

# Ethics and Broadcast Journalists: Act Independently

*I think it's a good thing that there are bloggers out there watching very closely and holding people accountable. Everyone in the news should be able to hold up to that kind of scrutiny. I'm for as much transparency in the newsgathering process as possible.*

—Anderson Cooper, CNN anchor

I think this is the toughest of the guiding principles. Reporters and producers often feel powerless. Bosses tell them what to do, whom to interview and sometimes even what video to use in their stories. When bosses pressure journalists to “turn stories” that will produce ratings but compromise our principles, how can we be independent? How can a reporter, photojournalist or producer stand up to a boss who spikes a controversial story about an advertiser; how can we not give favored treatment to a powerful politician when others on the staff do?

An ethical journalist's best defense is to have given detailed thought to his or her principles before the situation arises. Thoughtful journalists can raise questions with bosses that might not have been considered

and offer alternatives that go beyond the typical “Do we cover . . . ?” conversations that arise with a heated ethics issue. The thoughtful journalist presses the conversation toward “How do we cover this story?”

Journalistic independence begins with accepting personal accountability for our own biases, decisions and actions. No boss can force you to act unethically. You may choose to follow an order because you don’t want to lose your job, or you may choose not to fight over this particular issue at this time. But those are choices. There are far more choices journalists must make on their own to be independent in their journalism.

In this chapter we will cover:

- Guidelines for avoiding, or disclosing, conflicts of interest
- Refusing freebies and favors
- How to respect the business side of your company while protecting the journalism

## **AVOID CONFLICTS OF INTEREST**

Journalists should avoid conflicts of interest, whether the conflicts are real or perceived. It is impossible for any of us to be “objective” in our reporting. For example, I am:

- A gun owner
- Divorced and remarried
- A pickup truck owner
- A United Methodist
- A parent of internationally adopted children
- White
- A registered Democrat
- Male

Does this mean I, as a reporter, should not be allowed to report on issues of gun control, truck safety, politics or adoption, or on those

involving divorce? Of course not. In fact, one might argue that I am more qualified to cover gun issues because I actually own a gun. I might be very good at reporting about pickup trucks because I drive one.

The main test is whether causes I support profit in some way by my journalism. Imagine the conflicts that arise when a journalist's spouse decides to run for public office or if a journalist is married to a politically or socially active spouse. For example, before we met, my wife, a psychotherapist, often appeared in the media commenting on issues about relationships, stress and family. But once we married, we decided it would be inappropriate for her to appear on newscasts at the station where I was the news director. We didn't want reporters to wonder whether they had to treat her with kid gloves in an interview. We didn't want the public to wonder whether she was appearing on TV as a way of promoting her family therapy practice.

If journalists have unavoidable conflicts that compromise their independence, they should disclose those conflicts. We can't control and often can't even influence the actions of others. Family members run for political office, make controversial public statements, can be victims of crimes and can even become criminals. Journalists must do all they can to distance themselves from stories about those people.

The public has a need to know about personal conflicts that compromise a journalist's independence. If an automotive reporter, for example, owned stock in a car company, wouldn't the public want or need to know about that conflict while reading a glowing report on the newest model the company just built? If a reporter is a member of the local Republican Women's Club, wouldn't the public need to know that the reporter also covers politics? Merely disclosing the conflicts does not absolve the journalist, but the disclosure gives viewers a filter through which they can see and sort the information in the story.

Our job as journalists requires us to admit our biases and find ways to report around them. That is part of showing journalistic independence.

The Society of Professional Journalists Code of Ethics says, "Journalists should remain free of associations and activities that may compromise integrity or damage credibility. Journalists should shun secondary

employment, political involvement, public office and service in community organizations if the outside work compromises journalistic integrity.”

This point can be a tough one for some journalists. It means resisting the temptation to join groups, foundations and associations that are now or might someday become newsworthy. The journalist’s first obligation is to the viewing public. This also means journalists should avoid public displays of support for or against political causes. It means journalists should avoid putting bumper stickers on their cars or signs in their yards favoring or opposing issues that their station is covering or might cover as news stories. This point can become particularly difficult when spouses or family members are involved in high-profile issues or causes.

Station management often encourages or even demands that news anchors “get plugged in” to the community by serving on charitable boards or committees for everything from the United Way to charitable hospitals. Although that kind of worthy work can benefit the community and help the journalist gain public stature and visibility, charities often find themselves at the center of pointed news stories, and hospitals could easily find themselves as the target of lawsuits alleging malpractice or financial irregularities. The journalist should remain free to aggressively report on such matters without fear or favor.

Journalists should also avoid taking any freelance jobs if they have the potential to compromise their independence. For example, a journalist should not cover a story about a factory opening and then write a story for that same company’s newsletter.

This issue arose in my newsroom when a movie company came to town and wanted journalists to play reporters and anchors in the movies. I was against the idea, but several of my staff wanted to be in the film. I allowed it but banned them from covering any story about the movie. I think now that was the wrong decision. The public already is confused about the difference between reality and fantasy. The movie business made news in our town a few times. Once a script was stolen from an actor’s hotel room. Another time a Teamsters’ strike held up production. Journalists shouldn’t be actors; they should be the real thing. Journalists have no business being paid by movie companies that might become the focus of news coverage.

A good “sniff test” is to ask, “What would my viewers say if they knew what I was doing?”

I have a few friends in journalism who carry this canon to an extreme. They do not vote in elections because they fear the act of voting will legitimize the public’s notion that they are “biased.” Of course, they are biased; we all are. Journalists need only to find ways to report around those biases.

Jack Fuller, former Tribune Company Publishing president and former editor and publisher of *The Chicago Tribune*, once said:

**Journalists often end up in close relationships with people who make news. Now that some journalists themselves have become celebrities, and newspapers are covering each other as a beat, even within the cloister it is not possible to avoid such situations. The best approach to the problem of the conflict between friendship and craft combines sensitivity to the reasonable expectations of the person one is dealing with and openness about the conflicting loyalties in play. For example, if an editor is having dinner with a friend in a family setting and the friend tells the editor that he has been nervous lately because the prominent company of which he is an executive is in financial difficulty, the editor might explain at that point that he assumes his friend does not mean for this to be made public and it would make the editor uncomfortable to learn any more about the matter because this is something his newspaper would print if it learned of it under other circumstances.<sup>1</sup>**

A journalist’s primary loyalty is to the public. Nothing else comes first.

### **REFUSE GIFTS, FOOD AND SPECIAL TREATMENT**

When Bob Selwyn hired me as a reporter at WSMV-TV in 1984, he explained the newsroom’s guidelines for accepting food and gifts, saying, “We have a ‘stand and snack’ rule. If you can eat or drink it standing up, it is fine. If it is a sit-down dinner, then take a pass.”

That commonsense guideline might allow reporters to drink a cup of coffee and down a doughnut, but it would not allow them to eat a

prime rib dinner on somebody else's dime. Selwyn also sent out an annual memo near the holiday season reminding journalists not to accept invitations to parties from people who might seek to influence coverage. WSMV reporters and photojournalists understood, for example, that we were not to attend the governor's Christmas party at the mansion. The event was purely social, not a news briefing or news event. More than once, in fact, our newsroom did news stories about reporters from newspapers, radio and other TV stations eating lunch on the governor's dime.

If holiday cocktails with the governor are off-limits, then free tickets to theme parks, circuses and sporting events are off the charts of acceptable behavior.

Journalists should never use their press privileges to gain access to events or areas to which any other member of the public does not have access. For example, they should not use press credentials to watch a football game from the sidelines or go backstage at a concert that they are not covering.

Off duty or on the job, journalists should resist VIP treatment from those who might seek preferential news coverage in the future. The key question for journalists is *not* whether there is a conflict of interest. Journalists should avoid even the *appearance* of a conflict of interest. Business reporters, for example, should not buy or sell stock based on information they gather in the course of their reporting.

## DISCLOSE UNAVOIDABLE CONFLICTS

Politicians in most states are required by law to disclose potential personal or financial conflicts of interest they might have with legislation that comes before them. Newsrooms should establish similar standards for journalists to disclose potential conflicts to their newsroom supervisors so the decision makers can determine whether another journalist should take over the story.

If a member of your news staff finds himself or herself in legal trouble, the station should ask, "If this person were anyone other than a station employee, would it be news?" In fact, a good case can be made for reporting some stories involving journalists that might not be reported otherwise, such as a drunken driving or domestic violence arrest

involving a journalist. The more high profile the journalist the higher the responsibility of the newsroom to report the story.

A former editor of the *St. Petersburg Times* (now the *Tampa Bay Times*), Eugene Patterson, set a standard for this kind of public disclosure.<sup>2</sup> In July 1976, while editor, he was arrested for driving under the influence of alcohol. According to Bob Haiman, who was the newspaper's managing editor at the time, "Gene has been to a cocktail party at a friend's house. As he was driving home from an American bicentennial party with his wife, he pulled up alongside another car at a stop light, was a bit too close and the cars' doors 'kissed' slightly side to side with almost no visible damage. Cops came, asked Gene if he had anything to drink and he said yes. They gave him the breath test and he came in barely over the limit, by a few thousandths of a point. Although he seemed sober, he failed the test."

Editor Patterson called his newsroom. He ordered Haiman to write a story about the arrest. Haiman protested, "I told him we almost never published stories about simple DWIs, unless there was a big accident, a spectacular crash, injuries, death, high-speed chase, somebody who was falling down drunk at the wheel, and none of these was the case here. But he insisted. So we wrote a four- or five-paragraph story."

When Patterson insisted that the story play on the front page, Haiman said, "I *really* protested then, saying the *Times* was a strictly departmentalized paper with national and international news on Page A-1 and the big local stories on Page B-1. 'Hell, Gene,' I said, 'If it was the city manager we'd probably only put it on 3-B, so why the hell isn't B-1 enough play for Gene Patterson, the editor?'"

Haiman said Patterson replied, "It's precisely because I am the editor, Bob." And Haiman recalls Patterson saying, "As a good and honest newspaper, we are always printing embarrassing news that somebody wishes we wouldn't print—so we can never go easy on ourselves. In fact, we have to bend over backward to be tough on ourselves. We should hold ourselves to a notch above the very highest standard we'd ever use to judge anyone else."

The paper published the arrest in the lower right-hand column of Page A-1. Haiman says the reaction from the community, in letters, phone

calls and talk on the street was overwhelmingly positive and complimentary that the *Times* would report on its own editor's troubles. Patterson says, "Not all of the feedback was positive. For years afterward, when the *Times* would run a liberal editorial, I would get mail from conservatives saying, 'Well, I see the editor's drunk again.' All you could do is laugh, which is what they were doing."

Haiman told me, "A few years later, what Gene had sown so well at his own expense, I reaped: A politician who'd been arrested for DWI called me to try to keep the story out of the paper. I said we couldn't do that. He got furious and shouted, 'Well, I bet if it was Gene Patterson, you Goddamn well would not print it!' I smiled and said, 'As a matter of fact, commissioner, we would, and did, and put it on Page A-1. So you have no cause at all to object to the story about you being in the B section, do you?'"

Reporting such stories says to the viewer that you hold your own profession to the same high standards to which you hold others. Of course, just reporting the story does not erase the damage that journalists cause when they commit an illegal or immoral act. But when stations report their own dirty laundry, it can be a signal to the public that the station's coverage knows no sacred cows.

We also should be willing to expose the unethical practices of other journalists. We hold others to a high standard, and we should expect no less of our own craft. When journalists show they are capable and willing to self-regulate their profession, it presents a stronger defense against those on the outside who would seek to curb press freedoms.

### **RESPECT THE BUSINESS SIDE, BUT DON'T COMPROMISE NEWS COVERAGE**

Hofstra University's Annual Survey of local news shows local news departments consistently have produced profits since the survey began in 2000.<sup>3</sup> News departments have been the profit engine of local TV, accounting for at least half of a station's income.<sup>4</sup>

In fact, local news is so profitable that stations nationwide have added hour upon hour of newscasts per day rather than paying for syndicated programming. Hofstra's study found that the amount of local news in TV hit a record high in 2016. "The average amount of weekday news

tied the all-time high set in 2012 of 5.5 hours.”The largest local newsrooms produce more than 11 hours of news a day.<sup>5</sup>

And in years when hotly contested political races dump millions of dollars into TV advertising, the stations rake in the money.<sup>6</sup>

But new competition from cable and online have cut into what was once a business that produced remarkable profits. A Federal Communication Commission study reported, “In comments filed with the Future of Media project, the National Association of Broadcasters said local TV news pre-tax profits declined 56.3 percent from 1998 to 2008—and that the drop was even sharper, 62.9 percent, in smaller cities (media markets number 150–210). But many local TV stations remain highly profitable. According to survey data compiled by the National Association of Broadcasters, a local TV station in 2009 with average net revenues and cash flow would have a cash flow margin of nearly 23 percent of revenues.”<sup>7</sup>

To add to the pressure, newsrooms are right to be concerned that advertisers and newsmakers have learned to use social media to deliver their message directly to the viewers. In 2016, TV stations saw the rise of “sponsored content” and “native advertising,” which companies use to deliver useful or entertaining information to the user. Dick’s Sporting Goods, for example, built a webpage that shows the most popular NFL jerseys sold week to week as a reflection of who the most popular players are around the country. The reader can buy a jersey right there, online.<sup>8</sup>

In the 2016 presidential campaign Donald Trump made especially powerful use of Twitter to deliver jabs to his opponents and media.

The New York Police Department began writing stories for Facebook about itself and even wrote the story in the same voice a journalist would use including words such as cop, gun-toting and left-for-dead:

A rookie Bronx cop on a footpost this morning chased down and arrested a gun-toting 17-year-old who, moments earlier, fired four shots into another man and left him for dead on a Mount Eden street.<sup>9</sup>

The New York Police Department didn’t send the release to newsrooms. It published the statement on Facebook.

So advertisers who once depended on television, radio, newspapers and magazines to deliver their messages now are in a stronger position to make demands.

Even before broadcasters went from turning a 24 percent profit to single- or low double-digit profits, journalists were feeling the heat from advertisers to compromise their once strict standard against allowing advertisers to influence what and how journalists covered. As far back as 2001, the Pew Research Center's Project for Excellence in Journalism surveyed 188 news directors and found that 47 percent said they have felt pressure from advertisers to provide positive coverage of the advertiser's businesses. Almost one out of five news directors (18 percent) said an advertiser had tried to kill a story or prevent negative coverage; about half of all stations surveyed said they include advertising logos on the screen during newscasts. In smaller markets (those with fewer than 376,000 households), the pressure to bow to advertisers is even more intense. Two-thirds of news directors in the smallest markets said they felt pressure to provide positive coverage to sponsors.

The study found that car dealerships and restaurants were particularly interested in stopping negative stories. Some news directors say they no longer go after stories about car dealers; one said a car dealer was successful in killing a story the newsroom wanted to air. Two stations said restaurants had the power to kill negative stories. The report quoted news directors as saying, "The pressure to do puff pieces about sponsors occurs 'constantly,' 'all the time,' 'every day,' 'routinely' and 'every time a sales person opened his/her mouth.'" Another news manager said, "It is getting harder every year to maintain the wall between sales and news."

An FCC study on the state of local TV news said, "For TV news veterans and the audience as well, one of the most worrisome developments in local TV journalism is the rise of "pay-for-play" business deals in which news coverage is directly shaped by advertisers." The study documents the stories I hear from colleagues in markets big and small. Station groups make deals with hospitals and push reporters to only interview doctors from those hospitals when they are doing health related stories.

In a 2010 Pew Research survey one-fourth of local TV news executives reported "a blurring of lines between advertising and news." Pew reported:

Sponsored segments have in some cases become paid content that looks like news. One executive described “news time paid for by a local hospital with hospital having approval over content.” Another station executive, similarly, mentioned a daily paid interview with the local hospital. One broadcast executive described how “ask-the-expert segments” are sold by sales people and then the news department is strongly encouraged to validate the expertise of these people by interviewing them for legitimate news stories. Others described the same thing. “We have an interview format newscast. Our sale staff has ‘sold’ some interviews to our online experts. They don’t always offer great content, but a guest appearance is part of their sales package.” Said another news executive, “Our sales department comes to the newsroom with story ideas they’ve already ‘sold.’ They just need a reporter to do the story.”

*Los Angeles Times* reporter James Rainey wrote about how a “toy expert” named Elizabeth Werner appeared on newscasts in 10 big cities in 2010. The *Times* reported:

Werner whipped through pitches for seven toys in just a few minutes. Perky and positive-plus, Werner seemed to wow morning news people in towns like Detroit, Atlanta and Phoenix. They oohed and aahed as they smelled Play-Doh, poked at mechanical bugs and strummed an electronic guitar she brought to the studio.

Though parents might have welcomed the advice, and even bought some of the toys, they probably would have liked to know that Werner serves as a spokeswoman for hire, not an independent consumer advocate. She touted only products from companies that forked over \$11,000 (the initial asking price, anyway) to be part of her back-to-school television “tour.”<sup>10</sup>

Rainey says the problem of “pay for play” is growing worse as TV producers feel pressure to fill more half hours of newscasts, “and advertisers, fearful of being blocked by viewers with video recorders and mute buttons, don’t mind paying for promotional appearances that make them more visible and credible.”

The public has detected this trend of advertisers pressuring television news coverage for some time. Over the last 20 years, I have led more than two-dozen focus groups with everyday TV news viewers in 25 cities. Almost all the participants in a Baltimore focus group said they believe that people who buy commercials on a TV or radio station get more favorable coverage than those who don't. I asked these focus groups the question, "If a car dealer in this town bought a quarter of a million dollars' worth of ads at a TV station, do you think the car dealer could expect some positive news coverage of its dealership?" The overwhelming majority of residents said yes. They usually said it should not be that way, but they suspect that in reality, it is.

Reporters, producers and photojournalists sometimes feel powerless in this struggle. But even nonmanagers can be powerful and influential when they raise thoughtful questions about the newsroom's position on the separation of business and journalism.

Bob Steele and I drafted these guidelines for balancing the sometimes-competing pressures of journalism and business:

- Do not let the pressure for profits undermine your obligation to produce high quality, ethically sound journalism. **News coverage should not be for sale.**
- Build and sustain a high degree of communication and trust among station leadership and staff members in all departments.
- Don't show favoritism to advertisers.
- Don't generate news content just to provide a vehicle for advertising.
- Journalists are in the business of telling news, not selling products.
- A journalist's most important public service is to report the news; everything else comes second.
- Avoid real or perceived conflicts that arise when commercialism underwrites journalism.
- Don't allow commercialism to buy a higher profile in your reporting than is journalisticly justified. Use caution in covering sponsored events.

- Don't run promotional material that viewers/listeners could confuse with news.
- Avoid "tie-in" stories to prime-time, entertainment programming that has no journalistic value. Do not allow your news judgment to be skewed by the pressures to hold or attract audiences.
- Journalists should remain independent of the business associations that stations legitimately have with advertisers. Don't trade on the good name of your organization by accepting favors or gifts not available to the general public.
- Make sure your online product is consistent with the high journalistic and ethical standards of your on-air product.

## REMEMBER

Journalists must remain independent. Find ways to report around your own biases and avoid conflicts of interests or even the appearance of conflicts of interests with those you cover. Where unavoidable conflicts arise, disclose them to the public. Refuse gifts, favors and special treatment from those who might be the subject of news coverage or who might seek to influence news coverage. Respect the business side but don't allow news content to be for sale and don't compromise with businesses that might seek to buy coverage.

## NOTES

1. Jack Fuller, *News Values* (Chicago: University of Chicago Press, 1996), 61.
2. "Times Editor Arrested," *St. Petersburg Times*, July 6, 1976, A-1.
3. Bob Papper, "RTDNA Research 2015: The Business of News," June 1, 2015, [http://www.rtdna.org/article/the\\_business\\_of\\_news](http://www.rtdna.org/article/the_business_of_news).
4. "Television," Federal Communications Commission, <https://transition.fcc.gov/osp/inc-report/INoC-3-TV.pdf>.
5. Bob Papper, "RTDNA Research: News by the Numbers," [http://www.rtdna.org/article/rtdna\\_research\\_local\\_news\\_by\\_the\\_numbers#sthash.ZtT1zFLk.dpuf](http://www.rtdna.org/article/rtdna_research_local_news_by_the_numbers#sthash.ZtT1zFLk.dpuf).
6. "Local TV News Factsheet," Pew Research Center, June 15, 2016, <http://www.journalism.org/2016/06/15/local-tv-news-fact-sheet/>.

7. "Television," Federal Communications Commission, <https://transition.fcc.gov/osp/inc-report/INoC-3-TV.pdf>.
8. "Dick's Sporting Goods Jersey Report," <http://www.dsg.com/jerseyreport/football>.
9. NYPD Facebook page <https://m.facebook.com/notes/nypd/rookie-nypd-officer-chases-down-shooter-loaded-gun-recovered/666228496787269>.
10. James Rainey, "The News Is, That Pitch Was Paid For," *Los Angeles Times*, September 15, 2010.