern world.” As for quality, it said, the information must be so attentive to “the truth and the fairness of its presentation, that the American people may make for themselves, by the exercise of reason and of conscience, the fundamental decisions necessary to the direction of their government and of their lives.”<sup>2</sup> After the initial sting of the report subsided, American news media began to consider their social responsibilities, and for the next half century they adopted codes of ethics, hired reporters who had taken required journalism ethics courses in college, and engaged in lively and perceptive media criticism. But as the twenty-first century began, much of American journalism was at risk. Indeed, for the past two decades, journalism in the United States has met an onslaught of powerful threats.

One threat has been financial. Online competitors such as Facebook, Google, and Craigslist have wreaked havoc on journalism’s business model. Between 2008 and 2018, weekday newspaper circulation dropped 41 percent, from forty-nine million in 2008 to just twenty-nine million. Newspaper

revenue from advertising and circulation dropped 47 percent, from \$47.9 billion in 2008 to \$25.3 billion in 2018.<sup>3</sup> Employment in U.S. newsrooms fell 25 percent, from 114,000 reporters, editors, photographers, and videographers in 2008 to 86,000 ten years later.<sup>4</sup> Diminished resources led to diminished reporting of public affairs, particularly at the local level.<sup>5</sup>

The economic pressures on journalism have coincided with the public's increased mistrust of the press. According to a Gallup/Knight Foundation survey on trust, media, and democracy conducted in 2017, only 33 percent of Americans have a favorable opinion of news media (the view of 43 percent was unfavorable). More than half of Americans (58 percent) report finding it increasingly difficult to be well informed. Indeed, two-thirds of Americans (66 percent) say that news media do a poor job of separating fact from opinion; less than half (44 percent) are able to identify an objective news source. "Americans continue to believe the news media play a critical role in our democracy," the report concludes, "even though they say the media are not doing well fulfilling that role."<sup>6</sup>

The public's mistrust of the press reached its high point just as Donald Trump was elected president of the United States, with 68 percent responding "not very much" or "none at all" to the Gallup survey question, "How much trust and confidence do you have in the mass media such as newspapers, TV and radio—when it comes to reporting the news fully, accurately and fairly?"<sup>7</sup> Trump frequently responded to negative reports with cries of "fake news." He called the press "the enemy of the people," even going so far as to charge the *New York Times* with treason. At his campaign rallies, Trump called out the press, saying reporters were "horrible, horrendous people," and his supporters booed and chanted "CNN sucks." A supporter wearing a "Make America Great Again" hat and a t-shirt that said "Rope. Tree. Journalist. SOME ASSEMBLY REQUIRED" was at home at a rally in Minneapolis.<sup>8</sup>

A fourth pressure on the twenty-first-century press—in addition to declining revenue, public disapproval, and presidential condemnation—is harassment and violence. From 2017, when the Freedom of the Press Foundation and the Committee to Protect Journalists began the U.S. Press Freedom Tracker, to July 2019, thirty-six journalists were arrested as they covered protests, seven people were prosecuted for leaking information to journalists, fifty-two reporters were attacked while covering protests, and five employees of the *Capital Gazette* in Annapolis, Maryland were shot to death; two others were injured.<sup>9</sup> Such events led Reporters without Borders to rank the United States forty-eighth in its 2019 World Press Freedom Index, down from thirty-second in 2013, when the Index began. "At least one White House correspondent has hired private security for fear of their life after receiving death threats," the Index reported, "and newsrooms throughout the country have been plagued by bomb threats and were the recipients of other potentially

dangerous packages, prompting journalism organizations to reconsider the security of their staffs in a uniquely hostile environment.”<sup>10</sup>

With all the pressures that today’s news media face, why pay attention to the ethics of journalism from the last century? Are there lessons from the twentieth century that will help restore journalism to financial solvency? Is there an ethical antidote that will reverse the increasing public mistrust of journalism? Are there ways to diminish the political capital gained by denigrating the press? Does history show how to protect journalists so that they can investigate deeply and report aggressively? What value, in other words, does the history of journalism ethics offer to contemporary life?

The answer, in a word, is much.

As the chapters in this book illustrate, the history of journalism ethics speaks to the present in a variety of ways. At the very least, it offers illuminating case studies of ethical decision-making. These historical case studies reveal reasoning that is sometimes provincial and sometimes broad-minded and forward-looking. Understanding how predecessors defined the situations they faced, applied principles, appealed to values, and identified stakeholders can help contemporary problem-solvers face issues systematically with the knowledge of past failures and successes.

The American Society of Newspaper Editors’ Canons of Journalism are a case in point. ASNE’s unwillingness to enforce its ethics code during the Teapot Dome Scandal, in which ASNE member Frederick Bonfils accepted a \$250,000 bribe not to publish incriminating information, revealed that ASNE understood the Canons of Journalism as symbolic rather than statutory. As ASNE president Casper Yost said, the Canons of Journalism “set forth general principles of sound practice as a statement of the ‘ought to be’ of good journalism.”<sup>11</sup> Adopting the Canons of Journalism was the result of conventional reasoning intended to bring respect to journalism as a profession. Following the Canons was voluntary, not compulsory, a matter of individual conscience and peer pressure. The primary stakeholders of the Canons of Journalism were members of the ASNE, not the public.

Similar reasoning animated the Code of Practices for Television Broadcasters, created by the National Association of Broadcasters in 1951 to minimize government regulation. The Television Code provided broad guidelines for both news and entertainment, but it focused on the content and amount of advertising. Although enforced by the Code Authority—which could suspend or expel violators, who would not be allowed to display the NAB “Seal of Good Practice” physically or on air—subscribing to the Television Code was entirely voluntary. A third of television stations did not subscribe to the Television Code, and in 1963 the Federal Communication Commission discovered that 40 percent of television stations exceeded the Television Code’s advertising limits.<sup>12</sup> The NAB abolished the Television Code in 1983

following federal complaints that it limited free speech and fair competition. Media codes with sanctions subsequently moved from industry-wide associations to the province of individual companies and newsrooms.

The history of journalism ethics offers more than case studies of moral decision-making, however important they are. Studies of journalism ethics from the past reveal enduring issues with direct connections to today's vexing concerns. The ethical concerns that preoccupied thoughtful observers in the twentieth century—objectivity, the right to know, conflicts of interest, race, gender, and professionalism, among others—continue to spark debates. Understanding the contexts for these enduring issues requires that we read the past carefully. “To be reflective at all necessitates being able to look backwards,” Sandra Borden said in a recent roundtable discussion of history and media ethics. “Without remembering the past, we cannot lay down plans either for meaningful reform or for meaningful recommitment to enduring ideals.”<sup>13</sup>

Today's cries of “fake news,” whether they concern social media propaganda or the U.S. president's dismissal of negative information about his administration, are the most recent manifestations in a long history of disinformation. Some hoaxes have been playful, as in the New York *Sun*'s reports of telescopic sightings of moon people in 1835 or H.L. Mencken's widely reprinted history of the bathtub in 1917. Others have been serious and troublesome, such as Janet Cooke's 1980 report about an eight-year-old heroin user which won a Pulitzer Prize that the *Washington Post* had to forfeit, or government- or industry-produced video news releases broadcast without comment on commercial television news programs. “Welcome to journalism's latest transitional phase, where another rush of technology is changing business in ways not imaginable ten years ago,” wrote Robert Love in *Columbia Journalism Review*. “In a time of falling circulation, diminishing news budgets, and dismantled staffs, the fakers are out there, waiting for their opportunities to exploit the authority that modern journalism conveys.”<sup>14</sup> Understanding the history of contemporary ethical problems helps demystify their logic, a necessary first step to devising workable solutions.

The essays in this volume show ways that journalism ethics in the twentieth century evolved—meaning both that journalism ethics adapted to changing circumstances and that journalism's ethics improved. This evolution began early in the century when journalists, sensing an awakening of social consciousness, felt compelled to found schools of journalism, to adopt codes of ethics, and to begin to think of their work in terms of social responsibility. The shift from a laissez-faire sensibility to social responsibility was both philosophical and practical, involving ongoing debates over journalism's limitations and democratic promise, the inclusion of minorities and women, and relationships to centers of power. Despite journalism's flaws, mistakes,

and shortcomings, on the eve of the digital age, it had adapted to social, political, economic, religious, and technological changes to become trustworthy in the eyes of most American citizens. American journalism in the twentieth century not only evolved, it flourished.

The question now is how American journalism will adapt to the challenges of the digital age. Journalism's stock has plummeted. Local news organizations are diminished, the American public is ideologically polarized, and media credibility is low. Will journalism repeat the successes of the past? Will Americans experience another awakening of social consciousness like they did a century ago? Will journalism develop social responsibilities that fit continually shifting social contours? Adaptation requires imagination, insight, and will, characteristics enhanced by understanding ethical failures and successes of the past. As the Hutchins Commission concluded, "The outside forces of law and public opinion can in various ways check bad aspects of press performance, but good press performance can come only from the human beings who operate the instrumentalities of communication."<sup>15</sup>

## NOTES

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