

JOURNALISM REVIEW

NOVEMBER/DECEMBER 1976
NATIONAL MEDIA MONITOR • PRESS • RADIO • TV

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foreign-policy issues

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on being an 'unrealistic'
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LABOR

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at the San Francisco
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LAW

The Nebraska gag-order
decision:
a tainted victory

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The Great Health Care Stakes

Odds favor higher medical care costs if prescription drug prices are arbitrarily cut. A gamble? Yes, considering the following:

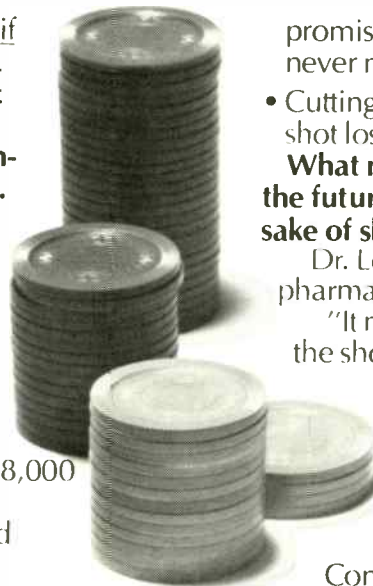
Drugs markedly reduce the costs of hospitalization, surgery, psychiatry, intensive care, and other forms of health care.

Examples:

1. Polio vaccines eliminated iron lungs, lengthy hospital stays, and saved thousands of potential victims.¹
2. Since drugs to treat mental illness were introduced, the number of patients in mental hospitals has been more than cut in half: from 558,000 in 1955 to about 225,000 in 1974.²
3. Antibiotics save millions of lives and billions of health care dollars.³
4. Drugs that cure tuberculosis closed most sanatoriums.⁴

The stakes are these: new drugs to fight cancer, viral infections, heart ailments, psychoses and other diseases. But —

- New drugs come only from research, a very sophisticated form of roulette.
- Most new drugs are discovered by U.S. research-oriented pharmaceutical companies.⁵
- Their research funds come from current prescription drug sales.
- For every drug that's a winner, there are thousands of other



promising chemical compounds that never make it to the gate.

- Cutting drug prices arbitrarily is a sure-shot loss for research investment.

What may be gambled away is much of the future progress in health care for the sake of short term savings.

Dr. Louis Lasagna, a leading clinical pharmacologist, puts it this way:

"It may be politically expedient, for the short haul, to disregard the health of the United States drug industry, but its destruction would be a gigantic tragedy."⁶

One last point: Between 1967 and 1975, according to the U.S. Bureau of Labor Statistics Consumer Price Index, the cost of all consumer items rose 61%, and medical care costs increased 69%, while prescription drug costs increased only 9%.

1. *Pharmacy Times*, March 1976, pp 36-39.

2. "Health in the United States," U.S. Department of Health, Education, and Welfare, 1975, p. 40.

3. National Health Education Committee, "Facts on the Major Killing and Crippling Diseases in the United States," 1971, p. 5.

4. Lambert, P.D. and Martin, A. (National Institutes of Health), *Pharmacy Times*, April 1976, pp 50-66.

5. deHaen, Paul, "New Drugs, 1940 thru 1975," *Pharmacy Times*, March 1976, pp. 40-74.

6. Lasagna, L., *The American Journal of Medical Sciences*, 263:72 (Feb.) 1972.



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Pearl River, New York 10965



When I was a child, I spake as a child, I understood as a child, I thought as a child: But when I became a man, I put away childish things. — *I Corinthians*



Hold your breath for 60 seconds.

Try this little experiment and chances are you'll find the last few seconds unbearable.

That desperate, terrifying sensation is caused by a lack of oxygen and an excess of carbon dioxide.

People with emphysema or other lung diseases know the feeling well. They live with it 24 hours a day.

Oxygen therapy can help many of them. But it can also sentence them to a bleak existence—living in fear, bound to heavy, bulky oxygen tanks.

Union Carbide has developed a portable oxygen system.

We call it the Oxygen Walker.

It's small enough to be carried on a shoulder strap and weighs only 11 pounds full. Yet, incredibly, this handy pack can supply over 1000 liters of oxygen gas—enough for 8 hours or more, depending on individual flow rates.

Taking the Oxygen Walker with them, patients are free to leave their homes. Free to go walking, shopping, fishing... many have even returned to work.

The Oxygen Walker is only one of the things we're doing with oxygen. We supply more of it than anyone else in the country. For steelmaking, hospitals, wastewater treatment and the chemical industry.

But, in a way, the Walker is the most important use of our oxygen. Because to the people who use it, it is the breath of life.



**Today, something we do
will touch your life.**



Annually, delegates from America's nearly 1,000 rural electric cooperatives and public power districts which serve some 25 million people across the nation, meet to formulate and adopt policies on national issues.

The simple fact is that conservation makes it possible to stretch out the world's dwindling energy resources while we develop new technologies



More doctors, water and sewer systems, and improved housing are today's community development targets for rural electrics, longtime leaders in spearheading better social and economic programs for local citizens. Robert Mace, manager of San Luis Valley Rural Electric Cooperative, Monte Vista, Colo., is president of one of the state's five Health Maintenance Organizations.



Flint Electric Membership Corporation, Reynolds, Ga., has grown from just over 2,800 members in 1944 to more than 30,000 in 1976. Meter readers use an electric car (dressed up for the bicentennial) to get to some of the homes, farms and businesses in the 15 counties where the cooperative serves.

So far in this country we've taken only small steps toward a real program of energy conservation.

Efficient use and management of all forms of energy are now imperative. Public awareness of this need must be greatly increased. People's consumption patterns will have to be altered; industry must make changes, and government policies to encourage and require wiser use must be implemented.

Conservation does not mean austerity nor a lower standard of living. On the other hand, without it as part of a comprehensive energy policy, energy shortages could in the long run severely restrict the opportunities and advantages we now enjoy, and limit our ability to pursue our traditional hopes and dreams for a better life.

America's rural electric systems



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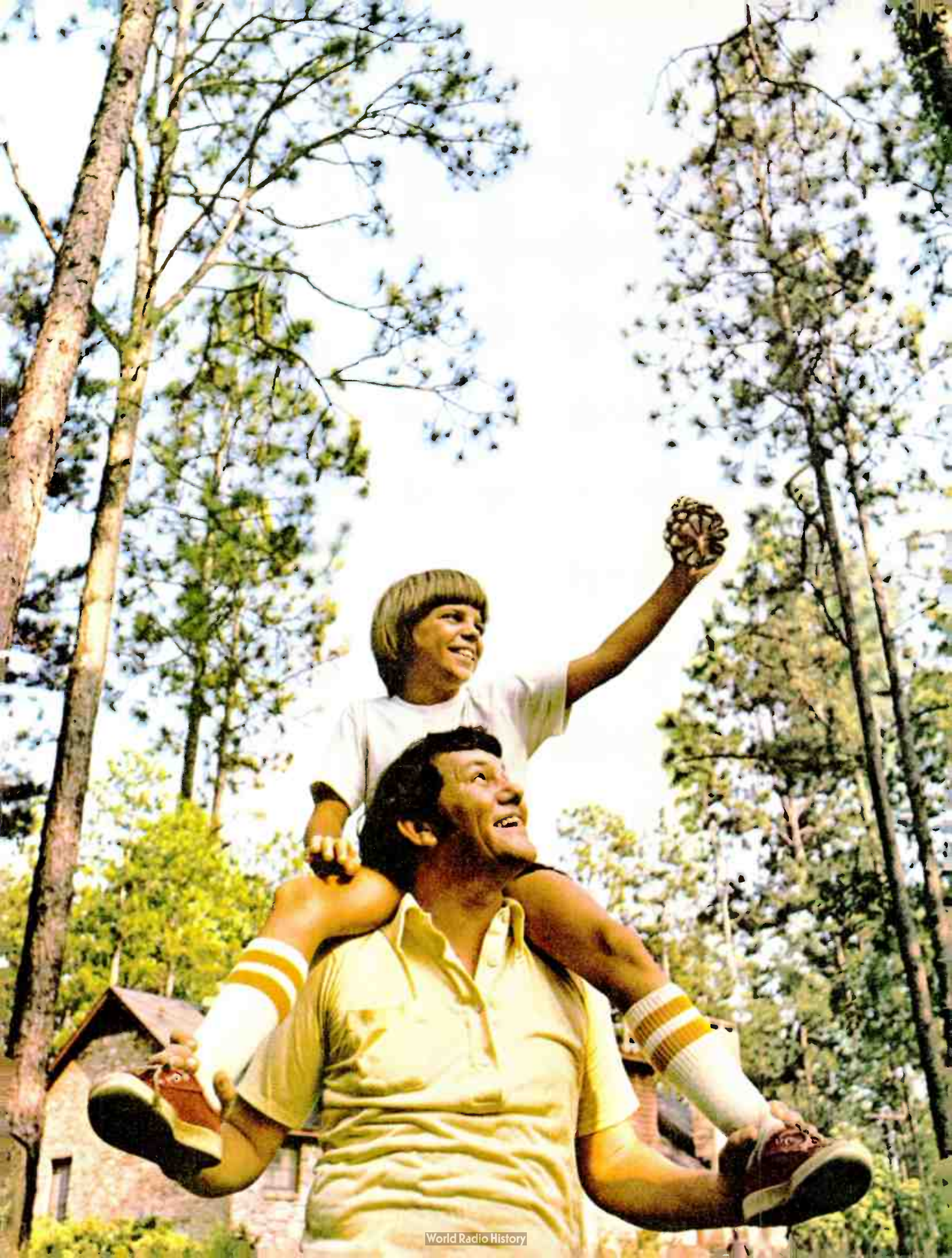
—Excerpt from the *Review's* founding editorial, Autumn 1961

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We want to make sure there'll still be enough wood products around when your children grow up.

Industry sources estimate Americans will use about twice as much paper and wood in the year 2000 as they use today. And the U.S. Forest Service predicts that our nation's commercial timberlands won't be able to keep up with the demand.

One of our solutions is to help private landowners increase their yield. They own about 60 percent of America's forest lands — yet produce only 30 percent of the wood fiber. (Forest products companies own only 13 percent of America's forest lands — and produce 34 percent of the wood fiber.)

We're looking especially to people who own land close to our operations in the South. In 1976 we'll expand our program to the Northeast and West Coast.

How we help landowners

We do it through the Landowner Assistance Program.

We'll show a private land-

owner how to prepare a site, plant, protect, thin, and harvest — at no charge.

This way, he can get the most from his forest land — in some cases, he can actually *double* his yield.

We'll even find a contractor to do the actual work. Or do the job ourselves at cost.

For this help, IP gets the right to buy a landowner's timber at competitive prices.

We've got more than 300,000 acres in the Landowner Assistance Program now. We're aiming for 1,000,000 before 1980.

A big help. But it's only one thing we're doing to increase the world's wood-fiber supply.

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We've developed a Supertree — a southern pine that grows taller, straighter, healthier and faster than ordinary pines.

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COMMENT

Confidentiality: a thaw . . . ?

The constitutional chill that fell over the right of journalists to protect news sources four years ago appears to be abating gradually. On June 29, 1972, the U.S. Supreme Court ruled, 5-4, that the First Amendment did not entitle reporters called before a grand jury to keep their sources confidential. In his memorable dissent, Mr. Justice Stewart not only deplored the possible dampening of journalistic initiative but warned: "The Court thus invites state and federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative arm of government."

That journalism has not become a judicial auxiliary and indeed has now begun to make progress toward reestablishing a claim of First Amendment privilege can be attributed less to lawmakers and lawgivers than to individual journalists. Not only did the three principals in the 1972 case — Earl Caldwell, Paul Branzburg, and Paul Pappas — themselves eventually avoid the injunctions laid on them, but resistance by others has been growing. Apparently dissimilar cases in 1976 were linked by their assertion of a common right:

□ By spending two weeks on a prison farm, the *Fresno Bee* Four — William K. Patterson, George F. Gruner, Joe Rosato, and James H. Bort, Jr. — finally convinced a California judge that they would never reveal the sources of stories their paper had printed based on grand-jury testimony. After hearing witnesses who emphasized the strength of confidentiality as a nationally recognized standard, Judge Hollis G. Best, who had sent the four to jail, released them on September 17. He observed: "I am persuaded that the newsman's ethic is a moral principle."

□ Lucy Ware Morgan, a reporter for the *St. Petersburg Times*, refused, although under threat of a jail sentence for nearly three years, to reveal who gave her details of grand-jury findings on official corruption. With the backing of her newspaper, Morgan won a victory in the Florida Supreme Court on July 30. Justice Joseph Hatchett, although ostensibly basing his majority opinion on the 1972 federal decision, struck an entirely different constitutional note: "The First Amendment is clearly implicated when government moves against a member of the press because of what she has caused to be published."

□ Daniel Schorr, in his final refusal, before a House committee on September 15, to reveal the source who gave him a copy of a congressional report on the intelligence agencies, rose above the personal and legal ambiguities of the case to a moment of eloquence that made his resignation from CBS two weeks later all the more ironic:

For a journalist, the most crucial kind of confidence is the identity of a source of information. To betray a confidential source would mean to dry up many future sources for many future reporters. The reporter and the news organization would be the immediate losers. I would submit to you that the ultimate losers would be the American people and their free institutions.

But, beyond all that, to betray a source would be to betray myself, my career, and my life. I cannot do it. To say I refuse to do it is not saying it right. I cannot do it.

By such incremental steps the First Amendment claim to confidentiality may eventually gain respect and recognition, even from its opponents in the judicial system. Perhaps it is fitting that journalists, who exercise the right on behalf of the public, seek it for themselves, rather than hoping for a federal "shield" law or relying on the kind of state law that judges have tossed aside when the statute conflicted with the court's authority. It is in the simple as-

sertion of the right by individual journalists, supported by their organizations, that the best hope now lies. The journalism community would do well to emulate the tenacity of Patterson, Gruner, Rosato, Bort, Morgan, and Schorr.

A signed comment on the confidentiality potential of pending grand-jury reform legislation appears on page 12.

. . . or a cold snap?

Despite the moral victories noted above, the judiciary has dealt one stinging reverse to reporters' efforts to protect sources. On August 18, a federal district judge ruled that neither federal investigators nor telephone companies had to notify journalists ahead of time when toll-call records were secretly subpoenaed. In other words, although reporters might refuse to talk, their telephone bills would speak for them. Nor was the decision merely technical, for Judge June L. Green based it on her holding that journalists had no constitutional right to protect their sources under any circumstances. A group of plaintiffs headed by the Reporters Committee for Freedom of the Press is planning an appeal.

Noncovering an unevent

It's remarkable how silent a newspaper can be when the subject is its own role in the political process. A great hush fell over *The New York Times* recently, muting all mention of what role, if any, the paper's endorsement of Daniel P. Moynihan, a virtual newcomer to New York State politics, played in his victory in the Democratic primary race for U.S. senator. It was an exceedingly narrow victory, with Moynihan winning on September 14 by only 1 percentage point over Bella Abzug, representative from Manhattan's West Side and part of the Bronx.

Had the *Times* editorial helped Moynihan squeak through? The newspaper, which prides itself on its news analysis and on getting the story *behind* the news, ignored the editorial in subsequent articles about how the race was won; it was, apparently, an unevent that called for nonreporting. One had to go elsewhere to get any insight into this aspect of the story. In *The Boston Globe* Martin F. Nolan observed:

A *Times* endorsement seldom cuts much ice in November elections . . . but in a low-turnout Democratic primary it speaks almost specifically to Abzug's natural constituency, issue-oriented liberals. By abandoning her, the *Times* was granting an ideological letter of transit to Moynihan, protecting him from her most frequent charge against him, "his long association with the Nixon and Ford administrations and his specific praise for both."

For Abzug, Nolan went on to say, the *Times* endorsement was "another in a series of injuries . . . that have undermined her favored ideological and financial position," while Nolan quoted Moynihan as saying the *Times* blessing "calls for a celebration."

It was kind of Nolan to pinch-hit for the *Times*, but surely there was someone on the New York team who could at least have stepped up to the plate and taken a swipe. No such luck.

Meanwhile, of course, there was that other behind-the-news story concerning the Moynihan endorsement — to wit, the tale of how two editorial dissents were quashed. The authors of these maltreated comments were John B. Oakes, the nominal editor of the paper's editorial page, whose truncated letter to the editor (*sic*) expressed "disagreement with the endorsement . . . of Mr. Moynihan," and Roger Wilkins, the sole black member of the *Times*'s editorial board, who rebutted some of the central points of the endorsement — but did not see his op-ed article in print until the day after the election. The *Times* resolutely overlooked this story, too, and left it to such as *The Washington Post* and *The Village Voice* to speculate on the seigneurial role played by the publisher, Arthur Ochs Sulzberger. Like "screw," dissent seems to be a dirty word at the *Times*.

Bowdlerizing Butz's blunder

It was a curious performance: the press, which prides itself on tough-mindedness, turned coy — so much so that the public was left baffled on a crucial political point. What had Earl L. Butz said that made it imperative that he resign as secretary of agriculture?

On October 5, the nation's major news story was that Butz had resigned AMID RISING PROTESTS ABOUT RACIST REMARK, as *The New York Times* put it in its headline. The verbatim remark was obviously central to the story, for other government officials had made unseemly remarks and remained in office; Butz's comment was clearly beyond the pale. But was it, really? One would have to read for oneself to decide, and the press was of little help.

Editors who wanted the verbatim text — it had originally appeared in *Rolling Stone* magazine without being attributed to Butz and then in *New Times* with attribution — had it in hand, courtesy of The Associated Press, two days before Butz resigned. So far as is known, only two newspapers chose to print it unaltered — *The Capital Times* of Madison, Wisconsin, and *The Blade*, Toledo, Ohio. The rest offered paraphrases, many of which so obscured the coarseness of Butz's language that their readers could only have wondered what caused the furor. AP stories were as obscure as any of the rest; on October 2, its story said that Butz had "described in a derogatory manner what he characterized as [blacks'] sexual, dress, and bathroom predilections"; three days later it came up with "blacks' alleged preferences in sex, 'shoes,' and bathrooms." Significantly, the handful of newspapers that offered to supply individual readers with the text on request noted that the verbatim text elicited a much stronger reaction than did the paraphrase.

In a perceptive article in *The Wall Street Journal* of October 7, Priscilla S. Meyer set forth the rationales provided by several editors for bowdlerizing

Butz's remark. A. M. Rosenthal, managing editor of the *Times*, admitted that the verbatim text would "have added some feeling to the monstrosity of the quote," but argued that "if we use this series of filthy obscenities, then we'll probably use the next," as if such use were addictive. Benjamin C. Bradlee, executive editor of *The Washington Post*, offered a hierarchical argument: the *Post*, he said, would reprint an obscenity if uttered by the president, and would "probably" also reprint one if spoken in public by the vice-president but. Bradlee said, "it gets harder and harder when you come to cabinet members."

These rationales seem almost as pallid as the paraphrases that appeared in a majority of the nation's newspapers, especially when contrasted with the statement by Robert Malone, managing editor of *The Capital Times*: "We think readers have the right to know exactly what Mr. Butz said and judge for themselves whether the remarks were obscene and racist in character; the paraphrasing we've seen doesn't carry off the same meaning as the actual words."

Darts and laurels

Laurel: to Robert Schakne of CBS News, for reporting on the *Evening News* on September 1 that the Senate investigation of Medicaid mills was stronger on investigative pizzazz than on facts. His report showed two senators (Moss and Percy) claiming that a billion dollars was wasted by Medicaid fraud in New York City. Among other facts in Schakne's report: total Medicaid payments to the mills were around \$130 million.

Dart: to the *Detroit News*, for its existential plunge into journalistic absurdity with a new policy of printing five readers' names a day, as a "testimonial to the fact that you do exist." (For more significant signs of being, see the *Des Moines Tribune*, which every year publishes the names of more than 10,000 public employees — officials, teachers, bureaucrats, garbage collectors — and their salaries.)

Dart: to *The Day*, New London,



THE TRANSITIONAL STORM.

PART II. THE REALITIES.

WHAT OPTIONS DOES THE ENERGY CRISIS LEAVE US?

The end of the fossil-fuel age is clearly discernible. The beginnings of some kind of *future-energy* age are not yet clearly established. We are in a "Transitional Storm."

But the thing to keep in mind about this storm is that it *is* a transition – not an end. We know from the laws of physics that there is *no* shortage of energy *per se*. Available energy sources are literally inexhaustible – heat from the sun, steam from the earth, deuterium from the sea, the winds, the tides, and more.

The challenge is to find *new* ways to capture the energy we need before the *old* fuels disappear.

THE REALITIES

There are those among us in the U. S. who argue that there is another solution – that we can solve the energy crisis by halting society's growth. But this just does not square with reality.

First, the world's population is still expanding. At the same time, individual desires for a satisfying life-style are also increasing. And recognizing human nature, this is certain to continue; the underprivileged will not sit quietly by and accept forever their have-not status.

Second, the world's supplies of fossil fuels

are indisputably finite. No matter how carefully we conserve them – and all of us must obviously conserve them – they will eventually be exhausted.

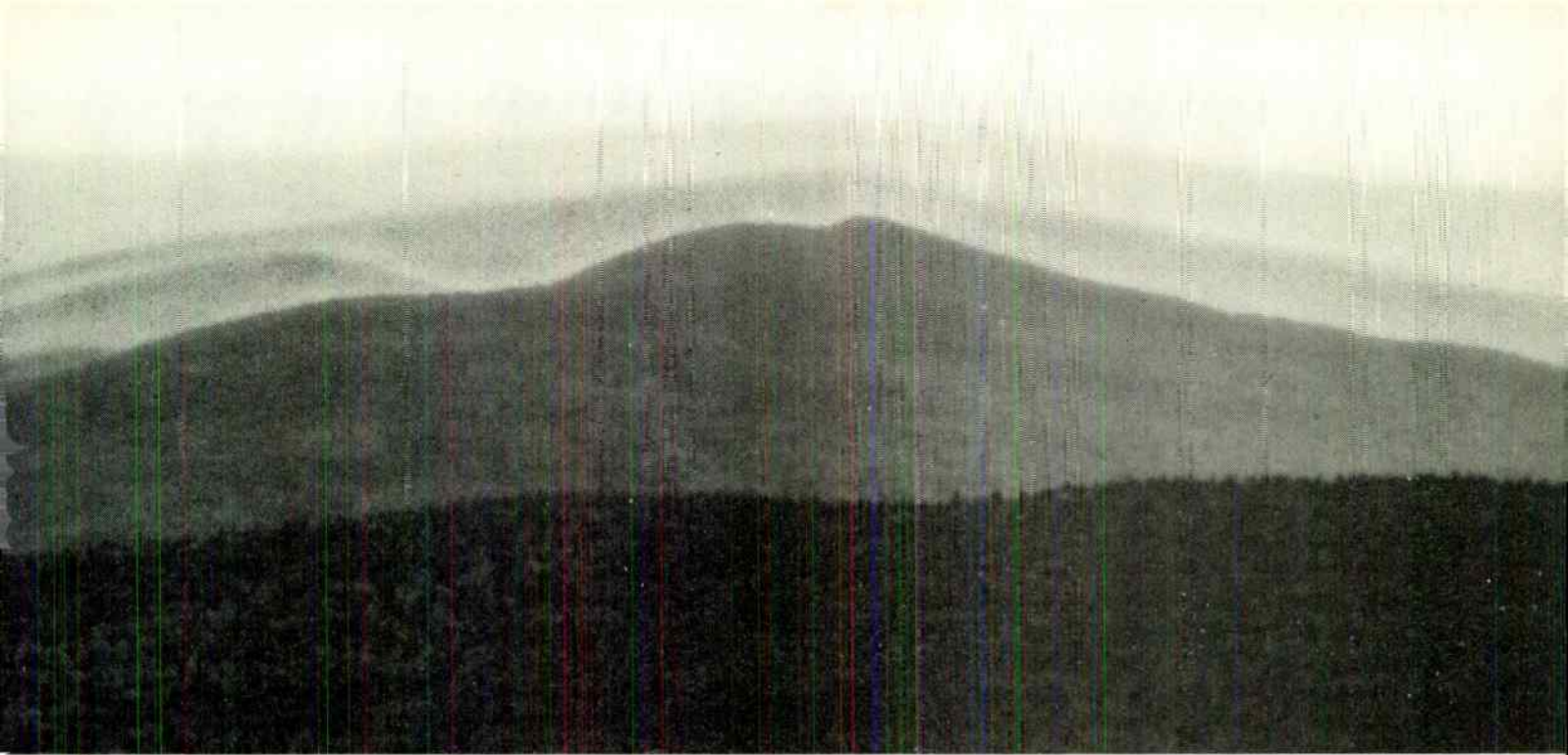
Take petroleum: There is no way to determine exactly how long the world's supplies of petroleum will last, because there is no way of knowing exactly how large the recoverable reserves are. But it is estimated that the world's recoverable oil cannot last more than 25 years at the present rate of use: an insignificant period of time when measured by the probable future course of human existence.

COAL AS AN OPTION

Coal reserves, though also finite, are vast. The U. S. has one of the largest known reserves of coal in the world – enough to last perhaps 500 years.

But the free use of coal for power generation, even with today's advanced methods of controlling emissions, is restricted by stringent air pollution standards, transportation problems, and other obstacles. These problems must be solved if coal is to meet an even more substantial part of the world's energy need.

Experiments are now in progress on ways to burn coal more cleanly. And the electric companies, the gas industry, the coal industry, the



petroleum industry and the federal government are researching ways to produce synthetic oil and gas from coal. This conversion has already proved feasible, but not yet commercially practical.

This research must go on. And with the public's support, it *will* go on. Coal, of necessity, must be substituted for oil and natural gas wherever possible if we are to stretch the fossil-fuel epoch to its absolute limit.

OTHER OPTIONS

Coal, however, is neither a total nor permanent solution to the energy crisis. We must speed the development of other sources of energy so we can move into the future-energy epoch as soon as possible.

Nuclear power is the most immediately available of those other sources.

Supplies of nuclear fuel for fission—specifically uranium—are adequate for the near future. But even beyond that, nuclear technology offers the promise that nuclear power could eventually fill most energy needs indefinitely, if necessary.

At present, about 9% of our nation's electricity is provided through nuclear fission; with public support and approval, this figure could rise to about 50% by the year 2000.

BEYOND FISSION

Present-day plants are merely the first step in the development of nuclear power.

Nuclear breeder reactors, now in an

experimental stage, produce more fuel than they consume. When perfected, they could vastly extend the life of nuclear fuels.

And nuclear fusion for power generation—also presently under research and development—offers the potential of a virtually unlimited source of power.

Because of nuclear power's present availability, construction of plants utilizing the principle of fission must go on. And because of nuclear power's future promise, experimentation with more advanced nuclear technology must also go on along with expanded research in other energy sources. Nuclear power, under adequate safety and environmental controls, must be there and waiting to play its full role in energy production before the last barrel of oil and the last ton of coal have been burned.

Meanwhile, still other sources of energy must be explored and developed: Energy from the sun... energy in substantial quantities from underground heat... perhaps even energy from the winds and tides. No practical potential source dare remain unexamined. Energy in usable form is the lifeblood of a civilized, industrialized society.

As Dr. Glenn Seaborg has said, "... the future of energy is the future of man. Without it, we become nothing. With it, we become whatever we wish to be."

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Connecticut, for its double-standard headline on the contest between the incumbent Republican senator and his rival, the Connecticut secretary of state: WEICKER AND GLORIA TAKE AIM AT ENERGY POLICY IN DEBATE.

Dart: to *The Journal Messenger*, Manassas, Virginia, for an old variation on a new theme. After local opposition to the Marriott Corporation's plan to put one of its "theme parks" in Manassas, *Messenger* news editor Bennie Scarton, Jr. made a flying visit, at Marriott's expense, to a similar Marriott operation in Santa Clara, California, returning to offer in the September 14 edition an eighteen-column hymn to the theme park's glories.

Laurier: to France's *Le Monde*, for its smart salute to the Bicentennial. The July 1976 special supplement in English, a serious examination of American history and the arts, reflects the cultural sophistication of a genuinely cosmopolitan journal.

Dart: to the Scripps-Howard Foundation for repeatedly misspelling the name of its forefather, Edward Wyllis Scripps, in its *Editor & Publisher* ad announcements of the "Edward Willis Scripps Award."

Dart: to *The Providence Journal*. On the grounds of "benefit to the entire community," the *Journal* in a July 16 editorial urged a tax subsidy to the Textron Corporation in connection with a building program to revitalize downtown Providence; the editorial failed to mention that the *Journal* itself invested \$250,000 in the same project.

Laurel: to *The Boston Globe*, for its July 4, 2076, Tricentennial edition — a zany, provocative fantasy (?) of our journalistic future.

Dart: to *Fortune* magazine, for publishing in its July issue a ten-page article called "The Philippines: A New Role in Southeast Asia" — without disclosing its sponsorship by the government of the Philippines. In fact, the Marcos government paid *Fortune* \$183,000 to print the article unlabeled as an advertisement. The only explicit giveaway is in the index to advertisers on the last page of the issue, where "The Philippines" is listed as an advertiser on the pages in question.

Grand-jury reform — alternative to shield laws

by SAM PIZZIGATI

The fifteen days the *Fresno Bee* Four spent behind bars in September for refusing to reveal their source for a *Bee* exposé were, on one level, a courageous example of journalistic integrity. But on another equally valid and far more depressing level, their incarceration was no inspiration. It was a sorry reminder of how far the drive for an effective press shield *hasn't* come. Nearly fifty years after the push for press shield laws began, journalists can still be jailed for engaging in their profession.

The sacrifice of the *Bee* Four is not likely to change things. It will not, for instance, spark the enactment of a new California press shield law. When the four *Fresno* reporters and editors were initially subpoenaed, California already had a solid shield statute, but it didn't do the *Bee* Four much good. The judge in the case simply shrugged the state press shield off as unconstitutional. Nor will the *Fresno* horror prod Congress into action. The pending federal press shield bills are bogged down in legitimate problems with definitions: what is a "journalist" anyway?

All this leaves reporters where they have always been: at the mercy of criminal-justice officials. If a prosecutor or judge wants the name of a reporter's source badly enough, the journalist is in for a draining ordeal. Simply put, the drive to protect journalistic confidentiality has stalled. Perhaps it is time, then, to step back and rethink the press shield law movement's single-minded concern for who is being subpoenaed and start asking questions about who is doing the subpoenaing — and in most of the controversial press subpoena cases that means the grand jury.

By and large, journalists have not asked these questions yet. They have accepted the standard law-enforcement contention that grand juries are bulwarks against crime entitled "to every

man's evidence" while trying to argue, without much success, that the importance of an unfettered press makes the journalist an *exception* to the grand-jury obligations of ordinary citizens.

Others, however, have challenged the government's conception of the grand-jury process. Lawyers subpoenaed before grand juries to testify about their clients, political activists grilled about their politics, and strikers questioned about their unions have pointed out that the grand jury was incorporated into the Bill of Rights in 1791 to check, not facilitate, prosecutorial power. They have shown that the grand jury has become exempt from due process and will do anything a prosecutor wants, and they have taken the case for fundamental grand-jury reform before Congress — and found a favorable reception. More than thirty representatives and senators have sponsored reform bills and, while none of these bills specifically mentions "journalists," all would profoundly affect the ability of journalists to protect the confidentiality of their sources. They offer, in effect, an alternative to what may be a dead end.

An example. Each major reform bill now before Congress would entitle every grand-jury witness to a copy of his or her testimony. Under current federal rules, this grand-jury transcript need not even be kept, let alone be accessible to witnesses. Without a transcript of their testimony, there is no way subpoenaed journalists can prove they have not violated a source's confidence short of total silence inside the grand-jury chamber. With a transcript guaranteed, journalists could conceivably testify before a grand jury and maintain credibility with their sources at the same time.

The omnibus grand-jury reform bills introduced by Representative Joshua Eilberg, a Democrat from Pennsylvania, and John Conyers, Jr., a Democrat from Michigan, among others, include dozens of such procedural changes that should make prosecutors think twice before embarking on headline-hunting expeditions or mad scrambles to fill the holes in hastily drawn indictments.

Conyers's H. R. 11660, for instance, spells out a legal foundation for subpoena challenges. The bill authorizes

Sam Pizzigati is co-director of the Coalition to End Grand Jury Abuse, in Washington.

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Include your name and address and state the general nature of the project you are considering for entry.

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the bench to quash a subpoena whenever the subpoenaed journalist (the bills, remember, cover all witnesses) can show that the subpoena would impose an unreasonable burden, that the purpose of the subpoena is punitive, or that the subpoena represents an attempt to build the case against someone who has already been indicted.

Should none of these categories be found appropriate by the court, confinement would still not be automatic for journalists who refused to betray their sources. Eilberg's H. R. 1277 says that no witness can be found in contempt if the questions he or she refuses to answer are based on a violation of the federal wiretap statute. Under Conyers's bill, no witness could be confined for refusing to answer questions based on any violation of the witness's constitutional or statutory rights — which means that the First Amendment would become a defense at a contempt hearing.

Should a judge refuse to recognize these contempt caveats, no journalist, in any case, could be confined for more than six months, according to the reform bills. Reducing the current threat of indefinite contempt confinement to six months should bolster the resolve of journalists to resist subpoena pressure, and prosecutors, faced with journalists willing and able to hold out for six months, might not choose to bother with them in the first place.

In most cases, moreover, an additional key provision in Conyers's reform package would do away with the threat of even this six-month incarceration. Conyers proposes the abolition of "forced" immunity, the government's ability to overcome witnesses' Fifth Amendment objections to questions by immunizing them against their will. Under the Conyers bill, witnesses would have to consent before a grant of immunity could be ordered. Subpoenaed journalists, then, could invoke the Fifth Amendment.

But is a journalist justified in taking the Fifth Amendment? Certainly the usual newspaper shorthand for the Fifth, "the privilege against self-incrimination," ignores the long philosophical tradition which holds, as Justice William Douglas said two decades ago,

that the right not to bear witness against oneself is "a right to silence."

"Reporters," explains Representative Conyers, "should not be placed in a position where they must either go to jail for contempt or 'incriminate' themselves in the eyes of their sources and colleagues."

The Justice Department, predictably, opposes any tinkering with the grand-jury system. Testifying before Representative Eilberg's House Judiciary Subcommittee last June, Attorney General Levi said reformers should trust the government to police its own grand-jury conduct, and, ironically, cited his department's internal guidelines on press subpoenas as an example of effective self-policing.

Levi's remarks should have been ripped apart by the press, but they weren't. With a few exceptions, the media have been indifferent to the grand-jury issue, slow to grasp the shield potential of grand-jury reform, and that is unfortunate. At a time of widespread distrust of the media, the drive to protect the confidentiality of the news-gathering process could profit by emphasizing the rights journalists share with their fellow citizens, not the privileges that set them apart.

Foreign correspondence: a declining art

by CHARLES R. EISENDRATH

Foreign correspondence, the most effective means of keeping the public aware of the nation's interests abroad and of challenges to those interests, would appear to be going out of style at a critical moment. In economic terms, U.S. holdings abroad have never been greater; moreover, the first American energy crisis and the emergence of a global resource cartel have encouraged a frenetic new shuttle diplomacy to preserve stability. Yet in *A Vanishing Species: The American Newsmen Abroad*, a recent

Charles R. Eisendrath, a former correspondent for Time in London and Paris and Buenos Aires bureau chief, teaches journalism at the University of Michigan.

study compiled by Professor Ralph E. Kliesch, of Ohio University, at Athens, Kliesch notes that in 1975 only 429 American staff correspondents were working abroad for U.S. news organizations — a tiny cadre for a nation that has 1,774 daily newspapers, 934 television channels, and 7,500 radio stations. In a recent conversation, John Hohenberg, Edward J. Meeman distinguished professor of journalism at the University of Tennessee and the author of *Foreign Correspondence: the Great Reporters and Their Times*, suggested that these figures, low as they are, are inflated. Hohenberg, who excludes from his computation desk personnel and others who may handle the news but do not gather or process it, counts between 300 and 350 foreign correspondents. "There are," he says, "fewer American correspondents abroad now than at any time since the end of the Second World War, when there were 2,500."

The crucial question, of course, is not the quantity of foreign correspondents or even the quantity of foreign news that appears in the nation's media, but the quality of the reporting. And, not surprisingly, the same budget freezes and cuts that have reduced the ranks of correspondents abroad since the first spasm of budget cutting in the mid-1960s have also affected the quality of the work of the survivors. Professor Harold Jacobson, chairman of the University of Michigan's political science department, discerns an increasing tendency among newsmen abroad merely to react to crises of the moment. Richard H. Ullman, professor of international affairs at Princeton University and director of the 1980s Project for the Council on Foreign Relations, adds: "The attrition has meant that correspondents run harder, with less time to ponder the implications of what they're writing about."

Present-day working conditions abroad leave little time for the kind of reflection essential to good foreign correspondence. A whole range of support has been trimmed drastically, affecting reference, translation, and messenger services. An A.P. correspondent newly arrived in Buenos Aires found himself translating eight hours daily before turn-

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Gun Control and Civil Rights in Washington D. C.

The Washington Post and Washington Star Could Care Less.

★ ★ ★ ★ ★ ★ ★ ★

When it comes to any editorial concern over the civil liberties of an entire class of innocent citizens, the *Washington Post* and the *Washington Star* could care less.

They *should* care, by any journalistic or clear civil libertarian standards. But they don't. Because the class of citizens whose rights are jeopardized happen to be on the wrong side of the gun control issue—on the wrong side from the point of view of the *Star* and the *Post*.

A case in point: that class of citizens whose rights are threatened are those residents of Washington, D. C. who might wish to own an item of personal property—to own it for any of a thousand legitimate, legal and personal reasons. The personal property in this case is a handgun.

But for the principle, it might well be a book, or a radio, or a typewriter.

The class of people we are talking about are not criminals. They are the very people who obey laws. They are citizens who will never misuse firearms, nor commit crimes of violence with them.

Yet in Washington, D. C., these are the very people singled out by the editorial writers of the city's two daily newspapers and by the city government as *victims* of one of the most discriminatory and arbitrary laws ever proposed by any subdivision of government in this nation.

This law, enacted by the District of Columbia City Council at the shrill encitement of the *Star* and *Post*, bans any further legal private possession of handguns by law-abiding citizens *by denying those citizens the opportunity to comply with existing local gun control laws*; local laws that are among the most stringent in the nation; local laws that include registration and licensing of all firearms, a 30-day waiting period for purchase of a handgun, and a system of police background checks for firearms purchasers. It further denies those tens of thousands of law-abiding Washingtonians an opportunity to comply with existing *Federal* gun control laws, which prohibit any felon or adjudicated lunatic, drunkard or narcotics user from purchasing or owning any firearm, and which prohibits

any D. C. resident from crossing into any state to purchase a handgun.

Neither this new law, nor the existing laws in D. C., nor the Federal laws, will affect criminals and violent crime. Because the only people who obey them are the law-abiding citizens. All those laws amount only to prior restraint. And with all the existing local, state and Federal laws against criminal conduct none can prevent a crime of violence, and none ever will. Laws can only restrain those who obey them. And those who obey the laws are not a problem to society.

Fact: according to D. C. Police Department statistics, of the 61,089 handguns now registered in the city, only a handful—less than one half of one percent have turned up in crimes since the law was enacted in 1969.

Yet, both the *Post* and *Star* have demanded a handgun ownership prohibition on a local and national scale.

That's confiscation. That's the knock in the middle of the night. That's a neighbor informing on you. That's the police kicking in your door. And for those who have registered guns, for those who have abided with the laws, how do police get to them? Through the information on their computers.

Think about massive confiscation of private personal property by police—not in terms of guns if that bothers you—but in terms of books or typewriters.

Then think about it again in terms of a law-abiding citizen who owns a firearm.

Think about it in terms of your own family. And think about the cops coming through the door for property that you possess.

Here is what the *Star* has to say about it: "It would be well (sic), after some initial period in which procrastinators and semi-conscious possessors of handguns are extended a degree of latitude, to land on possessors with vigor." Who are "procrastinators?" Who are "semi-conscious possessors?" Certainly not the professional thugs who terrorize the city.

In all of their editorial page encitement for a gun-ban or gun-confiscation law in the District, neither the *Star* nor the *Post* has ever considered the consequences of their demands on the civil rights of innocent citizens. But don't just take our word for it. Here is just a sampling of the editorial page rhetoric:

Last year, following the assassination attempt on President Ford in San Francisco, the *Post* wrote: "The wise gun policy toward which this Nation must move—and quickly—is one that erects as many hurdles as are possible between citizens and handguns." They didn't write, "between criminals, or lunatics and handguns," they said *citizens*. And that means all of us.

The *Washington Star*, in a July 1, 1976 editorial rueing passage of a bill in Congress that was designed to nullify the D. C. handgun ban, repeated strong support for the local law. That support was given on the grounds that as potential victims of burglaries, law-abiding firearms owners whose guns are stolen by thugs are somehow contributors to crime.

"It is fearfully obvious that the arsenal of illicit handguns already in circulation can be easily augmented through theft and burglary. By attempting to hold that supply (registered guns) steady, the new regulation might diminish the source of new arms for criminals, within the city at least."

The *Star* went on to say: "The only significant solution, of course, will be for a courageous Congress—which is not necessarily a contradiction in terms—to flatly ban manufacture, sale and possession of all handguns in this Nation, except for police and military use."

So what the *Star* is saying is that criminals can't steal guns from law-abiding citizens, if the police can confiscate them first.

That's frightening.

And what's even more frightening is that two of the biggest newspapers in the Nation are demanding a gun prohibition and laws that can only be enforced through a police state.

But if you hate guns enough, anything is okay.

Postscript: The only paper in the city that looked at the D. C. gun bill with an eye toward objectivity and fairness was *Newsworks*, the city's tiny, gutsy "alternative" weekly. *Newsworks* went to the police and asked the questions that the dailies ignored on their editorial pages. *Newsworks'* assessment:

"Disarming the non-criminal public, however, will not have much impact on crime in the city." "As a crime stopper," *Newsworks* said, it "is the laughing-stock in police headquarters." The police further called it "a law enforcement nightmare."

★★★★★

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ing to reportorial chores because the translators had been fired. A Paris bureau chief, learning of the impending liquidation of his messenger service, commented bitterly, "New York just doesn't understand that documents don't fly miraculously across this town on deadline in five minutes. It takes a half-day and, if the messenger is canned, it's my half-day we're talking about." The messenger was canned.

There are other difficulties. Telex and improved telephone systems have combined with jet air schedules to make a correspondent's life a series of lunges for quick stories. The new hardware makes possible "scramble-basis" reporting almost anywhere. It has also enabled editors to direct coverage from the U.S. to an unprecedented degree. "The rapidity of communications is not progress," says Stanley Karnow, a Washington-based columnist and editor. "It has debased foreign correspondence by canceling independent judgment and substituted speed for expertise. What good is it to

be able to get a man to a story if he doesn't know what he's looking at or what it means?" Despairing of new commitments by U.S. media to foreign correspondence, Karnow has established a network of top foreign journalists to write for American publications in a project sponsored by the Aspen Institute and funded by the German Marshall Fund of the United States, an organization set up by the West German government to promote study of contemporary problems.

With increasing frequency, correspondents are assigned to cover huge "territories" instead of countries or small groups of them. And the new-generation correspondent is "bicycled around" assignments, frequently being moved to a totally new society before really getting to know the first. The long sojourns which produced correspondents of independent expertise in an earlier generation have been sacrificed by foreign editors more concerned with "fresh viewpoint."

In the light of such changes, Charles Collingwood, for many years the chief

CBS foreign correspondent based in London and now working mainly on documentaries in New York, is concerned about the profession's ability to attract top talent. The elite status of the foreign correspondent, a legacy of people like William Shirer, Ernest Hemingway, and Edward R. Murrow, has been largely lost. "It's a life that seems less and less attractive," says Collingwood. "Correspondents don't have a chance to really imbed themselves in a foreign culture, which is one of the great rewards of the business. It's no wonder that we've had trouble getting our most promising young people to go overseas. They see it as an impediment to advancement. The action these days is obviously at home."

Thus, while the numbers of foreign correspondents may be expected to continue to decline, so, too, there is little reason to believe that the quality of reporting will improve. To anyone concerned with the survival of foreign correspondence as an independent force in the formation and critique of national policy, these prospects are chilling. ■

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Once again, John Hancock Mutual Life Insurance will honor professional writers judged to have contributed significantly to reader understanding of business and finance through articles published during 1976.

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Basic objective of the annual Awards for Excellence is to foster improved public understanding of business and finance, with particular emphasis on lucid interpretation of the complex economic problems which affect the lives of all citizens.

Entry blanks and complete information may be obtained by writing "Awards for Excellence", T-54, John Hancock Mutual Life Insurance Com-

pany, P. O. Box 111, John Hancock Place, Boston, MA 02117. Postmark deadline for submitting entries is January 31, 1977. Six unmounted copies of each entry must be submitted. Each entry must be accompanied by an official entry form.

This year cash awards of \$1,000 will be presented in each of the following classifications:

Syndicated and News Service Writers
1975 winner: Jane Bryant Quinn, *Washington Post Writers Group*

Writers for National Magazines of General Interest

1975 winner: William McWhirter, *Time*

Writers for Financial Business Trade Publications

1975 winner: Carol J. Loomis, *Fortune*

Writers for Newspapers with Circulation above 300,000

1975 winner: William S. Randall and Stephen D. Solomon,

The Philadelphia Inquirer

Writers for Newspapers with Circulation 100,000 to 300,000

1975 winner: John Cranfill and Earl Golz, *The Dallas Morning News*

Writers for Newspapers with Circulation under 100,000

1975 winner: *Eugene Register-Guard*

Judges in the 1975 competition were:

Earl F. Cheit, Dean of the Graduate School of Business Administration, University of California at Berkeley

General Victor Krulak, President, Copley News Service

J. Reginald Murphy, Editor and Publisher, *San Francisco Examiner*

Sidney Rutberg, Financial Editor, Fairchild News Service, and President of the New York Financial Writers Association

Peggy Simpson, Associated Press, and President of the Washington Press Club.

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Foreign-policy reporting: quarantined for the campaign

Three diseases that afflict foreign-policy coverage during presidential races broke out again in 1976

by ROGER MORRIS

What happens too often when you talk to editors and reporters about coverage of foreign policy in the presidential campaign is that they begin and end by heartily agreeing with you about how important it all is. The problems come in the middle: when they assume that any foreign news somehow “counts” as coverage of U.S. foreign policy. Or when they accept the roster of issues pretty much as the candidates state them. Or when, eventually, they confess that they are really forced to give diplomacy little space because it tends to be a tricky business that doesn’t interest the public much anyway. “To most everybody who reads our paper,” explained one choleric Western editor, “foreign policy is what goes on in the next county.”

Despite the history of the last decade — when all that had been *foreign* came so painfully close to home in issues ranging from the Vietnam war to the Arab oil embargo to spying by the C.I.A. — views of this sort apparently remain widespread among American journalists. From the primaries through the early post-convention skirmishing, foreign policy was generally reported with less scope, depth, and imagination than the news media gave to the comparable array of domestic topics. Certainly the attention was far less than the subject deserved, given its inevitable demands on the next president and its equally relentless impact in every corner of the nation.

While other mystery diseases were making headlines, coverage of foreign policy in the campaign was suffering from its own epidemic of maladies — afflictions like

world-affairs aphasia, in which the amount of pre-election reporting is in nearly inverse proportion to the priority the new president (and the press covering him) will give diplomacy *after* the inauguration; or the *Quemoy-Matsu syndrome*, a quadrennial plague that leaves its victims too distracted by campaign fevers to distinguish the genuine issues facing the next administration; or *mogul myopia*, which can blind otherwise shrewd observers to the still largely anonymous elite who are likely to run foreign policy under either candidate. None of these ailments need be lethal. All can be diagnosed and cured. But as the campaign went into the final weeks, the toll was heavy, and no relief was in sight.

That curious aphasia was perhaps the most contagious, at least in the print media. For the most part, the press simply ignored foreign policy during the Democratic primaries, and dealt with it only fitfully in the Republican race. There were notable exceptions: *U.S. News & World Report*, which gave consistent coverage to international issues in the Ford-Reagan rivalry in particular, and *The New York Times*, *The Washington Star*, and *The Washington Post*, whose collective emphasis on foreign policy usually outdistances the field. But even that coverage was distinguished mainly by the poverty of comparison. The following figures make no pretense to be scientific or comprehensive, though they do suggest the size of the problem. In a random survey of some fifty national magazine articles on the primary battles between January and March, only three could be said to deal seriously with foreign policy, with only a handful more even mentioning the subject. Between April and August the proportions improved a little, yet less than one in ten major

Roger Morris is a Washington writer on foreign affairs.

articles on the campaign and candidates touched on foreign affairs.

Among eight major metropolitan dailies west of Chicago — again the survey was admittedly random — news reporting and analysis of foreign-policy topics in the presidential race, from January through July, averaged roughly 10 to 20 percent of the attention paid to domestic affairs. What is most remarkable about that ratio, however, is that, judging from spot checks of the 1972 and the 1968 campaigns, the weight given foreign policy was substantially the same in the same papers. And yet these papers then proceeded to give much more extensive coverage to the foreign-policy actions of the administration after the election. What might have seemed to many of their readers inconsequential in the selection of the president suddenly became one of his most demanding — and newsworthy — preoccupations.

There are some obvious reasons for this discrepancy — not least the notorious refusal of presidential candidates to venture beyond platitudes if they can help it. But even the most generous and hedged reading of the coverage suggests that the editorial judgments of much of the national press may make that evasion easier. Many newspapers and magazines that treat foreign policy as urgent national business after a presidential election never give the same importance — even close to the same — to the prior debate and discussion of those decisions before the voters. Whether cause or effect, the result of that missing coverage is that foreign-policy issues continue to be the least understood issues in presidential campaigns.

But the sheer atrophy of pre-election reporting on foreign policy is for the most part symptomatic of a still more deep-seated and serious disorder — the old Quemoy-Matsu syndrome. Named for the “major issue” of the 1960 Kennedy-Nixon debates, when the candidates argued over the defense of obscure offshore islands between China and Taiwan — an issue which vanished never to return, once John Kennedy had been elected — the affliction here is a chronic failure to probe the issues that are truly important. The point is not that the media should have ignored the Kennedy-Nixon dispute; obviously it was news, if only because it so occupied the candidates. But there was the further obligation to ask whether the “crisis” was real or rhetorical — in 1960 it was largely the invention of the candidates — and to ask what other issues lay beyond. In 1960, for example, one looks almost in vain for any political debate or journalism on what would be the all too real foreign-policy tests of the new president: Berlin, Vietnam, and, most of all, Cuba. (The Bay of Pigs invasion was being planned even as Kennedy and Nixon and the following press were riveted to the Taiwan Straits.) Yet there has also been the opposite failure to look behind slogans and clichés for the crucial questions that are raised in a campaign. One remembers 1964, with Lyndon Johnson’s “Asian boys to fight Asian wars,” and Barry Goldwater’s suggestion, dismissed as outrageous by most editorial writers, that we bomb supply lines in North Vietnam. We know now that while those issues quickly came and went in the campaign, some rather more serious planning was under way in the

State Department and the Pentagon, which was to make foreign policy and its coverage in the 1964 election almost tragicomic.

In 1976 both weaknesses have been evident — a readiness to accept the phony, transitory issue, and an inability to uncover deeper questions, whether they’re merely clouded or ignored altogether by the candidates. *Time* magazine, for instance, swiftly found its Quemoy-Matsu in the Republican primary fight when Reagan attacked a State Department

**‘Once more the candidates
skated vaguely along without suffering
any awkward
scrutiny from the press’**

official, Helmut Sonnenfeldt, for a private briefing to U.S. ambassadors that seemed to endorse Soviet dominance in Eastern Europe. The incident may have been sure-fire Republican politics, but it was hardly an authentic policy issue, for neither Sonnenfeldt nor Eastern Europe bore significantly on the current state of U.S.–Soviet relations. In much of the press, however, the affair received more attention and analysis than any other single campaign encounter relating to international affairs.

As Jimmy Carter captured the Democratic nomination, journalists seemed to have difficulty finding an issue even that important. *Time* and *Newsweek* reports on Carter’s “fuzziness problem” during April and May barely mentioned foreign policy, a failing that left the candidate’s positions on that subject far and away the “fuzziest” of all. Even when foreign-policy views surfaced formally in the Democratic campaign, in platform committee hearings on May 19, *The New York Times* consigned a very general dispatch to page 28, and many papers did not carry an account of any sort. Of more than 100 newspaper and magazine articles about the Democratic race between mid-January and mid-June, only five or six could be described as concentrating on foreign-policy stands and differences among the candidates. Not until after the crucial Pennsylvania primary was there anything but token coverage of Carter’s views — and that too, like the best of the reporting on the Republican rivalry, came mainly from *U.S. News*. Perhaps the most telling index of the coverage of the Democrats came at the end of July when the Republican National Committee made available its nationwide compilation of press clippings critical of Carter. Not only was there almost no criticism of Carter’s foreign-policy stands; there was almost no awareness, in the several articles about the candidate’s vagueness, that foreign policy was one of the least known factors in his approach to government.

What were the more serious foreign-policy issues in the

campaign, and how might they have been reported? Some of the issues likely to haunt the next president were at least briefly visible, though none of them received the investigation it deserved. The Panama Canal negotiations — potentially a Bay of Pigs for a new administration trying to steer between a seeming sell-out and guerrilla war — were for a time a subject of contention between Reagan and Ford. But again, except for thoughtful pieces in *U.S. News*, *The New York Times* and a longer A.P. story in the spring, the volatile situation — and more importantly, the bureaucratically confused and contradictory U.S. policy position — did not come through in most coverage, which confined itself to the monotony of Reagan's attacks and Ford's responses. As for Jimmy Carter (by spring a better than even bet to inherit the Canal mess) there was virtually no analysis of his views on the Canal Zone. Korea was another possible trouble spot for the next regime. The explosive tension in the area was tragically underscored during the Republican convention when North Koreans axed to death two U.S. officers with the U.N. Command. Here Carter had earlier undergone one of his many semantic crises with the media, the point turning on conflicting statements between "withdrawal" of U.S. troops from South Korea, and a later qualification to "withdrawal on a phased basis." *Time* and *Newsweek* labored over the distinction at the end of May. But neither then nor later was there any clear reporting of what Democratic policy would be, or for that matter what another Ford administration might do. When an early Carter advisor, Harvard professor Jerome Cohen, was quietly dropped from the candidate's circle after making public statements in South Korea critical of human-rights violations there, there was a broad hint about future policy in at least one respect. But that tidbit went largely unnoticed.

Surely the most fascinating of the palpable foreign-policy questions was the developing crisis in southern Africa. Once more the candidates skated vaguely along without suffering any awkward scrutiny from the press. Reporters traveling with the secretary of state continued their long tradition of reporting U.S. policy all too directly from the august "authoritative source" in their midst, that "senior American official" right there on Secretary Kissinger's plane, who can always be counted on to give our diplomacy the benefit of any doubts. Back home, it seemed enough that President Ford was trying to make peace between black and white, or that Ronald Reagan thought we were playing into communist hands by pressuring the stalwart white Rhodesians. Nowhere did I see sustained and serious analysis of the long history of U.S. equivocation and diplomatic impotence in the region, or of the immense complexity of the problem, rivaling the twists and turns of another local war with a long history in a place called Vietnam. When Carter casually mentioned before the Democratic convention that he would deal with the problem much the way we had dealt with racism in the South — by educating businessmen — the response in most of the press was to report the comment as if he had just given a meaningful remedy to a world crisis, though more thoughtful reporting might have indicated that it would not quite be that simple, or that it had not been quite that simple in the American South.

But the more ominous aspect of the coverage of southern Africa was its silence about the possible impact on American society, whatever the failure to report U.S. policy toward the conflict. Television news, especially, found itself filming the first genuine race war of the modern era, a clash of classic racial stereotypes that might have incalculable impact on an American audience still deeply divided racially despite the vast progress of the last two decades. The imagery might be quite inadvertent and separate from commentary or reportage.

A cover story in *The Christian Science Monitor* in June illustrated the peril. The dispatch itself was a straight news account from Rhodesia, but accompanying it was a photograph of a white soldier in battle fatigues saying good-bye to a blonde wife and baby in the arched doorway of a home that might have been in California or Long Island or suburban Des Moines. Not only do white American readers identify more readily with such white Rhodesians, but journalists themselves are bound to find it easier to get stories from the white side of the battle, while the black guerrillas and the black population remain largely inaccessible, their story less told and less understood. The implications of the effect of race on the news — involving as they do complex questions of the emotional impact of news and cultural or sociological factors in journalism — are obviously larger than the reference of this article. But the connections between foreign and domestic affairs in our policy toward southern Africa argue strongly for more searching coverage of the issue in the presidential campaign.

If the press neglected topics like Panama or southern Africa that had gained headlines occasionally, coverage was even flimsier on issues that the candidates scarcely deigned to mention. The great symbol of statesmanship in 1972, the Strategic Arms Limitations Talks with the Soviet Union, all but disappeared from the 1976 campaign, though it was still very much an issue for the incumbent president and his successor. As the talks stalled in the first half of the year, Ford seemed unchallenged in saying he was simply trying hard, and Carter appeared reluctant to do more than claim he would be "tougher" with the Russians. The subject clearly had lost its *chic*, and there was little independent reporting to revive it. The unavoidable comparison was to the Vietnam issue in 1964; like the war, SALT would be there after the election, forcing difficult and historic decisions despite the tendency to ignore it in the political dialogue, and in the press.

Closely related to the neglect of SALT was the flawed coverage of the B-1 bomber controversy. Ford and Reagan were for it; Carter would reserve judgment; a Democratic Congress voted late in the summer to let the new president (Carter, they hoped) decide — that was essentially the sum of press accounts on this rich issue. Lost in the daily news reporting of it all was any appreciation of the B-1 as an unusually vivid example of the disarray in weapons policy, or the decisive, if hidden, ties between such issues and the complications of the SALT negotiations. Behind the B-1's bureaucratic politics, for example, were technological decisions limiting the deployment of the new cruise missile, a

U.S. weapon that might alter substantially the strategic balance. And in the choice to buy or scrap the B-1, the choice facing Ford or Carter and the next Congress in 1977, were far-reaching implications for the next stage of SALT bargaining, and even the next multi-billion-dollar investment in U.S. weaponry. But the B-1 — like Goldwater's embarrassing talk in 1964 about bombing North Vietnam — was politely put aside by the candidates, and the obliging media.

Disregard of the more familiar foreign policy topics, however, was only part of the damage done by the Quemoy-Matsu syndrome. Shallow coverage also left concealed during the campaign many of the new and equally important issues. There was almost no reporting, for example, on the pervasive power of multinational corporations and the challenge of this "other foreign policy" to government diplomacy. The possibilities for reporters were tempting, or they should have been. Already behind us were the I.T.T. intervention in Chile and the bribery scandals in Europe and Japan. What would the new president do about such developments in the future? Or what would a President Carter, himself a former agribusiness owner, do about the commanding power and influence of agribusiness in the international food market, or in the problem of rising U.S. food prices? The answers generally were missing because journalists seldom asked the questions.

Then there was the almost unavoidable subject of bureaucracy, made to order for candidates like Reagan or Carter whose main pitch was to besmirch Washington. In the event, though, it was so avoidable as to be invisible in the coverage. About the vast power and problem of bureaucratic inertia in foreign policy, the power of the State Department to subvert a policy or the Pentagon to embroil the country in arms traffic, the anti-bureaucratic candidates were rarely asked, or rarely informed by journalistic analysis. Carter's plans for reorganization of the welfare of health or education institutions were often mentioned, but the absence of comparable reorganization schemes for the C.I.A. or Foreign Service was apparently not news.

Perhaps the most pernicious failure of this kind has been the almost total lack of coverage of the impact of international economic policy on the American public. In an era when inflation, unemployment, technological obsolescence, and international specialization — not to mention energy scarcity — are all a part of foreign policy, the relevance of how the next president deals with such issues should be transparent. Yet a reading of leading newspapers across the nation from January to June shows only a handful of articles on the subject, with none offering a detailed report of the positions of the leading candidates.

The ravages of the Quemoy-Matsu syndrome in killing the coverage of urgent issues probably make it the worst malady in campaign journalism. Still, mogul myopia runs a close second. As it did a generation ago with the impressive and disastrous "experts" who were the "best and the brightest," the media this year have largely looked the other way from the discreet appearance of the Eastern foreign policy elite queuing up for the top diplomatic jobs under a Carter regime, and even perhaps under a new Ford government. Despite the work of prizewinning journalists like

David Halberstam in documenting the influence of the elite and its intellectual flaws, the corollary candidacy of these men has seemed, like SALT, the B-1, or international economics, somehow irrelevant. Leslie Gelb in the May 23 *New York Times Magazine* provided a rare survey of the establishment candidates and their homogenized thinking. Most coverage, however, has simply ignored these faceless foreign-policy courtiers. When the subject is mentioned at all — a column by Tom Braden in the August 21 *Washington Post* was typical — the superficiality is almost shocking. Once more, the role of the foreign-policy elite is one of those fascinating stories one might expect the media to go after, even had Halberstam's very successful book not already shown them the way. An inbred, insulated society that has governed foreign policy by a kind of Divine Right, the establishment has survived in the esteem of otherwise shrewd politicians like Jimmy Carter in spite of its record of almost unrelieved failure in office and no special distinction outside. It is the stuff, one might imagine, of all the current fashions in journalism, from psychohistory to investigation and personality debunking. But the establishment stands to take office again, after a perfunctory examination by the Senate Foreign Relations Committee — the people, and quite probably the mistakes, to be recycled.

There are no painless remedies to these disorders in the journalism about foreign policy. What seems most apparent is that much of the failure still is due to factors of geography and class that many journalists would be hesitant to acknowledge. *The New York Times* may well treat the foreign-affairs establishment, for instance, as a largely local story, if only because the elite come primarily from New York or Washington or Boston. Similarly, non-Eastern papers may tend to slight the same story because the personalities are less familiar or well known, while the appointment of a local secretary of agriculture or commerce gets extensive coverage. Yet the problem of the democratizing of U.S. foreign policy will not wait on such chicken-and-egg disputes. The way to broaden public participation at the upper reaches of diplomacy, to break the stagnant hold of a closed establishment, and to gain high-level attention to issues that affect ordinary people throughout the country, is to make foreign policy truly a national subject. If the 1976 campaign coverage is any indication, it is not yet a national subject, despite the scarring experience of recent years.

There is, of course, a precedent for the cure — the growing irreverence and sophistication of journalism in domestic affairs. No politician can now dream of running on issues like education or tax reform or campaign finances with the same gentlemanly impunity he is able to enjoy in foreign policy matters. And few political reporters, few editors or television producers would settle in their domestic stories for the same hand-feeding and lethargy that dominate diplomatic journalism. But meanwhile, the aphasia, the Quemoy-Matsu silliness, the mogul myopia continue unchecked — and all of us, once again, will be the victims when foreign policy, as it always does, overtakes the man we elect in November. ■

Shrinking the news

New formats
at the *Times* and
the *News*: less news
in more time

by FRED C. SHAPIRO

About a year ago, as I recall, New York consumer-affairs reporters were in full cry after a candy product which was brought out by its manufacturers in a new, more attractive wrapper which proved upon inspection to contain less candy. Well, now I have a lead for the consumer-affairs reporters of *The New York Times* and the *Daily News*: check out *The New York Times* and the *Daily News*. After several weeks of fanfare, both newspapers adopted new formats over the Labor Day weekend, and, alas, despite their published disclaimers, both newspapers now contain significantly diminished editorial products.

Let me say at the outset that I don't think it makes much difference how a newspaper proportions itself, that its character is determined by content, not form. However, format changes seem to be the "in thing" in the newspaper business this year. *The Washington Post* and the *San Antonio Light*, among others, redesigned themselves this summer; the *Baltimore Sun* also chose Labor Day weekend for the effort; and *The Boston Globe* has announced plans for remodeling next year. As the *Times* noted in its press release, changes in its format are "in line with those being made by other newspapers, and were consistent with efforts by the industry to standardize as a convenience to advertisers."

This process of "conveniencing" advertisers led the *Times* to change its editorial format from eight 1¾-inch columns to six of 2¼ inches, thus shrinking its page width from 14 to 13½ inches.

Fred C. Shapiro is a staff writer for The New Yorker.

The *News* went from five 1.9-inch columns to four of 2¼, but held its pages at 9¾ inches wide by increasing the width of the gutters between the columns to ½ inch. The net loss in actual type space, however, is still the same half an inch. Vertically, the *News* also cut down on the type capacity of its page forms by going from an 8-point to an 8½-point slug, increasing the space between the lines, and cutting 3/16ths of an inch off the depth of the page. Net result: 119 lines in columns which once held 131. The *Times* didn't change the size of its type slug or page form, but to balance the wider columns, makeup men appear to have been encouraged to lead out stories to a much greater extent and to cut down on the use of filler news items which cluttered up the inside pages. As for me, I preferred the fillers.

At the same time both papers were broadening their editorial columns, they were narrowing their advertising ones. The *Times* now gets nine columns of advertising revenue from pages that used to yield only eight, and the *News* six columns from pages that previously held five. Full-page rates remain the same (for the time being), but those who buy by the column are finding one-eighth and one-fifth less advertising space respectively in their expensive newspaper wrappers. Such reductions in quantity were attributed primarily to the high cost of newsprint, quoted at \$285 a ton on Labor Day (and since increased \$20 more by several Canadian producers). However, we have the assurances of Arthur Ochs Sulzberger, the publisher of the *Times*, and W. H. James, publisher of the *News*, that the format changes, in the words of Sulzberger, "will not affect content or the quality of our product. Our comprehensive news and feature coverage . . . will remain the same."

Well, I'm here to say it ain't so, Punch and Tex, not by the measurements of the desk ruler which I last exercised in the pages of *CJR* (March/April 1972) to point out that the two remaining morning newspapers had already significantly narrowed their re-

spective editorial focuses, and were reporting far fewer stories in each of their daily editions than they did when they competed with the *Herald Tribune* and the *Mirror*. The latest format changes, unfortunately, narrow the focuses of the *Times* and *News* still further.

For comparison purposes, I chose the papers of Wednesday, September 1, before the changeover, and Wednesday, September 8, after it, comparing the first late city editions of the *Times*, and the four-star Manhattan editions of the *News*. (Parenthetically, I think I ought to credit the *News* with great improvements in its suburban coverage in the last several years. In order to provide readers with stories of their own localities, the tabloid may shuttle as many as a dozen regional pages or more into each day's paper, and the *Daily News* that a reader picks up on Long Island, for example, may be much different from the *Daily News*es on the stands in Manhattan, Brooklyn, Queens, Westchester, or New Jersey. Unfortunately, however, this form of editorial fragmentation also means that Long Island readers will not find out much that has been going on in Manhattan, Brooklyn, Queens, Westchester, or New Jersey.)

By my ruler, the 72-page September 1 *New York Times* contained 4,776 1¾-inch editorial lines; the 76-page September 8 edition, 3,615 2¼-inch ones. The new columns of the *Times* are 128.6 percent wider than the old ones, and multiplying the wide-column-inch figures by this number gives a factored lineage of 4,649, or a 3 percent decrease from the 4,776 editorial lines in the eight-column *Times*. The news hole between the two editions decreased from 38.6 percent to 36.9 percent, and after factoring out the line-width difference again, I calculated space decreases in local (-11 percent), national (-30 percent), cable (-9 percent), cultural (-10 percent), and business and financial (-3 percent) news (this last despite a business-page promise in the September 8 *Times* of the be-

ginning of "an expanded news report"). Space gainers in the comparison of formats were obituaries. (+2 percent), society and women's news (+80 percent), pictures (+2 percent), and promotional and index lines (+8 percent). In his press release announcing the changeover, publisher Sulzberger declared that "the new format will permit the *Times* to reduce the size of an 88-page paper to 84 pages without any reduction in content." As it happened, however, the *Times* increased by four pages, and yet the total number of its news lines (all editorial categories excluding heads and display space, promotional and index space, editorial and op-ed page features, and pictures) fell from 3,290 to 3,149, after factoring, a decrease of 4 percent. The *News* did worse. Comparison of its five 1.9-inch, 131-line-column pages with the new format of four 2.25-inch, 119-line-column pages produces a factor of 1.16. The *News* dropped four pages — from 88 on September 1, to 84 on September 8. And even though its news hole increased slightly — from 37.8 percent to 38.7 percent — space decreases were measured in local (-15 percent), national (-34 percent), cultural (-13 percent), society and women's (-21 percent), sports (-2 percent), and business (-3 percent). Foreign news (+59 percent) and obituaries (+203 percent) bucked the trend, but the total of *Daily News* news lines fell from 1,155 to a factored 886, a decrease of 11 percent.

Space measurements *should* vary with the importance of the news on any particular day, and these figures aren't intended to demonstrate, for example, that the *Times* has embarked on a policy of substituting women's and society news for national news, or that the *News* is replacing women's news with obituaries. As it happened, on September 8 the *Times* editors wedged in a whole-page directory of cooking schools, a one-time feature, while the *News* just about tripled its minimal obituary space for one of its own, columnist Charles McHarry.

In the aggregate, however, I think the news lineage figures indicate a trend — and so do comparisons of picture and cutline space and headline and display space in the two papers. Pictures particularly. While working on my previ-

THE NEW FORMATS — BEFORE AND AFTER

The Daily News
Comparison of newspapers (left) for September 1 (five-column format) and September 8 (four-column) revealed an 11-percent drop in editorial lineage and a 26-percent reduction in the number of news stories.

The Times
The Times for September 1 (eight columns) and September 8 (six columns) had news holes of comparable size. However, the division of space left 18 percent less room for hard news and 17 percent fewer stories.

2

'We Want Blood!'
3 Die in S. Africa

Cape Town, South Africa (UPI) — Thousands of editors screaming "We want blood!" rallied patriotically in this area and in 14 cities for 300 the death toll in nearly three months of racial strife.

Mr. Tom David, who is the editor of the *News*, said that the paper's news hole was cut by 11 percent. The paper's news hole was cut by 11 percent. The paper's news hole was cut by 11 percent.

Henry: My Shuttle Is Wanted in Africa

BY JOHN MALKIN

Mr. Henry's shuttle is wanted in Africa. Mr. Henry's shuttle is wanted in Africa. Mr. Henry's shuttle is wanted in Africa.

Carter Is Jostled by Abortion Foes

By JEROME KAHN

Mr. Carter is jostled by abortion foes. Mr. Carter is jostled by abortion foes. Mr. Carter is jostled by abortion foes.

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The Harrises Get 11 Yrs. to Life in Kidnap

By ALTON SAGE

Los Angeles, Aug. 31 — William Harris and his wife, Emily, were sentenced today to 11 years to life in prison for their part in a kidnap that cost the lives of two young boys.

2 Sentenced in Gyp Say It's Medipaid & Blast It

By THE NEW YORK TIMES

Two men, one of whom is a former New York State legislator, were sentenced today to 15 years in prison for their part in a racketeering scheme that involved the sale of counterfeit medicine.

K Poses Challenge to Vorster

By THE NEW YORK TIMES

President Carter's visit to South Africa is expected to pose a challenge to the policies of the South African government.

INDEX TO FEATURES

"All the News That's Fit to Print"

The New York Times

LATE CITY EDITION

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VOL. CXXV... No. 41320

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20 CENTS

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SENATE BREAKS ALLEN FIBRILLER ON ANTI-RUST BILL

Cloture Step Clears Way for Passage by Congress Before It Adjourns

CONFERENCE BYPASSED

Legislation Faces Opposition in Administration, House and by Corporations

By DAVID S. GOODMAN

WASHINGTON, Sept. 1—The Senate broke a filibuster today by cloturing a vote on a bill to limit the use of rust inhibitors in the manufacture of steel. The bill, which would require the use of rust inhibitors in the manufacture of steel, was introduced by Sen. James Buckley (R-N.Y.) and passed by a vote of 54 to 45.

ABORTION STAND BY CARTER VEXES CATHOLIC BISHOPS

Nominates Tells 8 Prelates He'll Withdraw Support for an Amendment

By CHARLES MOORE

WASHINGTON, Sept. 1—President Jimmy Carter's nomination of a Catholic bishop to the Supreme Court has caused a major rift in the ranks of the Catholic hierarchy in Washington. The nomination of Bishop John J. Ryan of New York to the Supreme Court has caused a major rift in the ranks of the Catholic hierarchy in Washington. The nomination of Bishop John J. Ryan of New York to the Supreme Court has caused a major rift in the ranks of the Catholic hierarchy in Washington.

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Would Increase Jail Terms Sharply and Widen Powers of Detention

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Company Also Agrees to Help State Finance Research on Effects of Pollutants From the River

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AFRICAN TALKS CLOSE WITHOUT ENDING RIFT OF BLACK RHODESIANS

DISCUSSIONS REPORTED HEATED

By ANNO DAVENPORT

JOHANNESBURG, Sept. 1—Discussions between South African and Rhodesian officials today ended two days of talks here without resolving their differences. The discussions were reported to be heated and without any significant progress.

Hays Reported on Verge of Submitting Resignation

CARTER DISCLOSES DIVESTITURE PLAN

By JAMES H. HOGAN

WASHINGTON, Sept. 1—President Jimmy Carter today disclosed a plan to divest himself of his business interests. The plan, which would require Carter to sell or otherwise dispose of his business interests, is expected to be submitted to Congress in the next few days.

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Director of F.B.I. Target of Inquiry

By JAMES H. HOGAN

WASHINGTON, Sept. 1—The Federal Bureau of Investigation (F.B.I.) today announced that it is conducting an inquiry into the activities of its director, J. Edgar Hoover. The inquiry is being conducted by a subcommittee of the Senate Select Committee on Intelligence.

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Harris Get Indeterminate Sentences

By ROBERT LEHRMAN

LOS ANGELES, Sept. 1—Two men who were charged with the murder of a woman in Los Angeles today received indeterminate sentences. The men, who were charged with the murder of a woman in Los Angeles, were sentenced to terms of life in prison.

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Little Rock School Now Integration Model

By BOY SCOTT

LITTLE ROCK, Ark., Sept. 1—The Little Rock Central High School today became a model for school integration. The school, which was the site of the 1957 Little Rock Nine, is now a model for school integration.

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DUBLIN PREPARES 'SWEEPING CURBS' AGAINST THE I.R.A.

Would Increase Jail Terms Sharply and Widen Powers of Detention

By LEONIE MATLAND

DUBLIN, Sept. 1—The Irish Government today announced that it is preparing "sweeping curbs" against the Irish Republican Army (I.R.A.). The curbs would include increasing jail terms and widening the powers of detention. The Government is also considering the possibility of introducing a new law that would allow it to detain I.R.A. members without trial.

G.E. TO PAY \$3 MILLION FOR DUMPING PCB'S INTO UPPER HUDSON

Company Also Agrees to Help State Finance Research on Effects of Pollutants From the River

By LEONIE MATLAND

NEW YORK, Sept. 1—General Electric (G.E.) today agreed to pay \$3 million to help the State of New York finance research on the effects of pollutants from the Hudson River. The agreement also includes a commitment by G.E. to help the State finance research on the effects of pollutants from the Hudson River.

AFRICAN TALKS CLOSE WITHOUT ENDING RIFT OF BLACK RHODESIANS

DISCUSSIONS REPORTED HEATED

By ANNO DAVENPORT

JOHANNESBURG, Sept. 1—Discussions between South African and Rhodesian officials today ended two days of talks here without resolving their differences. The discussions were reported to be heated and without any significant progress.

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ous CJR piece, I was amazed to measure more picture (including cutlines) space in the January 5, 1972 *Times* than in the *News* of the same date. Then the *Times* printed 63 pictures over 624 inches, while the *News* took up 556 inches with 67 pictures. That, apparently, was no fluke. In their new formats, the “good, gray *Times*” not only devotes more space to pictures, but prints more of them than the *News*, which in honesty

**‘Both papers
are continuing to give
their readers less
in the way of hard news’**

perhaps should drop its front-page promotion of itself as “New York’s Picture Newspaper.” On September 8, 1976, the *Times* printed 65 pictures, which covered 475 of its new, wider column inches, while the *News* printed only 55 (not counting the standing promotional headshots of several syndicated columnists) over 402 column inches. Also, the *Times* editors have tricked out their new format with a lot more white space and headline displays. I counted 455 inches of such space in the September 8 *Times*, and only 315 in the relatively more sedate *News*. Score one for Turner Catledge, the executive editor of the *Times*, who predicted in 1966, after the death of the *Herald Tribune*: “I think you’ll find the *News* will start to become more like us, and we’ll become more like them.”

As an indication of current news trends in both papers, however, space comparisons may be less illustrative than comparisons of total numbers of stories. The September 1 *Times* carried a total of 112 local, national, and cable stories, the September 8 *Times* only 93, a decrease of 17 percent; the September 1 *Daily News* carried 65 local, national, and cable stories, the September 8 *News*, 48, a decrease of 26 percent.

Essentially, both papers are continuing to give their readers less in the way of hard news — what really happened yesterday — and more reporting in depth or interpretation of what it’s all supposed to mean. The *Times*, in par-

ticular, seems to be trying to fulfill the impossible ambition it declared in one house ad on February 23, 1973: “To put it briefly, *The New York Times* now gives you more news in less time.” The reason this particular house ad was printed only once, I suspect, was that someone on West 43rd Street may have recognized “more news in less time” as the slogan of the old *Herald Tribune* before it switched to “Who says a good newspaper has to be dull?” and then went out of business. And even in the early 1960s, there were some of us on the *Trib*’s staff who felt that paper’s effort to “package” news rather than to tell all of it wound up as a case of less news in more time.

Recent promotions have pointed out that the *Times*, in six columns, and the *News*, in four, have reverted to their original formats. Unfortunately, despite vast improvements in communications and publishing techniques, they have also reverted to reporting about the same aggregate numbers of hard-news stories as they did in their beginning years. The first time it published on a September Wednesday, in 1851, the *Times* crammed into only four pages 53 local, 22 national, and 14 foreign stories, a total of 89 hard-news items, and only four less than the *Times* editors found room for in the 76-page number last September 8.

A century and a quarter ago, of course, *Times* editors followed the established newspaper custom of throwing stories into the paper almost at random, often in order of their arrival at the composing room. Two- and three-line shorts then often abutted lengthy letters of three or four columns of agate type, and readers were expected to glance at the headline of an item — which might just be a single word, FRANCE, for example — to decide whether they wished to read it, and, if not, to pass on to others. The idea in those days, when fifteen weekday newspapers competed for New York subscribers, was to print everything that might conceivably interest or attract any readers at all, even if there was little to report from a source where news might reasonably be expected. How’s this for a lead, in the FRANCE story of the September 24, 1851, *New York Times*?

“Our advices from the French Capital are devoid of any intelligence of striking interest.” “Striking interest” or not, the story ran four paragraphs.

By 1919, when the *Daily News* first came out, newspaper competition had abated somewhat, but was still extant, and the 20-page *Illustrated Daily News* issued on the second September Wednesday of that year contained 37 local, 11 national, and 18 foreign items, or a total of 66 hard-news stories, about 38 percent more than the 48 hard-news items contained in the 84-page *Daily News* of last September 8.

Only as recently as the good old competitive days of a quarter of a century ago, both the *Times* and the *News* carried roughly twice the number of hard-news stories that their current formats would seem to permit. The name of the game then, however, was not to be scooped on news, and the survival of those two papers is attributable to the fact that they covered more news of all kinds in their respective fields than their competitors. People bought the *Times* particularly with the understanding that it would be crammed with a lot of type they wouldn’t bother to read, but with the expectation that it was the best place to learn the latest news in their own particular areas of interest — financial, sports, theater, movies, fashions, foreign affairs, national or local news, or whatever. Today, except in the areas where daily print competition still exists — business and financial in *The Wall Street Journal*, fashions in *Women’s Wear Daily*, and sports in the *Daily News* — the *Times* editors seem to be spiking items that they feel might not interest large numbers of readers, and concentrating on “in-depth reporting” of trends and interpretations of what the news is supposed to mean.

These are all very worthwhile, I suppose, but I can’t help but look back fondly on those old cluttered *Timeses* and *Newses* that kept up with the news and left the interpretations to their readers. For many of us, I’m afraid, these new formats amount only to less news in more time, and I’d point this out to the consumer-affairs reporters on the *Times* and *News*, but the way things are going at both establishments, they probably couldn’t find space for it in their papers. ■

“Deep and disturbing problems threaten to make high unemployment a chronic sickness in our society.”

Reginald H. Jones
Chairman and Chief Executive Officer
General Electric Company

In this provocative speech before the Joint Economic Committee of Congress, Reginald H. Jones explores some of the root causes of unemployment in America today. And discusses some of the actions that must be taken now by government and industry to alleviate this problem. We'd be happy to send you a copy of this speech and also other recent speeches by top GE executives. Simply check off the speeches you'd like and mail us the coupon.

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“If we, as a nation, keep nibbling at the energy problem like timid rabbits, we’re going to run out of time and energy.”

W. D. Dance
Vice Chairman of the Board

Approaching a New Era in International Trade

“The United States cannot continue to act as if it had the same relative wealth and power it once had.”

J. S. Parker
Vice Chairman of the Board

Capital Formation: The Problem Remains

“The fundamental question is how we want to meet our need for investment capital—by private or governmental means.”

Reginald H. Jones
Chairman of the Board

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GENERAL  **ELECTRIC**

The Midas touch

How the press confers affluence on the middle class

by STEVE SLADE



The Bicentennial prompted a lot of good press for the American dream. On July 8, *The Washington Post* ran a story on a Turkish immigrant who rose from a neighborhood of “narrow houses on badly paved streets” to a “middle-class neighborhood.” He manages one hotel and is a partner in others. He occupies a well-furnished two-story home. He owns two cars and a boat. His July 4 party was attended by “successful” professionals. He describes his salary modestly as “in the middle five figures.”

The July 4 *New York Times Magazine* profiled a “resolutely middle class” family in California. Its annual income is \$22,500; its members live in a large house with a view. In the driveway are parked a Jeep, an automobile, a motor home, and an eighteen-foot boat.

That these examples were offered as “middle class” says a good deal about the elasticity of that term in American usage (Patty Hearst was told by her parents that their family was “upper middle class”) and about the assumptions of journalism concerning the shape of American society. If, in fact, the middle class is defined economically as the center 60 percent in family income, excluding both a top fifth and a bottom fifth, then the *Post*’s Turkish immigrant was well into the upper class, and even the *Times*’s California family fitted into the upper fringe of the middle class. According to recent government figures, (1974 income) only the top 5 percent of families receive more than \$32,000 a year; only the top tenth earn more than \$25,000. The median (half above, half below) stands at less than \$13,000.

Yet it is in the likeness of the upper-income groups that journalism for the most part creates its images of middle-class life in America. *Time* in its September 6 issue, discussing the effect of the middle-class vote on the national election, characteristically agglomerates the middle and the upper class, thus:

Sociologists and demographers can debate forever just where the boundaries of this huge middle class fall. Some experts feel that fully 75% of all Americans are now middle- or upper-class. With its growing affluence, the American middle class prac-

Steve Slade is the program director of radio station WBUR, in Boston.

tice a life-style that not so long ago was the preserve of the wealthy: skiing, boating, vacations abroad, tennis — and even divorce.

Time asserts that “the vast American middle class . . . is well off by any standard and hopes to go on bettering its lot.”

The equation of the middle class with those touched by affluence is so taken for granted that it may usually escape the casual reader. Who would note, for example, a *Christian Science Monitor* story of July 24, 1974, about how middle-income families coped with inflation? The families included one earning \$26,000 a year, a retired couple that had earned \$20,000 annually and now lived in a paid-for “spacious home in a fashionable suburb,” and, finally, a stockbroker whose income had dropped by \$12,000, forcing him to do without steaks and to dip into his savings. Yet all three families had above-median income.

Examples abound. In November 1975 *The New York Times* carried a story on the squeeze on “middle-income homeowners.” The homes were valued at \$79,000, \$57,000, \$56,000, and \$38,000; only the last fell below the national average price tag for a new home, \$43,000. A July 29, 1976, *Times* article on home-sales taxes addressed itself to the “average American wage-earner” and then cited houses worth \$80,000, \$60,000, \$50,000; it is estimated that only a third of American families can afford even an average-priced new home. A January 1976 piece in the *Times* on the “black middle class” exodus to white suburbia used the term “middle class” ten times to describe examples who appeared clearly to be upper-middle-class professionals. Almost comically, the *Washington Post*’s special Sunday magazine for July 4, 1976, labeled chic Georgetown a “middle-class neighborhood.”

The image of an upper-middle-class prosperity permeates the pages of the press; journalists assume widespread wealth and broad sharing of upper-middle-class goodies. The *Times* ran a 1970 story about leisure that asserted that the new Boeing 747 jet would allow “the increasingly affluent consumer” to “easily substitute long weekends in Europe and South America for similar trips of just a few hundred miles.” Even

in the mid-1970s, it should be noted, only half the population had ever flown and those who did so often for pleasure were the few who could afford it. A February 1976 *Times* report on swimming pools in California found that pools “sometimes seem as common as backyards.” Not really; the article also reports only 250,000 pools among more than four million southern California families.

Journalists also imply widely shared wealth in their appraisals of life-styles. Lou Cannon wrote of Ronald Reagan’s “modest ranch house” in the July 4 *Washington Post*; somehow 667 acres and a \$540,000 price tag implied otherwise. A July 2 *Post* article described a \$10,000 Pace Arrow camper as “modest.” The July 25 *Times* found Senator Walter F. Mondale’s financial assets “modest” although he earns or owns more than do 90 percent of Americans. President Ford too was hailed for his “modest” life-style — which happens to include a Vail vacation home, designer clothing for Betty Ford, and boarding schools for Susan.

“Modest” depends on the beholder and journalists clearly view wealth from

An article on divorce began by wondering who gets the Porsche and who gets the wine cellar

the point of view of those well-off. Bureau of Labor Statistics figures showed journalists at major metropolitan newspapers earned a median salary of \$15,000 in 1972, but pay for many reporters and editors at such newspapers as the *Times* and the *Post* is well in excess of \$25,000 a year. Television journalists in turn may regard such pay as skimpy. By income, education, and social status, journalists at major media outlets have become increasingly upper middle class. The result, as Michael Novak has noted, is that “national journalists tend to lose touch with the daily economic hardships of a majority of the American people.”

The skewed image of American society is reinforced by the disproportionate

attention journalists pay to their own class. A July 3 *Times* article on watching the tall ships seemed to assume that almost everyone had an apartment with a view overlooking the water; examples reported included a film critic, a psychotherapist, and other professionals. Penthouses and terraces abounded, although “some West Siders are escaping to their country houses.” A July 18 *Post* article on divorce began by wondering who gets the Porsche and who gets the wine cellar. The *Times* ran stories for a week late in July and early in August on the Paris fashion shows; yet, as you would find out in the August 8 business section, there are only about 3,000 clients for haute couture. In the May 24 *Village Voice* (itself now a purveyor of upper-middle-class pleasures), Phil Tracy noted the *Times*’s alarm over a maintenance-worker strike that affected, for the most part, expensive apartment buildings; his story carried the headline STOP THE PRESSES! THE RICH ARE INCONVENIENCED. Even coverage of murders, as Clinton Cox trenchantly pointed out in [*More*], is biased toward the upper middle class.

Those who can afford the pheasant, the house of the week, the jet vacation, thus not only receive the benefit of greater attention from journalism, but are held up as typical. By extension, the country at large is seen to share the blessings of those described by pollster-psychologist Daniel Yankelovich, who found that “those who are most at ease with society today, the most pleased with their work, gratified with their income, and content with their own personal lives, are the upper-middle-class families that occupy the leading professional, managerial, and technical positions.” No surprise there.

What is surprising is that the comforts and happiness of the upper middle class are protected and promoted by journalists, whose avowed role has been to comfort the afflicted and to afflict the comfortable. Like Patty Hearst’s parents, many journalists equate upper middle classness with being just folks. Like others of their class, such journalists assume that they are near the middle of the socioeconomic scale. It is time for them to recognize that they have joined the upper crust. ■

NATIONAL NOTES

Reporter power lives — in Iowa

BURLINGTON, IOWA

In 1970 Edwin Diamond, writing in the *Review*, predicted a “revolution in the newsroom,” with reporters winning a voice in management, in news policy, even in hiring and firing. Two years later there seemed to be a movement in that direction, often referred to with such phrases as “reporter power” or “democracy in the newsroom.” In 1972 it was John McCormally, the editor and publisher of the Burlington, Iowa, *Hawk Eye*, who gave the phrases some reality by announcing that he was giving his staff veto power over his selection of a new managing editor.

Now, four years later, the reporter power “movement” seems little more than a memory. But in Burlington, at *The Hawk Eye* (1975 circulation: 20,533), managing editor Jim Hitch sits down every day with the staff that didn’t veto him and puts out a paper. “Revolution in the newsroom” can claim at least one small victory.

Hitch himself is a reticent revolutionary. “‘Democracy in the newsroom’ is a misnomer,” he insists. “We don’t stop and vote on everything. If we did, we’d never get anything done.”

Police reporter Mike Sweet disagrees. “I put democracy with freedom,” he says. “And we have our share of it here.”

That share includes what Sweet calls the “unlimited ability” of any staffer — not just reporters and editors — to express opinions in a by-lined column on the editorial page. The columns, called “Hawkitems,” run irregularly. For a couple of years after McCormally started them in the early 1970s, there was one every day. Some quarrel with the paper’s own editorials, which McCormally usually writes.

During the Watergate era, for example, McCormally editorially attacked Nixon and called for his ouster. Sunday editor Bob Wilson recalls that “Mac asked anybody who wanted to defend Nixon to write.” Wilson wrote a few moderate pieces in defense of the president, as did others.

“I don’t recall any time that anybody’s effort has been rejected,” McCormally says. “We lost our house Republican a year ago. He used to write very readable columns defending Nixon and ripping my ass off for abusing him. I’d like to have more of it.”

For one thing, the publisher says, the expression of a diversity of views “does a lot of good” with readers, assuring them that a monopoly need not be a monolith. It does a lot of good, too, with the staff. “The more freedom you give ’em, the less they demand,” he says, adding quickly, “I didn’t have that devious motive.”

Even editorial policy, which is beyond challenge or influence by reporters at most newspapers, is fair game at *The Hawk Eye*. In 1974, for example, McCormally was ready to endorse Democrat James Schaben for governor. The staff objected. After considerable debate (“We get in some hellish arguments,” Hitch says) the incumbent Republican, Robert Ray, was endorsed. McCormally used his own column, “Memo from Mac,” to register his own preference for Schaben.

At endorsement time this year, Hitch says, he, McCormally, and “anybody else who wants to be involved” will make the choices. During the city council race last year, “As a newsroom, we sat down and decided who we wanted,” he recalls. (In national politics, McCormally may have been the first editor in the country to endorse Jimmy Carter—in a December 1975 “Memo.”)

The same openness that applied to Hitch’s hiring now extends to others.

The last time a reporting vacancy occurred, Hitch invited staffers to sit in on the interviews. Few took him up on the offer. He plans to do the same when the next vacancy is filled.

One of the major goals of the “reporter power” movement was a voice in the coverage of the news, a role for reporters in deciding what to cover, what to write and, equally important, what not to write. Burlington’s five reporters have that, too, say Sweet, city-hall reporter Bill Mertens, and schools reporter Pete Thompson.

“We tell them, ‘You’re the expert. If you think it should be covered, cover it. If not, don’t,’” says Hitch. “If we think they’ve missed something, we’ll sit down and talk about it. Nine times out of ten, they’ll agree.” The tenth time, Hitch admits, democracy reaches its limit: he tells the reporter to cover it anyway.

Mertens, for example, says he may decide on his own that some city board meeting just isn’t worth covering. Or he may go, but write nothing. “One of the freedoms that’s important is for a reporter to cover a meeting and decide there’s nothing worth writing,” Hitch agrees.

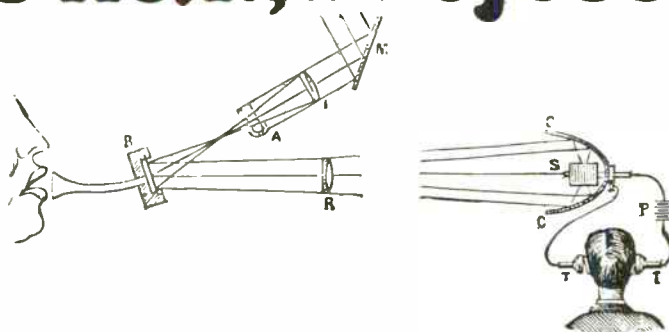
But staff members are quick to point out that *The Hawk Eye* is no communal paradise. Hours are long; pay is low (Mertens, the top reporter, makes \$226 a week). Nor has the success of the “revolution” brought New Journalism to the paper. The writing is usually plain, often dull. (“An era will end next year when Mark Driftmier, Burlington’s ‘Mr. Water,’ steps down as superintendent of the Municipal waterworks.”)

Nevertheless, in both 1974 and 1975, *The Hawk Eye* was named the Iowa Press Association’s “Newspaper of the Year.” The paper isn’t that good now, McCormally admits, because of cutbacks in staff and news hole, but he

continued on page 35

One of a series of reports on the first hundred years of the telephone.

What's next, Professor Bell?



The photophone transmitted voices on a beam of light in 1880.



Alexander Graham Bell

“The greatest invention I have ever made; greater than the telephone.” That’s how Alexander Graham Bell rated his photophone, patented four years after the telephone, to transmit conversations on a beam of light. (Photophone = light-sound.) He actually demonstrated lightwave transmission of voices, but it would be nearly a century before it would become a practical reality.

The photophone was one of many ideas Bell proposed to improve the usefulness of his basic invention. Working with him on improvements were his assistants Thomas A. Watson, who received the world’s first telephone call on March 10, 1876, and Charles S. Tainter. The sort of work they did would be called today “research and development”.

Bell envisaged a telephone network linking the cities of the nation and eventually the whole world. But a voice could travel only a limited distance over a wire before it

weakened and became inaudible. So the first phones depended heavily on lung power. It is no coincidence that we speak of telephone “calls”, or that the word “hello”, the standard greeting in phone conversations, is kin to “holler”.

For years many people looked for a way to make a voice reach from coast to coast, including engineers of the American Telephone and Telegraph Company (the parent company of the Bell System), and its manufacturing and supply arm, the Western Electric Company. Some telephone people were much interested by a paper read to the American Institute of Electrical Engineers on October 20, 1906, by Dr. Lee de Forest.

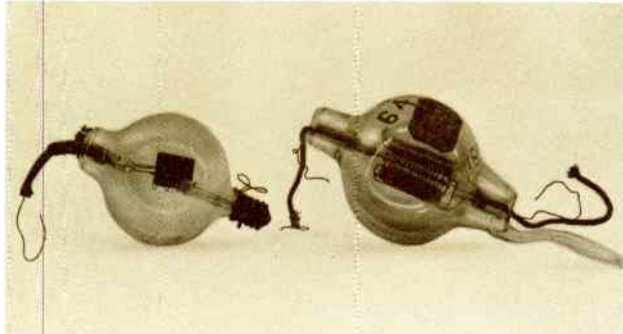


In 1886 this special telephone set was used for long distance calls.

The paper described de Forest’s new “audion” tube, a version of the vacuum tube used at that time in radio receiving sets. Basic theory told de Forest that his invention should detect *and amplify* tiny electric currents, such as those coming over the telephone

wire. But his early models failed at amplification. He continued working on his own. And telephone engineers pursued other solutions.

By 1912 de Forest was ready to demonstrate an improved audion that did operate as an amplifier, although imperfectly. In the group of telephone people assembled for one of de Forest's demonstra-



Lee de Forest's audion and an improved version developed by H. D. Arnold for long distance telephony.

tions was Harold D. Arnold, 29, a brilliant physicist hired the year before. Arnold identified at once the audion's major problem: the vacuum pump de Forest was using left too much air inside the tube, with the result that its performance was erratic and unpredictable. As a consequence of financial support by AT&T of the Bell System's research and development program, Arnold could obtain the newest pumping equipment and achieve a much higher vacuum, and within a year he had the amplifier needed. AT&T and Western Electric engineers made further circuit changes needed for telephony, AT&T management arranged for manufacture under de Forest's basic patent, and the amplifier went into production. On January 25, 1915, Bell in New York repeated to Watson in San Francisco his famous words, "Mr. Watson, come here. I want to see you."

As the telecommunications industry

grew, the vacuum tube was improved many times, but by the 1940s it was reaching its inherent limitations. Scientists at Bell Laboratories saw promise in a class of materials called semiconductors. From their carefully thought-out search came the discovery in 1947 of the transistor effect—the amplification and control of the flow of electrons in a solid material. Again the enormous problems of putting the discovery into practical form were far more quickly and expertly solved by collaboration between people at Bell Labs and Western Electric than could ever have been the case otherwise.

The story of the search for ways to strengthen telephone voices shows, in a rather simple way, many of the elements of the Bell System's research and development effort as it is carried on today: A perceived need in telephone operations. Corporate management that emphasizes service improvement. A commitment to exploration in relevant areas of basic science. A development effort, adequately funded, to move from discovery to practical use. Free exchange of information among people in



H. D. Arnold

research, development and manufacturing. And finally use of the discovery in equipment or a product to meet the need originally perceived. That final stage is what gives a laboratory discovery the right to be truly called an "innovation". And the expectation that applicable new knowledge will be used in the Bell System makes it possible to commit each year the millions of

dollars necessary to search for it.

The amplifier story has an extra dimension, the use of innovations in many fields outside telephony. That is true of much Bell System research and development. It is corporate policy to publish new findings, to make new technology available to other companies through licensing arrangements, and to exchange technology with others. Vacuum tubes made possible radio-telephones, television broadcasting, improved phonographs and sound motion pictures. Scientists and engineers working for the Bell System made many contributions to all these innovations and the new industries that sprang from them. But the main objective of their investigations has been the improvement of the nation's telecommunications network and the myriad of services it provides.

The transistor, in its turn, gave birth to the whole new industry of solid-state electronics. It made practical such developments as the large-capacity computer for data processing, high-speed transmission of data between computers, space travel and communications via space satellites. Most important for the ordinary telephone user, the transistor made possible a new generation of switching machines for routing calls to their destinations—machines controlled by instructions stored in changeable memories. These electronic switching systems, now being installed, are many times faster than the best electromechanical systems. They provide enormously increased capacity and flexibility to meet the growth needs of the 1980s.

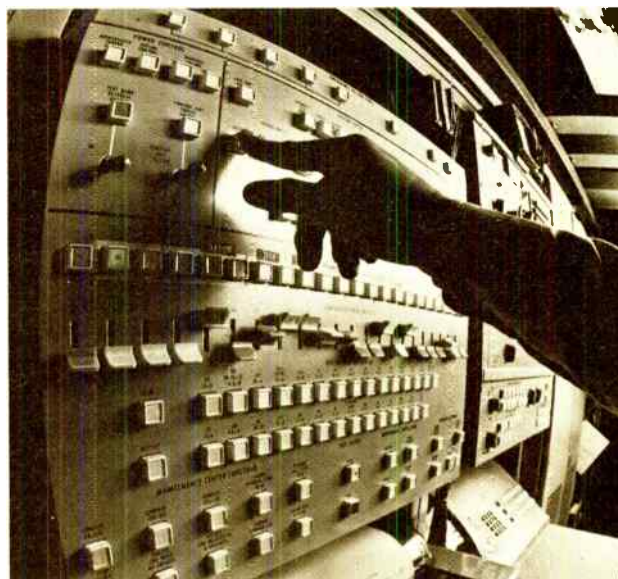
It is characteristic of a technologically

oriented industry that technology must be prepared in anticipation of needs. The search requires a huge investment, both of time and money. And success depends on careful planning and close coordination of effort, in a process that runs from basic scientific exploration through fundamental development work, specific design, manufacturing capability, distribution and delivery to the ultimate consumer. For many industries, including telecommunications, the process also includes activities in maintenance, servicing and operation.

In the Bell System, that process involves twenty-three regional operating companies, plus Bell Labs, Western Electric



The transistor was invented at Bell Labs in 1947. Today, thousands of transistors can be made on one tiny integrated circuit chip.



Electronic switching systems, now in wide use, provide high speed and flexibility for the nation's telecommunications needs.

and the Long Lines Department. All these parts share one goal: to provide telecommunications services at the lowest possible cost to everyone.

Such cooperation produces results.

According to the June 28, 1976, issue of *Business Week*:

By almost any measure, Bell Labs has contributed more to the telecommunications industry and more to the U.S. economy than any other research establishment....A major part of Bell Labs' charter is to keep well ahead in technology so that no significant development applicable to telecommunications will be unavailable to the Bell System. The bargaining power made available through extensive patent holdings gives AT&T ready access to the inventions of others when the company needs them.

Since 1925, the people at Bell Labs and Western Electric have received more than 24,000 U.S. patents, which have been made widely available to all of U.S. industry and the world.

Bell System research and development work is well underway on new communications technologies to meet the needs of telephone service in the future. For example, Bell scientists and engineers are now working on a practical way to use lightwaves for communications. They have already developed pinpoint light sources—light-emitting diodes, and lasers no larger than a grain of sand. (Both projects benefited from earlier Bell research on semiconductors.) To carry



Lightwave communications technology, now being tested, uses new solid-state light sources and glass fibers to transmit phone calls.

light around corners, or under city streets, they are using tiny strands of ultra-transparent glass called "lightguides." Right now an experimental lightwave communications system is being tested by Bell Labs and Western Electric engineers in Atlanta. Light and glass may one day join electricity and copper wire in the nationwide telecommunications network, and we may in fact "talk by light". Those are Alexander Graham Bell's words, describing his photophone.

One Bell System. It works.



Bell System

continued from page 30

foresees improvements in both within a year.

The most interesting question about the unusually high degree of staff participation at *The Hawk Eye* is why it happened at all. The answer is that the innovations at the Burlington paper, almost without exception, have been imposed from above, by John McCormally, who is not an ordinary publisher. By the testimony of his staff, he is more politically liberal than most. He is also a better newspaperman. Under his editorship, *The Hutchinson News*, in Kansas, flagship of the Harris Group, which owns *The Hawk Eye*, won a Pulitzer Prize for public service in 1965. His column consistently offers the best writing in the paper.

While some of his attitudes are pure publisher ("One of the greatest contributors to editorial freedom is solvency"), others are not. "I've been in the pan more than once on the ground that we're not making enough money and I'm too controversial," he says. One of his favorite lines about his bosses — understandably not relished, he says, at corporate headquarters — is, "My key to survival is that I try to play their pride off against their greed."

"Like any boss, he can be a pain in the ass," Hitch says. "And he can be a plus, too. Whatever we are and however we operate, it's because of the kind of publisher we have."

Back in 1972, McCormally wrote about his unusual policies in *The Bulletin of the American Society of Newspaper Editors* for the benefit of his skeptical peers. His conclusion seems as good as any: "Should you do it? I have no recommendation to make. I can hear the critics snort that I must have a safe and docile staff, well-insulated from the activist virus of the bigger towns. But if you're scared of your staff, isn't it time you do a little thinking about it? And figure out your own answer."

George Kennedy

A shot in the arm for the First Amendment

WINCHESTER, TENN.

When an aggressive reporter-photographer for the weekly Winchester *Herald-Chronicle* set out to take pictures of a burning barn, he had no reason to suspect that he would end up with a bullet in his shoulder — or that his case would end in an unexpected judicial affirmation of the constitutional right to gather news.

The shooting incident took place on June 27, 1975, when reporter David



Reporter David Pace is wheeled into a Tullahoma, Tennessee hospital after being shot by an irate poultry farmer.

Pace tried to photograph the ruins of Herschel Schultz's barn from an adjacent public road. Schultz, distraught at the fifth suspicious fire on his poultry farm within three years, was concerned that any further publicity would result in the loss of his fire insurance. And he especially didn't want David Pace to be writing the story and taking the pictures, because the twenty-seven-year-old reporter had earlier reported on the involvement of Schultz — a local magis-

trate — with a scandal in the county highway department.

But Pace was determined not to leave without his pictures. After an exchange of words, Schultz emptied a .25 caliber pistol in Pace's direction, hitting him once in the shoulder before returning to his car for more firepower — a shotgun. Pace hurriedly drove away, and later was taken to a hospital, where he was treated and released. Schultz was arrested and charged with assault with a deadly weapon. But the local grand jury, packed with Schultz's friends and relatives, twice refused to indict him.

Disheartened, Pace left the paper and the state, moving to Florida. But he sued in federal court in Nashville for \$35,000 damages, and on July 21, 1976, the case went to trial before a jury chosen from outside Franklin County, scene of the shooting.

Pace had the good fortune to draw a judge, Charles Neese, who was no stranger to journalism. Neese had worked his way through college as a stringer while serving as editor of the campus paper and, after graduating from law school, had worked his way up from staff writer to night manager of the U.P.I. office in New Orleans before taking up law full-time.

After two days of testimony, the bench summed up the evidence and charged the jury by saying, "The Constitution of our country guarantees that we will have freedom of the press. This guarantee permits newspaper reporters to gather and publish the news. . . .

"Mr. Pace had the right to inquire into the facts of this fire on the Schultz property, and he, as well as everyone else, had a right to be on the public road in front of the Schultz property. . . . Mr. Schultz's ordinary right to privacy and seclusion was interrupted when he became unwittingly a central character in this occurrence of general public interest. Under those circumstances, Mr. Schultz was not authorized to

undertake to prevent Mr. Pace from reporting the news of this event or to take photographs in that connection from a public road, of Mr. Schultz's barn and property and the police bloodhounds being used there."

The jury of four men and two women deliberated less than three hours before deciding to award Pace \$5,000 — \$1,000 in compensation for the flesh wound he received, and \$4,000 in punitive damages. Schultz paid the money on the spot.

Mark Pinsky

Maine Times — muckraker by default

TOPSHAM, MAINE

Richard N. Berry, a six-term Republican state senator and onetime majority floor leader, applied in 1975 to the state public-utilities commission for a rate increase for the Rangeley Power Company, a small utility in which he held a majority interest. The results were unexpected. Under cross-examination by P.U.C. officials and customers opposed to the rate increase, it was revealed that Berry had:

- Voted himself stock dividends while the company was lurching into debt;
- Drawn interest-free cash loans without the required P.U.C. permission;
- Steered the company into an equipment-leasing contract with a firm owned by his sons' wives;
- Pulled down more than \$50,000 a year in salary and consulting fees from Rangeley and four other small utilities he owned (he has since sold two), despite spending much of his time in the legislature.

Subsequent investigation by the P.U.C. turned up records indicating that

George Kennedy teaches at the University of Missouri's School of Journalism. Mark Pinsky is a journalist in Durham, North Carolina. Myron W. Levin is a free-lance writer in Biddeford, Maine.

Berry's political contributions, liquor and grocery bills, apartment rental, horse-race betting tickets, and even a speeding fine had all been reimbursed by his utilities.

Berry's management practices certainly had all the earmarks of a major story. But none of Maine's eight daily newspapers or capital wire-service bureaus apparently thought it worth publication. It was left to the *Maine Times*, a feisty, eight-year-old weekly, to break the story. For its trouble, the little (18,600 circulation) paper and three of its staff members have been slapped with a \$5-million libel suit by Berry. Although managing editor Peter Cox professes little concern about the suit (the newspaper is covered by a \$1,000-deductible libel-insurance policy), he worries about libel cases brought on a contingency basis by unscrupulous law-



Peter Cox, *Maine Times* managing editor

yers and clients that may ultimately be thrown out of court, but which still cost that \$1,000 deductible payment.

During its eight-year history, the *Maine Times* has developed a reputation for going after stories that the daily press can't tackle because of time or institutional constraints. "We get tips from other reporters fairly regularly," says the reporter who wrote the Berry story, Phyllis Austin.

It was just such a tip that led her to the Berry story. After learning from several sources that Berry was in trouble, A.P.

reporter Maureen Connolly went back over a transcript of Berry's rate-increase hearing. She left convinced there was a major story buried in the transcripts, but she didn't feel she had the time or could devote the effort to the story for the A.P., so she turned the story over to Austin. About the same time, Austin learned that John S. Day, chief of the Bangor *Daily News's* statehouse bureau, also knew about the story. Austin appealed to Day to hold back so she could break the story first — and Day agreed.

Two months later, the *Maine Times* came out with its first story, which it continued to follow through the rest of 1975 and well into this year as the P.U.C. continued to probe Berry's business practices — practices that included "donating" \$50 from one of his utilities to help send a young man to a Washington meeting of the Young Americans for Freedom, and reimbursing himself for buying Republican fund-raising dinner tickets. Describing such reimbursements as "preposterous and illegal," the P.U.C., on a split vote, asked the Maine attorney general to consider bringing contempt charges and civil actions against Berry.

Not until the latter part of the eighteen-month story did the Maine daily press begin to get interested. And the dailies did not really jump until Berry sued the *Maine Times*.

And while managing editor Cox says he is not concerned about the impact of the suit on the *Maine Times*, he is worried about its chilling effect on the already timid dailies. One daily's managing editor already admits that the suit could affect his paper's future coverage of Berry, "if only subconsciously."

"It's easy to say, 'By God, this isn't going to intimidate me,'" says John Goodwin, managing editor of the *Bath-Brunswick Times Record*. "But it's out there. It's the beast in the forest and you can't just ignore it."

Myron W. Levin

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On being an 'unrealistic'

Why television's view of itself and the world cannot be accepted on its own terms

by MICHAEL J. ARLEN

My approaches to television represent one writer's attempts to get around what seem to be the chief obstacles in the way of writing usefully about contemporary television: that is, how to take the overall subject seriously, when the content of individual programs or performances belies seriousness? How to write about American television as part of American life, without being so practical or professional that one never sees beyond the imperatives of the television industry? This last matter has been the most troublesome, and I note — with no perverse satisfaction at all — that the most frequent comment my essays (especially on the subject of news) have received from people within the television industry has been that they are "unrealistic." I think I understand the comment, though I also think that it is wrong and in a way indicates the nature of the problem that faces not merely critics but viewers. At the source of the disagreement, if one might call it that, is the supposition — advanced generally by the television industry — that commercial television somehow is a willing, or at least a neutral, servant of the public. Thus, the world view or life view expressed by television is bound to be "realistic," according to conventional notions of reality, or else — as runs an argument which was advanced for many years, until the consumer revolution, by American manufacturers — the public would not accept it; and any challenges to these expressions of so-called conventional reality are thereby "unrealistic."

It seems to me that there are two key flaws to this supposition. The deepest of these has to do with the fact that surely one of the most visible lessons taught by the twentieth century has been the existence, not so much of a number of different realities, but of a number of different lenses with which to see the same reality. Consider: America is primarily an industrial and business-oriented nation, and businessmen are said to be mainly concerned with matters of profit, trade, financial stability, and so forth; such concerns, one might say, represent the conventional reality of a major segment of the country. For roughly the past ten years, however — a period dominated by the Vietnam war — the lenses through which so many Americans scanned

the landscape of their nation and the world proved to be so shortsighted and out of focus that tens of thousands of American lives were lost in Asia, apparently to no purpose, and a poisonous and highly unstable division was allowed to appear in American life, such as had not been seen since the Civil War; and on top of that, as a result of the inflationary armament expenditures under two presidents, the once-vaunted American economy was seriously weakened and was propelled into a decline from which it is only now allegedly beginning to emerge, albeit with immense intervening loss of jobs, loss of profits, and loss of the domestic social legislation which might have made the underpinnings of a mercantile nation more secure.

Television was only one of the lenses through which Americans were offered a view of this supposed "reality" of Vietnam, but I think many people are agreed that, in its commissions and omissions, it was a crucial view. In short, the television cameras helped America march into Vietnam in the middle 1960s, and attended each evening, year after year, while America marched farther in, and farther in, and *farther* in. . . . And then suddenly, or so it appeared, with the national spirit in shambles, and the national economy already beginning to collapse, and with the war nowhere nearer to being won than it had ever been, television — aligning itself with, and so authoritatively expressing, a new shift in conventional reality — now told its public that the war was wasteful and ill-advised (save, temporarily, for the prisoner-of-war issue, which was soon forgotten), and, by implication, that it had been of no importance. With one or two minor exceptions, at no time during the period of the major American involvement in Vietnam did the television networks employ their vast financial resources in an honest attempt to discover the actual reality of the Vietnam situation. Even in the fading reign of an American president, Lyndon B. Johnson (whose own political insecurity was such that he virtually resigned from office — at least from a second term — as the result of antiwar protest), at no time did the networks appear willing to encourage even their own correspondents in pursuing an independent, and perhaps "unrealistic," course in charting the strange and deadly geography of the war. In such a fashion, during a crucial, communications-dominated period of American history, was "reality" presented to the American public.

One difficulty, then, that I have had in accepting television's view of its performance is not that it serves a mass audience but that it serves this audience so badly. To whose benefit, after all, was the reporterlike promotion and acquiescence in a lengthy war which gained no objective and which seriously undermined (among other things) even the mercantile basis of a mercantile nation? When, in 1967–68, the networks glamorized the air-bombing of North Vietnam while noticeably refraining from following up reports (as well as stories published in reliable journals) of the wasteful and pointless destruction of South Vietnamese land and life

Michael J. Arlen writes about television for The New Yorker. This article is excerpted from the introduction to a collection of his writing, The View from Highway 1. Copyright © 1974, 1975, 1976 by Michael J. Arlen. By permission of Farrar, Straus & Giroux, Inc.

TV critic

that was then taking place as a result of American military policy, in what way could such a glimpse of the war be said to have been viewed through a "realistic" lens, and who gained by it? Surely not the mass audience (many among whom lost their sons and, later, their jobs), which the commercial television establishment has been in the habit of exploiting by professing to regard the public's silent acceptance of triviality and trivialization as if this were the same thing as an enthusiasm or appetite for the second-rate, and, indeed, by constantly asserting the very notion that a homogeneous, monolithic mass of the public somewhere exists, when it has become abundantly clear that, despite the pressures of national advertising, the populace continues to be composed of innumerable regional, political, and ethnic groupings whose definition is at least as vivid as that of any abstract "mass."

For the second flaw in the argument on behalf of American television's intrinsically "real" or benign basis in American life has to do with the television industry's own shortsighted and delusive relationship with the public. Here the allegation persists that commercial television exists as a kind of neutral provider of "what the public wants," whether it be entertainment, sports, news, or advertising: a sturdily profit-minded storekeeper who would as gladly furnish marmalade as motorcars, who would as

soon display a Dürer woodcut, or a bowl of Jell-O, or a comedy series about a talking horse, depending only on the public's preference — a preference increasingly determined by the taking of polls and "samplings." It seems to me that there are several rejoinders that can be made to such an important assertion, though admittedly none of them is likely to be entirely satisfactory in an age which shies from making intuitive judgments, even on deeply felt issues, unless accompanied or transformed by scientific-like evidence.

Even so, speaking of science, it seems to run markedly counter to one of the principal laws of modern physics (to say nothing of plain reason) to insist that an institution is, so to speak, what it says it is. Since the formulation of Einstein's special theory of relativity, the world has had to accept the notion that the position of any object is relative to the position of the observer. In this case, one might say that the American television industry is the "object," and that the position it claims for itself is that of a neutral provider of entertainment, information, and advertising. And, clearly, this simply cannot generally or necessarily be so. That is, for each viewer there is bound to be a different, and sometimes a very different, relationship with television, and more importantly: in a majority of instances the position or role of television has increasingly become that of an authority. In recent years, to be sure, there have been attempts by various observers to play down television's authoritarian



'The television set transmits its version of our Yeas and its version of their rebuttal: our Nays

*"Video Buddha,"
by Nam June Paik.
Courtesy of the artist*

Mary Lucier

role, with one writer, in a popular disclaimer, characterizing television as being merely “another utility, like the telephone.” Aside from the fact that the utilities are not notably alike or neutral even in *their* roles, this cozy, matter-of-fact view of television seems disingenuous. Statistical-minded journalists, I know, have shown that despite the expenditure of x amount of money for y minutes of air time, a certain candidate has still not been elected to public office, but to argue from this that television is non-authoritarian in its influence seems to me to be countering one simplistic view with another. Television, to take one example, seems indubitably authoritarian in the position it has assumed in this country (as in most) of delegating *to itself* the majority as well as the minority expressions of politics, culture, or even sensibility in the nation. The television set transmits *its* version of our Yeas and *its* version of their rebuttal: our Nays. It seems fair to say that while some writers in the past have overstated the demonological implications of television’s role, this most definitely does not rule out the larger fact that television *does* have a role and that it is virtually impossible for this role to be matter-of-fact or neutral.

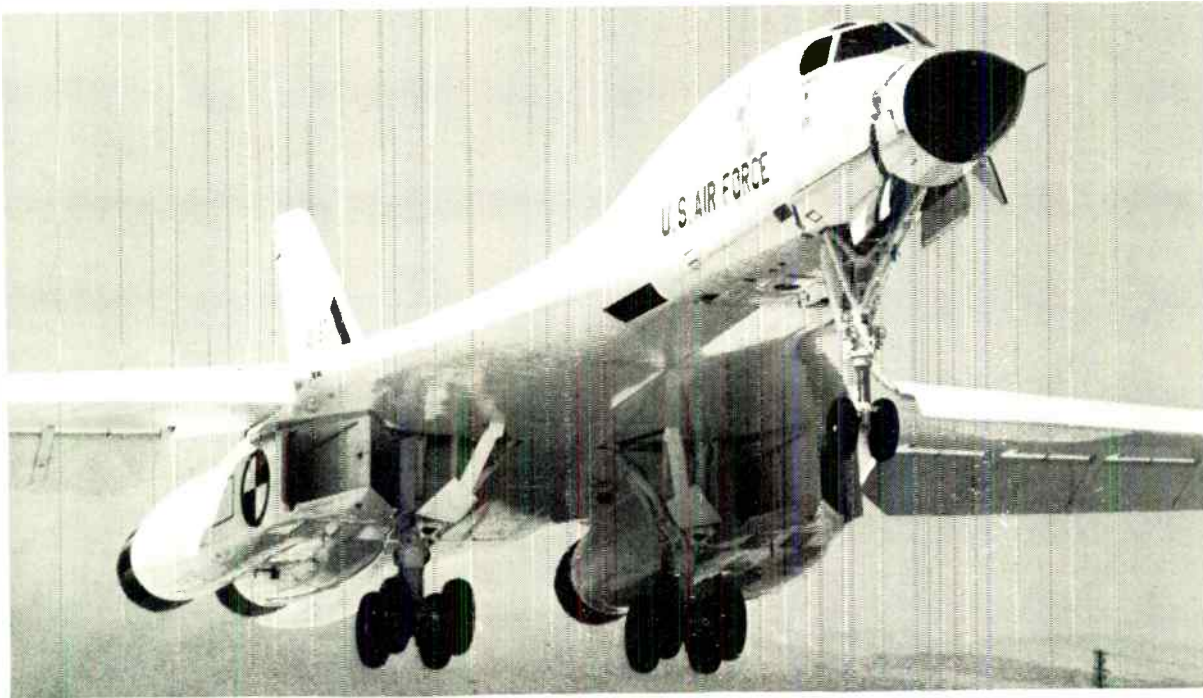
But whenever a critic, armed not only with the evidence of his eyes and ears but with a passing, school-text acquaintance with the laws of nature, points out that television, despite its pronouncements as to its own fixed position, is certain to be in a variable and dynamic (rather than passive) relationship with its viewers, what usually happens is that a member of the television elite announces that, though a certain dynamism may well exist, this dynamism is rigorously shaped and even controlled by the viewer himself. Thus, television managers, it is said, far from being arbitrary or self-serving autocrats, disseminate their broadcast messages at the mercy of the polls, and consequently of the public.

This is a trickier terrain for a critic to maintain his footing upon, for the recent generation, while perhaps being less scientifically creative than its immediate predecessors, has nonetheless advanced the new technics of measurement to their greatest heights. We have measured the speed of the electron and the distance between ourselves and Betelgeuse; why should it be so implausible that one might measure the preference of a man for eggs or apples? Common sense is usually a help in these matters, and common sense here at least tells one that, given the complexity of the human brain, one cannot merely ask someone what he or she wants, and then give it to them, and then, having given it to them, count on having done very much by the overall possibilities. This is perhaps a corollary of what might be called the *Moby Dick* theory: namely, if a reader cannot, in advance, conceive of *Moby Dick* on his own, how should he ask the culture somehow to provide such a work? It also strikes me that maybe the distant voice of another great physicist, Werner Heisenberg, has something to communicate in this regard, though admittedly less by the intended application of his equations than through a more philosophic inference that might be drawn from some of them. For it was Heisenberg who in 1927 formulated the influential uncertainty principle, which has to do not so

much with states of mind as with the behavior of subatomic particles and the uncertainty — even employing the best measuring devices imaginable — with which they can be effectively measured. In essence, the uncertainty principle states that it is impossible to “specify or determine simultaneously” both the position and the velocity of a particle with full accuracy, and from this it goes on to declare that even the act of measuring these tiny elements of the universe inevitably alters their disposition and behavior: that is, one cannot ever ascertain their exact position because the very act of observation or examination invariably will change the pattern. What is true for subatomic particles admittedly may not be precisely true for humans, though often it seems that there is a general consistency in nature which envelops some unlikely components. One of the distant messages of Werner Heisenberg, then (or so it seems to me), is one of *modesty*: the need for a certain reserve or caution in asserting the exactitude and meaning of certain measurements — for example, of units as volatile and complicated as exist within the minds of men and women. As perhaps too glib or early a confirmation of this conjecture, I noticed, in the course of the much-troubled and much-measured 1975–76 television season, a report by *The New York Times*’s television reporter Les Brown which commented not merely on a sudden, unexpected drop in the public’s viewing hours but also on a new disparity which seemed to be appearing between the responses the public was making to the attempts to measure what is liked to watch or wished to watch — and what, in fact, it actually did watch, or not watch, in the relative privacy of its homes.

Even so, for all the marshaling this way or that way of supposedly factual argument, in the end the point seems to be that ours is predominantly a moral society — whether conforming to the physical laws of Copernicus, Newton, or Einstein, and whether disagreeing among ourselves, or with other societies, as to the precise nature of desirable morality — and that, at present, the tension of American television with — or, one might say, against — American society is primarily a moral tension: a conflict of competing moral views of life and of its possibilities. On the one hand, armed with vast, concentrated resources of power and organization, and clutching official-looking certificates insisting that it is really the *servant* of the people, stands the television industry, motivated and shaped by the well-ordered and articulated morality of business, with its short-term, close-focused, tidy dynamism of annual sales and growth and profits. On the other hand stands, or rather sprawls, the public — that untidy multitude that lurks behind the “mass” — with scant organization, a most diffuse and unrealized power, and not so much armed with, as often merely occupied by, a far vaguer, longer-term morality of human existence: that most bewildered, and perhaps most noble, dream of living through one’s life as if it mattered. The critic, I think, must choose his own place on this new terrain, and must learn to speak of television as if it were part not only of a world of facts and measurements but of a larger, changing world of untold possibilities — not the least of which would be for it to truly serve its audience. In other words, he should speak of television as if it mattered. ■

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— Jerry Wurf, President
American Federation of State,
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American Federation of State, County, and Municipal Employees, 1625 L Street, N.W., Washington, D.C. 20036 Jerry Wurf, President William Lucy, Secretary-Treasurer.

The San Francisco Bay

A brash alternative paper finds itself playing the heavy in a divisive strike

by ROGER M. WILLIAMS

On most days, the picket line outside *The San Francisco Bay Guardian* looks as youthful and relaxed as a group of college students proselytizing for an obscure Far Eastern religion. Picket signs lean idly against the building while the strikers loll at a card table in the warm September sun. The appearances are deceiving, for the *Guardian* strike, the longest in San Francisco newspaper history, is a bitter one. Three months after it began, on June 15, the opposing sides remained so deadlocked on issues of job security that another negotiating session was not even in sight.

The strike's significance goes far beyond the Bay area. This is only the second time A.F.L.—C.I.O. unions have attempted to organize a publication of the so-called alternative press, and the first time they have met serious opposition or called a strike. (The Los Angeles *Free Press* was organized by The Newspaper Guild in 1972, but the unit collapsed when one of its principal leaders was fired and many members left with him.) Further, if one believes the *Guardian*'s editor and publisher, Bruce B. Bruggemann, a successful strike against his paper will lead to union attempts to organize similar publications throughout the nation.

The strike is significant, too, because the *Guardian* has been one of the nation's best alternative — or underground or non-Establishment — newspapers. Started by Bruggemann on a mere \$35,000 ten years ago and held together by his financial ingenuity and the sweat of a badly paid staff, the *Guardian* is in some respects the best paper in the Bay

area. Probing, informative, and irreverent, it has often showed up San Francisco's dailies, the morning *Chronicle* and evening *Examiner*, for what they are: two of the most lackluster major-city newspapers in the United States. (The *Examiner*, under new editor-publisher Reg Murphy, shows signs of improvement, but the *Chronicle* rolls mindlessly — and profitably — along as a medium of middling entertainment and low news content.)

Quality aside, the *Guardian*'s mere survival is noteworthy. The San Francisco area has spawned and buried some four dozen small publications in the past decade. One of the most recent casualties was *City* magazine, which succumbed late last year despite a massive infusion of money from film director Francis Ford Coppola. Bruce Bruggemann is almost fanatically determined that his newspaper will not join the procession to the San Francisco boneyard.

Bruggemann believes that the two unions which organized the *Guardian*, The Newspaper Guild and the International Typographers Union (I.T.U.), are out to destroy the paper. So, too, he believes, are the managements and staffs of the *Chronicle* and *Examiner*. Why would newspaper people or the unions that represent them want to destroy a source of jobs? Bruggemann's answer is that the San Francisco-Oakland local of the Guild is controlled by *Chronicle-Examiner* employees — 500 of the local's 1,350 members work for the two dailies, and another 450 work for their joint printing company — and that they hate the *Guardian*. Why? Because of jealousy, says the *Guardian*'s *de facto* spokesman, a caustic free-lance contributor named Burton H. Wolfe. As Wolfe wrote in an essay that he distributed privately last summer: "Take any subject. . . . Give the *Chronicle* and *Examiner* 365 days a year to publish on the subject. Give the *Guardian* just five issues. And the *Guardian* will beat the pieces out of them every time. Do you know how horribly embarrassing that is to the editorial employees of the *Chronicle* and *Examiner*? Do you know

how it makes them squirm to have the *Guardian* . . . reveal the shallowness of their work?"

The unions want to do in the *Guardian*, Bruggemann says, because The Newspaper Guild faces negotiations with suburban dailies and representation elections at various Bay area publications. "The unions can't let the *Guardian* have a non-pattern contract. If they do, Hearst and Thieriot [Charles de Young Thieriot, *Chronicle* owner] and the suburbans will say, 'Well, look at that. Why can't we have the same thing?' We're in the crossfire, between the unions and the bigger papers."

Bruggemann, a large, shambling man with a soft-spoken intensity, seems genuinely to believe that he guards the gates of virtue against the massed forces of rapacious unions and monopolistic Establishment newspapers. "Everybody expects the *Guardian* to give the unions what they want," Bruggemann says, "simply because we've been alternative, friendly to unions, and left-wing. That would strangle us. The Guild and I.T.U. won't treat us for what we are — small and unprofitable. They want to impale us on killer institutional provisions."

As Bruggemann talks, he becomes more intense. "If you bring in the A.F.L. before your paper's weekly, profitable, and has an advertising base — all things that are taken for granted in most labor negotiations — you're dead. When the negotiations started here, they said to me, 'If we don't get a good, fast contract, you're out of business.' Then they put a salary demand for \$280 a week [more than twice the *Guardian*'s current maximum] on the table and kept it there for weeks." How will it end? "I can't concern myself with that now. I have to keep putting out a paper every week."

The *Guardian* has not missed an issue, despite substantial losses in advertising, troubles with newsstand operators, and the defection to the strike or to other papers of its principal staff writers. But despite Bruggemann's pro-

Roger M. Williams is a free-lance writer based in Atlanta, Georgia.

Guardian Blues

fessed lack of concern for the future, he broods about it. "Things will never be the same here again," he mused recently, "whether they come back to work or not. This strike has unleashed toxins and viruses." On that point, both sides agree. Gone forever are the old, freewheeling days when Brugmann reigned as a benevolent despot and his staff worked for little but the love of it.

At least some of the strikers are ambivalent about the change. The *Guardian* staff has always been young, feisty, and socially conscious, with some of its members committed more to causes than to journalism. For them the strike is a loss of innocence, an awakening to the realities of the world of work where you need money to live and where bosses are bosses.

Ironically, the strike is an awakening for Bruce Brugmann, too. For nine years he managed a business without realizing that, in some ways, he was exploiting his employees and that one day they would rebel. If he thought

about this at all, he believed that being liberal and alternative and unprofitable would protect him from his own staff, as he thinks it should protect him from unions and monopolistic dailies. His own background may have guided him toward that belief. Brugmann is far from the stereotypical owner-editor of a big-city, anti-Establishment newspaper. He comes from Rock Rapids, Iowa, where his father ran a drugstore that *his* father started. Brugmann's wife, Jean, the *Guardian's* business manager, comes from a similar background in Nebraska. "Our people are used to working hard and hanging on," Brugmann says.

Guardian strikers and former staffers recite a litany of complaints against Brugmann: he distorts stories by inserting sentences that attack his own pet enemies; he shouts at people and cribs their notes; he has turned the paper's attention from politics to such allegedly secondary areas as consumerism. But the real and grievous shortcoming, it seems, is that Brugmann does not ap-

preciate the people who work for him or the contribution they have made to the *Guardian*. Says Katy Butler, a former *Guardian* staff writer who recently joined the *Chronicle*: "Bruce is sick that way. He thinks he created the paper."

He did, of course. But in ten years he has lost sight of the fact that others create it, too, every week, adding new ideas or faithfully carrying out the old ones. The *Guardian's* pay and benefits necessarily have been meager. Needing twenty pages of ads in a forty-page paper to break even, it has never come close to breaking even. Brugmann has borrowed and otherwise "raised" around \$150,000 to continue publishing. Neither he nor his wife has ever taken a salary from the paper; he has supported them by teaching journalism part-time. "One year," Jean recalls "our income was \$2,000." Little wonder, then, that not only the necessity but also the mentality for penury has developed. When the paper went weekly, in





Rick Grosse

'Everybody expects the *Guardian* to give the unions what they want, simply because we've been alternative, friendly to unions, and left-wing.'

Bruce Bruggmann

the fall of 1975, Bruggmann raised salaries to their present levels: \$40 to \$135 a week. There never have been any fringe benefits: no paid vacation or paid holidays, no medical plan, no overtime — although some staffers have worked fifty to sixty hours a week — and, of course, no profit sharing.

Last year Bruggmann received what is referred to around the office as "the settlement" — \$500,000 from San Francisco's two dailies to settle, out of court, an antitrust suit attacking the joint operating agreement which they pursued under the Newspaper Preservation Act. Bruggmann claimed that the *Chronicle* and *Examiner*, by means of joint advertising policies, were unfairly monopolizing trade. The dailies were afraid to take the case to trial, for fear of losing. Bruggmann, who had never dreamed of so much money, took the offer, paid off his attorneys, and spent the remaining \$300,000 on his four priorities: a new building, new equipment, a step-up from biweekly to weekly publication, and paying off some debts. He gave the *Guardian* staff no direct or immediate reward from the windfall — not even a note of thanks for having helped make it possible. "If he'd given his people a small bonus or even a party, it would have made a hell of a difference in their attitude," says a friend of Bruggmann. "But that's not Bruce."

When the *Guardian* went weekly, the strikers say, Bruggmann hired so few

new staffers that individual workloads were increased substantially. They claim that he also cut some salaries. Last November, citing a drop in revenues, he laid off three full-time and twelve part-time people. Staffers voted overwhelmingly to organize under Guild and I.T.U. sanction, and after several months of inconclusive negotiations with Bruggmann, the two units went on strike. A half-dozen bargaining sessions have produced some points of agreement, including a 15-cents-an-hour raise, five paid sick days a year, and a grievance procedure. But the issue of job security remains unresolved, and the strike has turned sporadically nasty, with strikers or whoever jamming office doorlocks, puncturing tires, and flooding the *Guardian* switchboard with calls on Fridays, the last day for phoning in ads.

On the security issue, the Guild wants one-week notice for layoffs and a system of job classification based on seniority. It also wants to minimize the threat to its members posed by free-lancers, whom the *Guardian* uses extensively. The Guild says it simply wants to guarantee that Bruggmann will not replace staff members with free-lancers not under its jurisdiction. He has a habit of doing that, according to the strikers, to save money and to keep staff people off balance. Bruggmann replies that he simply cannot

make ends meet without using sizable numbers of free-lancers and that, in any event, he will not let outsiders dictate who he can and cannot use. "Is there a newspaper in the United States," he asks rhetorically, "that doesn't have the power to lay people off when it's losing money? Should a union be able to determine how many people — and which ones — will work for us?"

The free-lancer issue has become the big hurdle, a symbol of Bruggmann's determination to run his paper his way and of the guild's determination to protect its members and its job slots. Meanwhile, many members of San Francisco's Media Alliance, the local free-lancers' organization, have supported the strike by refusing to contribute to the *Guardian*. So awash is the Bay area with penniless free-lancers, however, that Bruggmann has had little trouble finding people to write for him.

As for fringe benefits, Bruce Bruggmann pleads poverty, while spokesman Burton Wolfe argues for the nobility of self-denial. "If you want security, competitive pay, benefits and the like," Wolfe wrote in June, "go to work for the *Chronicle*, *Examiner*, the phone company, U.S. Steel. . . . The *Bay Guardian* is not a gravy train."

Although the statement is not Bruggmann's, he at least tacitly agrees with it. He has never shown a glimmer of understanding that sooner or later even the most dedicated anti-Establishment journalist wants to be decently paid, out of pride as well as necessity. Nor, according to friend as well as foe, has Bruggmann done much to create the kind of family loyalty that he now thinks should be binding the strikers to him and the *Guardian* rather than to labor unions. "Bruce has treated most of his people like children," says a former *Guardian* editor. "They knew he had no respect for them, and they returned the feeling by striking."

Bruggmann does not comprehend that elemental fact. He is continually rankled, for instance, by strikers' references to him as "the enemy." In mid-September, sitting in his cluttered office, he paused in the middle of a denunciation of big unions and monopolistic dailies and said, half to himself, "I'd like to work this thing out, but the idea of me as *the enemy*. . . ." ■

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Saving lives is a tradition with the Coast Guard. It's the one thing we do that everybody knows about. Probably because the 3000 or so people we rescue every year tell that story for us. But there are other missions the Coast Guard is equally dedicated to. And performs equally well.

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that helps us locate oil spills and track down the offending vessels that cause them. We even get in on the clean-up from time to time. And if waterfowl and finned inhabitants of the sea could talk, our conservation efforts would be well-known worldwide.

As vessel traffic in major ports increases, so does our job in safely guiding ships out to sea and in from it. We're designing, installing and operating innovative vessel traffic systems. And with them, we're significantly improving the capability of our ports to safely accommodate growing maritime commerce—commerce necessary to fuel our nation's economy. Increased inspections of foreign and domestic vessels in our coastal waters has added yet another dimension as our responsibility for intercepting narcotics smugglers expands.

Finally, the Coast Guard will be overseeing and enforcing adherence to the new 200 mile fishery conservation zone. One more part of the good job we do.

Quietly.

We're a small service with a big service to perform, but we're not complaining.

What we really want to do is put out the good word about the Coast Guard to young people who can help us do our good work. Because we need more of them to help us do it. So the next time you hear about something new that we're doing, you may even want to pass it on yourself.

The Coast Guard.

Access to television's

TV news resists the idea that its record should be as open to study as that of the printed press

by ANNE RAWLEY-SALDICH

Television executives practice a subtle form of news censorship about which little is known and less is said. Unlike traditional suppression, which usually occurs prior to publication, broadcast censors drop their electronic curtain when the program is over. Each network would like nothing more than to have the maximum number of people watch its version of the day's events from 6 to 6:30 p.m. but they would like nothing less than to provide viewers with access to that same news at 6:31 — and thereafter.

Relatively few people ask to study programs after they are broadcast but, until recently, if the networks said that a request could not be accommodated there were few alternatives other than meekly to accept the shutout. Suppose this practice were common in the print media. Suppose *The New York Times* were available for twenty-four hours and was then withdrawn by management, never to be seen again. Scholars and certainly television journalists, who rely heavily on print for their own information, would be incensed. Yet we are expected to accept the idea that television news has no past that it must account for, as do other media.

Access to records is the lifeblood of accountability. In the name of a free society, journalists insist on access to most major institutions. But television news managers evidently think that inquiry into their own records could pose a threat to liberty and, even today, they provide no easy way to study TV news once it has been broadcast.

Paul Simpson challenged that position in 1968 when he founded the Television News Archive (T.N.A.) at Vanderbilt University in Nashville, Tennessee. Simpson — lawyer, insurance executive, news buff, and political independent — was nearing retirement when the idea for an archive occurred to him after a visit to the networks' newsrooms while on business in New York. His in-

Anne Rawley-Saldich, a political scientist, is completing a book on television's impact on American government.

attention had been to learn how television news was gathered. Almost in passing, he also learned that it was not preserved because expensive videotapes, which took a great deal of storage space, could be erased and reused. And that is just what the industry did: most of the first twenty years of American television was destroyed with the blessing of broadcast executives who either had no sense of history or had the political astuteness to realize that an absence of records means an increase in power. Simpson was suitably astonished.

Since the dawn of history man has been preoccupied with recording and circulating tribal, religious, national, economic, political, and social mores. How remarkable, therefore, that well-educated, modern communicators would allow a generation of video history to vanish, despite the medium's power and influence in our culture. Vanderbilt's Television News Archive was founded to correct this situation — so that television's record of the nation's affairs would become part of the public record as well.

T.N.A. is a nonprofit, nonpartisan, privately financed institution whose collection is available to everyone, everywhere. Its policies are simple, practical, and user-oriented, as can be seen by comparing Vanderbilt's archival services with those of the National Archives in Washington (see page 47). T.N.A.'s establishment and growth were greeted by silence from the networks (though Simpson kept them apprised of his activities) until two years ago, when CBS sued Vanderbilt for infringement of its newly acquired copyright of *CBS Evening News With Walter Cronkite*. Litigation is still pending and no decision is expected until the revised copyright law takes effect. Representatives from the network and the university tend to view the suit as part of the democratic process, a normal testing of technological innovation against evolving law. There is no deep-seated hostility between the adversaries.

However, CBS is definitely displeased by certain T.N.A. policies,

past

which undermine network power by facilitating access to video materials without CBS approval. Perhaps that is why the CBS agreement with the National Archives is carefully worded so that the network rather than the government controls contents, access procedures, use, and, most important of all, format. (CBS prohibits the making of subject tapes, the compilation of news segments, according to subject matter, on one tape.)

There are two ways to look at network control over use of a government archival collection. The most generous interpretation is that progress has been made: at last, networks agree that television history should be available for research. Even more admirably, CBS subsidizes N.A.'s efforts by donating color cassettes of excellent quality and by making an index available, without which the collection would be less useful. Each network sets its own terms with the government. NBC's agreement gives N.A. the right to tape its nightly news and some public-affairs programs off the air but the network does not contribute material and there is no NBC index. N.A. has not yet reached an agreement with ABC but negotiations are under way. As for preserving public television's news-as-broadcast programming, no one has come to grips with that problem — an omission that is sure to be deeply regretted by scholars in the future.

A less generous interpretation would note that the bilateral agreements between the networks and the National Archives have compromised the public interest because:

□ The networks infringe on governmental authority by dictating policy to the nation's archives with respect to what may and may not be collected and how it may be used. (It is inconceivable that *The Washington Post* or *The New York Times* could limit the National Archives to collecting front-page news and a specified number of feature articles, and then tell the government under what conditions the material might be circulated.)



C. David Philipo

TELEVISION NEWS ARCHIVES: USER INFORMATION

Vanderbilt University, Television News Archive	National Archives- CBS Agreement	National Archives- NBC Agreement
PERIOD COVERED		
August 1968 present	April 1974 present	June 1976-present
FINANCING		
Nonprofit private no expiration date	Government funding, expires January 1977 if not renewed CBS supplies taped materials to National Archives	Government funding, expires June 1977 if not renewed
CONTENTS		
Three commercial networks evening news, taped off air as received in Nashville. Also public affairs (presidential news conferences, congressional hearings, some documentaries)	CBS <i>Evening News</i> , including weekends April 1974-February 1975, thereafter all CBS hard-news programs, including feeds. All public affairs, such as House impeachment hearings, <i>Face the Nation</i>	NBC <i>Nightly News</i> , including weekends. No public affairs, but NBC has given National Archives permission to tape presidential news conferences, congressional hearings, political conventions
REFERENCE TOOLS		
Monthly <i>Index and Abstracts</i> available free to libraries	CBS <i>News Index</i> and verbatim transcripts (quarterly from January 1975): \$395 a year, index alone \$60	None
ACCESS		
On-site at Vanderbilt	On-site at National Archives, its eleven branches and at six presidential libraries	On-site at National Archives, its eleven branches and at six presidential libraries
Mail direct to user, U.S. or abroad		
Loan period can vary according to need		
On any playback facility convenient	Mail via Interlibrary Loan to U.S. libraries, no international loans. Period five days, renewable	Mail via Interlibrary Loan to U.S. libraries, no international loans. Period five days, renewable
User signs promise not to duplicate tape or show publicly unless a Vanderbilt representative is present		

□ The prohibition on compiled tapes limits public access severely. Television is a continuum that cannot be scanned; the only feasible way to research a particular subject covered on TV is to use compiled tapes. CBS says that compilations by subject violate the integrity of the news by taking segments out of context and stitching together bits and pieces of information. Aside from the fact that this is precisely how television news is put together in the first place, this description by Richard Salant, president of CBS News, is an un-

sophisticated but accurate definition of what is commonly called research as it is done every day by grammar school students, university professors, and CBS correspondents.

For example, in my own research I needed to study the commercial networks' news coverage of the Wounded Knee incidents, which were broadcast during a seventy-seven-day period. Using Vanderbilt University's Television News Archive's *Index and Abstracts*, I listed the relevant news segments and asked T.N.A. to provide the technical service of compilation. Notice, it was I and not T.N.A. personnel who did the editing. I also signed an agreement that I would not duplicate the tapes, rebroadcast them, or show them publicly unless a Vanderbilt representative were present. The video cassettes were mailed directly to me, which al-

lowed me to do my research wherever there was a playback facility. The compiled tapes, for the three networks' coverage, amounted to three hours. Every tape was clearly identified as the product of the network which broadcast it. The date and time that the segments were aired were also visible. That information cannot be erased and always shows on-screen. Having used the tapes, I then returned them to T.N.A., which returned my deposit for the cost of raw tapes and retained a modest service fee.

If CBS wins its suit against Vanderbilt, future research on the video coverage of Wounded Knee would require 3.2 weeks of seven-hour days to view unedited tapes once, without stopping to take notes or to replay sections for closer analysis. Fully 112.5 hours of that viewing will have nothing to do

with Wounded Knee. Clearly, network insistence on unedited tapes is an effective means to prevent access.

□ Limiting tape use to libraries, to prevent duplication or compilation, is another way to block access. If someone lives in Alaska and obtains tapes from the National Archives in Washington through interlibrary loan, such a user may still face a problem if the local library does not have a playback facility. This policy of use in libraries or no use at all means that a researcher could not use other local playback equipment. But the most telling indictment of this libraries-only policy is that National Archives tapes may not be used in classrooms. This is unfortunate. Today's students are, in large part, a product of the electronic age. They need specialized instruction in analyzing television, particularly since it affects

Access to news transcripts: 'terribly burdensome'

by MICHAEL P. BENARD

If CBS News is less than eager for the public to have easy access to tapes of old television news programs, it is more generous than its rival networks about providing transcripts of them. Last year CBS News sent out 3,400 transcripts and excerpts to viewers who requested them. (NBC says that as a rule it does not provide them; ABC is willing to, the network says, if it's not too much work and if the person making the request has a good reason for asking — a student or scholar, for example.)

At local stations the record is equally mixed. Seventy-five television news directors at stations in twenty-two major cities were polled on whether they honor requests for transcripts and tapes. Of the forty-four who responded, twenty-eight — almost two-thirds — said they do not normally provide viewers with copies of previously broadcast news scripts. Regardless of reasons, which vary, it is policy at many of these stations to provide a transcript (or tape) only under subpoena. Broadcasters seemed reluctant to release copies of news scripts because of the effort and expense that

would be involved. It would be "terribly, terribly burdensome," according to Al Mann, the news director of WIIC-TV in Pittsburgh.

Another, more puzzling reason sometimes given was the fear that transcripts might aid governmental investigations. Stations that take that line treat news already broadcast as confidential, like "out-takes" or reporters' notes. Paul Jeschke, the executive producer at KPIX-TV in San Francisco, said his station doesn't try to distinguish between viewer and official requests for transcripts because "there does not seem to be a logical method of separating such requests and because we feel we must vigorously resist inroads into protected territory."

Accountability may be yet another possible reason for the nervousness about handing out transcripts, according to Senator William Proxmire of Wisconsin: "My guess is that some broadcasters are reluctant to give out transcripts because of the existence of government control. They never know when they are going to get hit by a complaint to the F.C.C. Each complaint referred back to the station can cost lots of time and money, sometimes large legal expenses. I believe that the mere exist-

tence of governmental controls has produced some paranoia among them." (Senator Proxmire advocates repeal of the Fairness Doctrine, as well as of Section 315 — the equal-time rule — of the Communications Act.)

Not everyone is nervous. Austin Bridgman, the director of news administration at KSD-TV in St. Louis, says, "If someone wants a copy of a certain script, we'll run it off on the copying machine. . . . We feel that once we have sent it into the air, it's no secret; and if someone missed something and wants to know what we said, they have that right."

The survey of news directors suggests that policies and the reasons for them are arbitrary and inconsistent where public access is concerned. There is not much a viewer can do if a local station refuses him a copy of a news story or even a news commentary (not to be confused with editorials by station management). But where information is insulated it arouses suspicion. Subsequent access to the news surely is consistent with policies of openness that journalists value so highly in others. It is awkward for a news organization to claim to stand behind a reporting record it won't make available more than once.

Michael P. Benard is a public-relations man and free-lance writer in Bethel Park, Pennsylvania.

Jet Economics



Inflation has caused the cost of goods and services to rise as if they were jet propelled. But, ironically, the average airline fare has climbed very little and very slowly, indeed.

In 1975, the Cost of Living Index for all U.S. products and services rose by 9.1%. The average domestic airline fare per mile went up only 2.1%.

Through June, 1976, the Cost of Living Index has gone up an additional 6.2% and the average airline fare about 2%.

Time savings aside, with discount fares, air travel today is frequently less expensive than the cost of car, bus or train travel.

Increase in Airline Fares Vs. Other Goods & Services 1948 to 1976.

Newspapers 242%
 Bus Fares (Intercity — Class 1) 174%
 Gasoline 143%
 Men's Shoes 139%
 Food 129%
 Electricity 89%
 Hospital Semi-Private Room 774%
 All Goods and Services 124%
 Air Fares (U.S. Scheduled Airlines) 20%

(Source: Bureau of Labor Statistics, Civil Aeronautics Board, National Association of Motor Bus Owners)

How do U.S. air fares stack up against those in other parts of the world?

Lower.

Here are some examples:

U.S. Fares

Washington-Detroit
 404 Miles, \$54

Atlanta-Boston
 946 Miles, \$95

Chicago-Los Angeles
 1,745 Miles, \$153

Foreign Fares

Paris-Milan
 395 Miles, \$96

Rome-Copenhagen
 955 Miles, \$221

Bombay-Tehran
 1,741 Miles, \$254

Looking to the future, it may be necessary to adjust air fares to keep up with rising costs (jet fuel, for instance, rose 20% last year — 127% since 1973). But airline ticket prices will continue to receive good marks.

THE AIRLINES OF AMERICA

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behavior and value formation.

Even if CBS did allow classroom use, that permission would be valueless without compiled tapes. No teacher could grope through 115 hours of tape to discuss Wounded Knee as seen through the television lens. CBS is quick to point out that it makes separate agreements with schools, allowing them to tape network news as broadcast, for a fee (providing it is erased in thirty days). That still does not meet students' needs to study televised history or to have reasonable access to the N.A. video collection.

CBS sees compiled tapes as new documentaries, which compete with network productions. CBS executives are particularly uneasy about the fact that the compiled tape becomes part of T.N.A.'s collection when it is returned to Vanderbilt. Then it would be available to other researchers who might choose to use it rather than to do their own editing. It is easy to appreciate this concern; permutations are an integral part of the knowledge industry. If *The New York Times Magazine* commis-

sions an extensive, and expensive, study on school busing, which it then publishes, there is no reason why someone cannot come along and use part of it, as well as several other sources, to make yet another study. In fact, CBS reporters do this all the time while preparing television documentaries. It is possible that the Vanderbilt archive's users could abuse the promise they sign not to duplicate, rebroadcast, or show publicly the T.N.A. tapes, but that possibility should not be translated into as a mandate for suppression. This is the risk a free society takes in order to protect access to information.

CBS does not see it this way. The attitude governing the company's actions is possessiveness, which expresses itself in rigid retention of "editorial control"; it does not want its news to take any form other than what it had when it was aired. To accomplish this goal, CBS has formulated policies and engaged in actions disrespectful of democratic values.

Perhaps by accident, the networks have drifted into patterns of behavior whose consequences are just as pernicious as they would be had they been conceived intentionally to increase broadcasters' social and political power while decreasing their accountability for a privileged position in society. Had General Motors abridged academic freedom, engaged in censorship after the event, sought to control the National Archives's use and circulation of its annual report, and destroyed the company's past history, we would expect TV journalists to question whether such policies could possibly be good for America even if they were good for General Motors. But television executives are not used to having *their* motives and policies questioned, though they are getting more evaluation now than before and it is giving them cause for reflection.

Easy-access television news archives, for which the one at Vanderbilt provides a model, may not only aid scholarship but can be a stimulus as well to more painstaking journalism, for journalists will work in the knowledge that anyone can easily rerun what was seen and heard on television news. ■

Easy-access television news archives, for which the one at Vanderbilt provides a model, may not only aid scholarship but can be a stimulus as well to more painstaking journalism, for journalists will work in the knowledge that anyone can easily rerun what was seen and heard on television news. ■

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The Nebraska decision

In striking down a gag order did the Supreme Court strengthen freedom of the press or make it more vulnerable?

by BENNO C. SCHMIDT, JR.

The Supreme Court's unanimous decision on June 30 to strike down prior restraint of the press in *Nebraska Press Association v. Stuart* is the most important constitutional victory for freedom of the press since the Pentagon Papers case, decided five years earlier to the day. Yet, as in the Pentagon Papers decision, the Court's majority opinion in the "gag-order" case is so qualified and so chary of laying down general principles that the press's victory has some disturbing undertones. The Court may have invited severe controls on the press's access to information about criminal proceedings from principals, witnesses, lawyers, the police, and others; it is even possible that some legal proceedings may be closed completely to the press and public as an indirect result of *Nebraska*. Just as ominously, the Court reached back to the 1950s to invoke a theory of the First Amendment that seems to weaken its resistance to prior restraints.

The Supreme Court has traditionally avoided confrontations between the values of free expression and interests (such as the right to a fair trial) that might be thought to call for restrictions on expression. It has preferred to avoid such cases altogether, or to deflect them with decisions on narrow grounds. Thus it is hardly surprising that before last June the Court had never faced the most basic problem in the fair trial-free press area: whether courts have the power to order the press not to publish information about an accused thought to prejudice his chances for a fair trial.

Occasionally, however, lower courts push some policy or practice so far beyond its reasonable limits, and in the process so challenge constitutional principles, that the Supreme Court is forced to confront one of these basic questions. *Nebraska Press Association v. Stuart* was such a case. A gruesome mass murder with reports of sexual attacks and necrophilia, immediate and overwhelming press coverage, time pressure, and

(one suspects) inexperience on the part of prosecutors and judges, all combined to produce a series of orders from Nebraska courts that the press not publish the accused's confession or any other information "strongly implicative" of his guilt.

The justices were not unanimous about their reasons for striking down the Nebraska prior restraint. Only three of the nine were plainly against prior restraints on principle. A fourth was nearly as unequivocal in his rejection of prior restraints, but voiced some reservations about them.

The majority of the Court, however, took a different approach. Chief Justice Burger, writing the majority opinion, began by noting that the conflict between the right to an unbiased jury and freedom of the press is "almost as old as the Republic" and added that the speed and pervasiveness of modern communications have created many new problems. "We cannot resolve all of them,"

JOURNALISM AND THE LAW

he said, sounding one of the themes of the opinion. "We will look instead to this particular case."

Burger noted that even "sensational" cases could be fairly tried, despite widespread adverse publicity. He cited a 1966 Supreme Court decision, *Sheppard v. Maxwell*, which listed ways in which courts can lessen the impact of publicity. (The decision was the culmination of one of the most sensational murder trials of the century. Dr. Sam Sheppard, accused of bludgeoning his wife, maintained his innocence all through a trial marked by abusive press coverage and what the Court called a "carnival" atmosphere. The Court overturned Sheppard's conviction, twelve years after the trial. Sheppard received a new trial and was found innocent.) In the *Sheppard* decision the Court reminded lower courts of several traditional ways for judges to control the influence of publicity: by continuing (delaying the trial of) a case until publicity abates; by transferring the trial away

Benno C. Schmidt, Jr., author of Freedom of the Press vs. Public Access, is professor of law at Columbia University.

from where the crime was committed; by sequestering the jury; and by reversing convictions if publicity has prevented a fair trial. But the *Sheppard* decision went further. It ordered judges to take steps to "prevent the prejudice at its inception."

In a passage that has since been attacked by many in the press, *Sheppard* encouraged trial judges to control prosecutors, defense lawyers, the accused, witnesses, court staff, and law-enforcement officers — presumably by ordering them not to discuss certain matters with the press. These orders would be backed up by the courts' contempt power. While *Sheppard* nowhere mentioned any judicial power of direct control over the press, the opinion did say in general terms that courts must take "strong measures" to protect trials from "prejudicial outside interferences."

Chief Justice Burger next turned to the First Amendment, beginning by noting its special protection against prior restraints. "A prior restraint," Burger wrote, ". . . has an immediate and irreversible sanction. If it can be said that a threat of criminal or civil sanctions after publication 'chills' speech, prior restraint 'freezes' it at least for the time."

Then the opinion abruptly switched gears: "The authors of the Bill of Rights did not undertake to assign priorities as between First Amendment and Sixth Amendment rights, ranking one as superior to the other. . . . It is unnecessary, after nearly two centuries, to establish a priority applicable in all circumstances." What then is the test for judging whether pretrial restraints are valid? It is, astonishingly, a test taken from a 1950 Court of Appeals opinion by Judge Learned Hand dealing not with a prior restraint, but with a congressional statute — the Smith Act — under which leading officials of the Communist Party of the United States were convicted for conspiracy to advocate the overthrow of the U.S. government. Hand's test was a watered-down version of the clear-and-present-danger rule. It asked whether "the gravity of the 'evil,' discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger."

A year after it was formulated, the Hand test was used by the Supreme

Court in the *Dennis* case to affirm the Smith Act conviction of Communist party leaders. Since then, the test has not enjoyed good repute as First Amendment doctrine. It came to symbolize a highly particularistic approach to First Amendment cases, in which decisions are reached by weighing the circumstances of the individual case and balancing First Amendment principles against other social values. This circumstantial approach is known to its critics as *ad hoc* balancing — *ad hoc* because it contrasts with First Amendment approaches under which broad categories of expression are subject to general rules. Critics of *ad hoc* balancing have claimed that no predictable standards emerge; that the scales tend to be tipped against the First Amendment because particular (often trivial) examples of "free expression" tend to be weighed against general social values while the overall value of freedom of expression is ignored; that the particularized focus tends to overlook the dynamics of how restrictions on free speech will actually be administered; and that the absence of general rules leaves room for excessive judicial discretion in individual cases. Defenders of *ad hoc* balancing, for their part, have argued that First Amendment issues are too complex for categorical responses; that broad rules are brittle and will tend to generate categorical exceptions; and that categorical judicial guarantees leave too little room for policy judgments by the other branches of government.

After Earl Warren was appointed chief justice in 1953, and especially after the retirement of Felix Frankfurter in 1962, the Court opted for increasingly categorical rules in First Amendment cases. Justices Hugo Black and William O. Douglas were never successful in persuading the Court to adopt absolute protections for expression, but the majority did assent at least to the creation of broad, definite rules — in the field of libel, for example. Predictability was one result; much more important for journalists, these rules provided by far the greatest judicial protection for expression in our history. But critics charged that the categorical rules unduly subordinated individual and social interests

that conflicted with free expression, and in any event gave the Supreme Court too prominent a role in controversial public issues that should be left to, or at least shared with, the legislative branch.

It is in terms of the tension between *ad hoc* balancing and more categorical approaches that Chief Justice Burger's striking reach to Learned Hand's formula must be understood. For the most notable feature of Burger's opinion is his refusal to give us a general rule. Instead, we are told that under the particular circumstances of the *Nebraska* case the prior restraint was unconstitutional. Why?

The chief justice agreed with the Nebraska judges' view that there would be intense publicity, and that the publicity *might* adversely influence members of a jury. However, he noted that the latter conclusion "was of necessity speculative, dealing . . . with factors unknown and unknowable." More important, the state courts did not explain why the measures specified in *Sheppard* would not have preserved a fair trial without the need for prior restraint. The chief justice indicated that no prior restraint will be tolerated unless these alternatives have been considered and found inadequate.

The chief justice also noted that the Nebraska gag order was not practical. The limited jurisdiction of Nebraska courts meant that reports from national media could penetrate the trial area despite the order; and word-of-mouth rumor in a small town such as the one where the crime took place could be just as damaging as news reports.

Finally, the chief justice took strong exception to two aspects of the Nebraska restraining order. The order in part prevented the press from reporting on confessions that had been introduced in a public preliminary hearing. The Court threw out this portion of the order because of the settled principle that the press is free to report what happens in open court. The restraining order also prohibited the reporting of facts "strongly implicative" of the accused. The chief justice rejected this as being too vague to satisfy the requirements of definiteness the Court has demanded of restraints on free expression.

Having assembled all these bits and

pieces, the chief justice's conclusion resolutely straddled the question of whether prior restraints might be upheld in other cases. In this particular case, Burger concluded, "It is not clear" that further publicity would have distorted the views of potential jurors, and he asserted that the evil effect of publicity "was not demonstrated with the degree of certainty our cases on prior restraint require." But this was the question the chief justice had earlier termed "of necessity speculative, dealing . . . with factors unknown and unknowable." If Burger is saying that the Nebraska prior restraint is invalid because the state courts failed to demonstrate something that is by nature undemonstrable, then why doesn't he categorically reject prior restraints on pretrial publicity? The opinion, obviously aware of the tension between a holding confined to one case and a general rule on the validity of prior restraints, ends with a qualified commitment to an *ad hoc* approach: "However difficult it may be, we need not rule out the possibility of showing the kind of threat to fair trial rights that would possess the requisite degree of certainty to justify restraint."

Justice White joined the chief justice's opinion for the Court (along with Blackmun, Powell, and Rehnquist), but added a few words of his own suggesting that he favored a categorical rule. "There is grave doubt in my mind," he wrote, "whether orders with respect to the press such as were entered in this case would ever be justifiable." But because this was the first case to raise the question squarely, "It may be the better part of discretion, however, not to announce such a rule." Justice Powell, who also concurred separately, seemed readier to uphold prior restraints in other circumstances.

Justice Brennan wrote a lengthy opinion for himself and Justices Stewart and Marshall, which argued for a categorical rule against prior restraints to insure fair trials. He argued that the only exception to the absolute prohibition against them might be when the publication of military secrets would be irreparably damaging to national security. In such cases the government theoretically could demonstrate the direct and irreparable damage that would be caused by publication. (It failed to do so in the Pentagon

Papers case.) Brennan pointed out that the damage caused by pretrial publicity, on the other hand, is necessarily speculative, uncertain, and subject to correction in other ways.

Justice Stevens joined Brennan's opinion, but with the caveat that he might uphold prior restraints, depending on misconduct by the press in acquiring prejudicial information.

If Justice White is counted as leaning toward a categorical rejection of prior restraints on trial coverage, while Justice Stevens adopts that position with reservations, the Court is virtually split down the middle on the principle that will govern future cases. It will be difficult, but apparently possible, to convince Chief Justice Burger and Justices Rehnquist, Blackmun, and Powell of the validity of a prior restraint on pretrial publicity. White and Stevens are evidently hovering between that view and an absolute rejection, while Brennan, Marshall, and Stewart are flatly opposed.

The disagreement within the Court about why the Nebraska prior restraint was unconstitutional is not just an academic dispute. It has vital practical consequences for the press. Let us suppose that before a sensational murder, kidnapping, or organized-crime trial the prosecutor or the defense counsel tells the court that circumstances in the community are such that the publication of the accused's confession, or prior criminal record, or psychiatrist's report, or diary, or whatever will make a fair trial impossible.

There are two problems. The lawyers will undoubtedly ask for a temporary twenty-four- or forty-eight-hour restraint on publication to enable the judge to consider the claims of special circumstances. A trial judge using Chief Justice Burger's circumstantial approach may be forced to issue a short-term injunction simply to provide time for even an expedited decision. So long as prior restraints are possible, *depending on the circumstances*, it follows that short-term restraining orders can be issued whenever a plausible claim of special circumstances can be made. The second critical difference between the Burger and the Brennan approaches is, of course, that the *ad hoc* presumption

leaves room for longer term pretrial restraints, while the categorical approach shuts the door on them. Some trial judges may test Chief Justice Burger's position by issuing pretrial publicity restraints together with findings that *Sheppard* alternatives are inadequate.

Although the *Nebraska* case deals only with prior restraints, it will certainly influence other aspects of the fair trial-free press problem. The Court reaffirmed *Sheppard* controls on parties, lawyers, witnesses, and law-enforcement personnel as sources of information for journalists. These silence orders have been controversial among segments of the press that think the First Amendment should guarantee the right to gather news.

A more extreme restriction on gathering news may also be stimulated by the decision. The Court was most categorical in upholding the right to report anything that happens in open court. It is possible that this firmness may lead to the closing of certain types of hearings, or even certain parts of criminal trials. Chief Justice Burger noted in a footnote that the closing of proceedings with the consent of the defendant has been recommended as one way of avoiding prejudicial publicity without direct controls on the press. There are movements to close proceedings for other reasons, as well. Juvenile cases are traditionally closed to the public and the press. There is growing sentiment that portions of trials involving rape should be closed to respect the privacy of victims and to encourage prosecution. The *Nebraska* decision may produce more of this kind of shutting-off of information at the source.

The dialectic mode of reasoning favored by our courts often seems to result in two-edged decisions. Even a unanimous victory by one side may hold out considerable hope for the other. The late Alexander Bickel wrote of this after the Pentagon Papers decision, in which he represented the victorious *New York Times*: "The conflict and contention by which we extend freedom seem to mark . . . a contraction . . . for they endanger an assumed freedom, which appeared limitless because its limits were untried. . . . We extend the legal reality of freedom at some cost in its limitless appearance." ■

The forgotten case of Sam

In the September/October issue, the Review published the story of the "special relationship" between the FBI and Jacque Srouji, a young woman who performed various services for, and received favors from, the Bureau while working for the newspapers in Nashville, Tennessee. Another bizarre, and even longer-lasting, case of unusual ties with the intelligence agencies is now in Federal court in Washington.

by SANFORD J. UNGAR

Trouble is new to Jacque Srouji, but not to Sam Jaffe, a veteran magazine and broadcast correspondent who has been out of work for years, in part because of his tangled relationship with the F.B.I. and C.I.A.

Jaffe's first contact with F.B.I. agents — and his enrollment, as far as the Bureau was concerned, as an "informant" — came in the early 1950s, when he was working as a reporter for *Life* magazine and spending a great deal of time with diplomats at the United Nations, including Soviets. "You're seeing a lot of Russians," said the F.B.I. men who approached him, wanting to know every personal detail Jaffe could obtain about his new friends. Jaffe's uncle of the same name, a Hollywood actor, was blacklisted at the time because of alleged left-wing sympathies, and so the young journalist was, as he now remembers it at the age of forty-seven, easily intimidated. "Of course I talked to them," he says; "I protected my ass. . . . I zigzagged. I wanted them off my back." Every time Jaffe had dinner or any other contact with one of his Soviet sources, he apparently reported fully to his contact agents in the New York Field Office. He recalls one early occasion when he barely escaped becoming a double agent: a Soviet diplomat asked him to

write an essay on the Washington political scene for some visitors from Moscow, and the Bureau urged him to go ahead and let himself be recruited as an intelligence operative; but Jaffe refused both sides' requests.

His credibility in the communist world and in the American intelligence community seemed to increase simultaneously. On assignment for *The Nation* to cover the 1955 summit conference of nonaligned nations in Bandung, Indonesia, Jaffe had an exclusive interview with Chou En-lai of the Communist Chinese government. Soon after his return, he was contacted by a C.I.A. operative on the West Coast who knew that he was about to join CBS and suggested that his career would be given a great boost with a prompt assignment to Moscow, if only he would also agree to undertake "certain secret assignments" for the agency. Jaffe declined and contented himself with a desk job for the network in New York; but in 1960 he was suddenly — and inexplicably, he says — assigned by CBS to cover the Moscow trial of U-2 pilot Francis Gary Powers. There he was given special V.I.P. treatment by both the American and Soviet governments, as well as exclusive interviews with Powers's wife. Afterward, as on most of his other assignments, he was debriefed by the F.B.I.

Jaffe says that when he joined ABC in November 1961, at the invitation of former White House press secretary James Hagerty, he was virtually forced to go to Moscow rather than the Far East, where his preference lay. He stayed there nearly four years, until he was expelled in October 1965, and during that time he became friendly with a man who worked for the K.G.B., the Soviet intelligence apparatus (and who, as Jaffe tells it, gave him an early exclusive on the ouster of Nikita Khrushchev in 1964, among other stories). Jaffe apparently kept officials at the American Embassy informed about his contacts; but later, when a

Soviet official in Geneva named Yuri Nossenko purportedly defected to the United States, he named Jaffe as having been the "best American agent" working under his K.G.B. friend. Jaffe subsequently served two years in Hong Kong for ABC and there too was in touch with American agents; but after his return to Washington and his resignation from the network, his luck began to run out. Even when he spent more than two months in China in 1972 — he and his family became the first westerners to visit Inner Mongolia in twenty-three years — and when he went again for six weeks in late 1974, he found only limited markets in the United States for his exclusive material. For a time, he negotiated with the *Chicago Tribune* about opening a Peking bureau for that newspaper, but its editors suddenly and mysteriously lost interest.

At one point in his career, Jaffe was dogged by accusations from some of his broadcast colleagues that he was a "commie," because of his close friendships with foreign communist officials. But more recently it is his connections with the F.B.I. and C.I.A. that have caused him trouble — especially once his name began to leak out of congressional investigating committees as one of the friendly journalists who was a prize informant for the agencies (or even, some have suggested, a secret operative under journalistic cover). He insists that on both fronts he did no more, and perhaps substantially less, than many of his colleagues from the same era in American journalism and politics. Jaffe was not the only naive opportunist in the press at the time, but he suspects that he was simply less suave about it than others and less good at covering his tracks. Whatever Jaffe's motives and rewards might have been, they were apparently not financial. Although the exact nature of a special ABC account maintained for him (or for the C.I.A.) in Moscow has not yet been figured out, records pro-

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Jaffe

duced so far indicate that Jaffe himself accepted only \$39.20 from the F.B.I., as reimbursement for expenses in 1960 and 1961. If the whole truth about reportorial relationships with the intelligence agencies ever comes out, Jaffe suggests, a number of broadcasting names that are much better known than his may be hurt.

Jaffe now spends most of his time at his home in Bethesda, Maryland, trying to sort through reams of documents that he has obtained under the Freedom of Information Act from the C.I.A., F.B.I., and State Department, and working on his court case, with the help of the American Civil Liberties Union, to obtain reams more that they have thus far refused to provide to him. What he already has shows that the agencies were obsessed with Jaffe's private, as well as professional, life — among other things, the F.B.I. kept a running account of the disintegration of his first marriage and the C.I.A. obtained a detailed description of his second wedding, to a New Zealander he met while she was working as a governess at the American Embassy in Moscow. Jaffe professes to be astonished by the extent to which the agencies apparently feel that he helped them. As his wife puts it, "Sam must have been involved in something very, very big, but we still don't know and cannot figure out what it was." He has obtained "letters of clearance" from former C.I.A. Director William Colby asserting that he never worked for the K.G.B., from current C.I.A. Director George Bush saying that there is no indication he was ever an employee of the C.I.A., and from F.B.I. Director Clarence Kelley acknowledging that he never worked for the Bureau; yet representatives of the C.I.A. and F.B.I. and his former employers in the media still freeze whenever he tries to talk with them. And still he cannot find a steady job.

One document Jaffe has obtained from the F.B.I. is a classic for its indication of the extent to which the Bureau



Bill Pierce

Sam Jaffe

and J. Edgar Hoover needed to believe that its informants in the press loved what they were doing, and that this was an exclusive love not transferable to others. Reporting on a conversation with Jaffe on July 12, 1961, about his first offer of a job in Moscow, one of his contact agents wrote to F.B.I. headquarters: "Informant said that he has the utmost respect for the Bureau and enjoys cooperating with the Bureau. However, if he accepts an assignment as a news correspondent in Moscow, informant advised that he wants absolutely nothing to do with C.I.A. as he does not share the same respect for that organization." ■

BOOKS

Poll weevil

Lies, Damn Lies, and Statistics: The Manipulation of Public Opinion in America

by Michael Wheeler. Liveright. 300 pp. \$9.95

by DAVID NEXON

As was confirmed almost weekly in the 1976 campaign, public-opinion polls have become ubiquitous and influential features of American political life. Since powerful institutions attract muckrakers as dogs attract fleas, it was probably inevitable that someone like Michael Wheeler, a professor at The New England School of Law, would set out to take as many bites as possible out of Gallup, Harris, et al. Wheeler argues that many pollsters are venal and corrupt, that polls are likely to be misleading unless read with a careful and informed eye, that newspapermen often report polls sensationally, carelessly, and incorrectly, that politicians use them manipulatively, and that, all in all, polls have a nefarious effect on American democracy. The flavor of Wheeler's book is suggested not only by its title but by such a comment as: "A person who wants to understand public opinion might do well to . . . read the polls, eavesdrop on conversations in bus stations and coffee shops, scan a variety of newspapers, put a finger in the wind, then forget about the polls."

Lies, Damn Lies, and Statistics qualifies as a classic of both the good and the bad in muckraking. On the good side, Wheeler, like any muckraker worth his salt, supplies his reader with a great deal of useful, interesting information served up in a lively style. His writing is racy and readable. He explains clearly the different methods of taking polls and the problems with each. He explains why

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polls are most accurate when they are used to predict presidential elections a day or two before they take place and fall off rapidly in their reliability as they are used for other purposes (prediction of primaries, predictions well before the event, estimates of public opinion). He shows why, if adequate information is given about sampling error, many polls reported as if they were accurate predictions actually say no more than that either candidate could be ahead. Using analyses of opinion of the Vietnam war as one example, he presents a number of different poll results showing how minor variations in question-wording can produce quite different interpretations of the state of public opinion. He offers interesting personal and professional biographies of leading pollsters. While most of the explanatory material in Wheeler's book is reasonably lucid and accurate, Wheeler does include one astoundingly elementary error: he says, on page 82, that the margin of error in a poll is related to the size of the population sampled. In fact, as any elementary statistics book makes clear, a sample of 600 is just as good for the population of the U.S. as it is for Worcester, Massachusetts.

No muckraker worthy of the name would deal with a subject without providing revelations calling at least the competence and preferably the integrity of powerful individuals into question. Here, too, Wheeler lives up to expectations. One of his more striking revelations is that Louis Harris, at a time when he had supposedly eschewed working for political clients to keep his newspaper column objective, was giving Richard Nixon pre-publication data on his polls and free advice on public opinion — a service he also had performed for President Johnson. Harris was also given a polling contract from the White House Domestic Council, supposedly on the suggestion by Charles Colson of the White House staff, that

such a contract would make the Harris poll more favorable to Nixon. Because, as Wheeler correctly emphasizes, the results of polls of opinion are very much the result of question-wording, and, in cases like the Harris newspaper column (where question-wording is often not even reported), of the pollster's own interpretive skills as well, it is important that the press and the public be aware of this kind of relationship.

On the other hand, the fact that a pollster has a personal or professional relationship with a political figure does not prove he fakes his polls. In his zeal for revelation, Wheeler clearly implies that Harris did just that. He points out that Harris's reading of Nixon's popularity began to show a rise at the time that negotiations for the Domestic Council poll began, although Gallup's poll showed little change. He quotes an unnamed "former official" as saying, "Harris is subject to being bought." He concludes, "The case against Harris must necessarily be circumstantial. If there was an agreement to rig the poll, it certainly was not put in writing, and conversations about such things are necessarily oblique. . . . Yet circumstances are damning, in and of themselves."

In fact, the circumstances were not particularly damning at all. The changes Wheeler reports could have reflected normal fluctuations in the poll because of sampling error, or they could have resulted from a change in the sampling framework, or from a change in the weighting system. The other "evidence" that Harris was faking his polls is equally flimsy: Wheeler reports that in 1972 Harris and Gallup showed McGovern running equally poorly against Nixon, while in 1968 he had shown the Democrats running a few points better than had his competitor. In addition, Wheeler objects to the wording of a Harris question on impeachment. There *were* potential conflicts of

interest in the Harris situation, as in Gallup's giving advice to Dewey in the 1948 campaign, but the idea that Harris faked the numbers in his polls is both implausible and unjustified by the evidence that Wheeler presents.

While Wheeler offers numerous qualifications in the course of his book, the general impression most readers are likely to come away with is that the polls are both worthless and harmful. Indeed, most reviews of Wheeler's book by those who have no expertise in opinion polling have come to that conclusion. This is an unfortunate result. Polls have their faults, but they are the best reflections of public opinion that we have.

Carefully done and cautiously interpreted, polls are at least as good and probably better than most other sources used for journalism or for political decision-making. It is crucial, however, as Wheeler points out time and again, that consumers of polls not be beguiled by their scientific aspect and use them with due regard to their limitations, the quality of the firms that do them, and the inevitably subjective nature of the interpretations. Unfortunately, Wheeler's desire to make a sow's ear out of what is at worst a vinyl purse has produced a book that, in spite of presenting much useful information, must be read at least as critically and carefully as the polls the author criticizes.

Half a century of the big sell

Captains of Consciousness: Advertising and the Social Roots of the Consumer Culture

by Stuart Ewen. McGraw-Hill. 261 pp.
\$10

by A. KENT MacDOUGALL

The consumer culture that promises beauty in a bottle, romance in a deodorant, and status in an automobile has raised consumption of products, both useful and harmful, luxurious and ludicrous, to unprecedented heights since World War II. It has helped fuel a growth-happy, energy-wasteful throw-

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away economy. It has partly made up in quantity for what a growing number of Americans see as a drop in the quality of their lives. It has been cheered on, aided, and abetted by the media.

The creation and manipulation of consumer needs got under way in earnest in the United States in the 1920s. New assembly-line techniques enabled factories to mass-produce consumer goods. But there were not enough consumers to absorb the output. Most Americans worked long hours for low pay. They had little to spend. Just as important, they had been conditioned to the waste-not, want-not ethic to spend only on necessities.

Recognizing the need to manufacture customers as well as commodities, captains of American industry became, in Stuart Ewen's term, "captains of consciousness." They hired psychologists and advertising specialists to socialize Americans in the consumer ethic, to persuade them to abandon thrift and simplicity for self-indulgence and display. These early-day hidden persuaders started selling a way of life in which one's happiness and worth could be measured by material possessions. They began to sell products less on merit than on the promise to make one youthful, glamorous, successful, envied.

Ewen's book includes examples of early, usually crude, efforts to manipulate consumer psyches. One tactic developed in the 1920s was to instill fear — "fear in women of being frumps, fear in men of being duds," as one adman put it. Some fears were trivial — "paralyzed pores," "ashtray breath," "sneaker smell." Others were only too real: growing too old to work in businesses that preferred the young and strong led to insecurities easily manipulated by hucksters promising youth in a jar. The Cleanliness Institute, a front for soap manufacturers, ran ads showing men climbing over one another to reach a summit marked "Heart's Desire." The ads pushed soap as a "kit for climbers" to "make the going easier."

With radio just coming in and commercial television still decades away, newspapers and magazines carried the bulk of the new breed of ads. But inventive admen also produced forerunners of

modern TV commercials. These were short dramatic films shown to captive audiences in movie theaters along with the regular features. One of these, "Blow-Out Bill's Busted Romance," portrayed the insecurities of love being assuaged by a particular brand of tires. Others pushed shoes ("Sole-Mates"), candy ("Candy Courtship"), and Fuller brushes ("Brushing the Clouds Away").

Most ads of that day were aimed at the white-collar middle class. Industrialists may have wanted to turn factory workers into consumers too, but they paid wages too low to permit working families to consume much beyond necessities. It was not until the booming 1950s that the captains' schemes and dreams began to be realized. The conspicuous consumption that Thorstein Veblen had noted among the rich and their imitators at the turn of the century was democratized in the 1950s.

Ewen sees the captains' use of advertising and the mass media as a key to American social development — a means of extending industrial hegemony far beyond the factories into workers' family and even fantasy life. Manipulation of consumer desires, he contends, has enabled corporations to channel discontent into purchasing and thereby to neutralize it; they have defused opposition from the Left, feminists, and others by appropriating the language and style — but not the substance — of dissent. Meanwhile, corporate domination and standardization of consumer choices have led to "an increasingly regimented and authoritarian" way of life. So long as control over consciousness remains in corporate hands, Ewen says, no real social change is possible.

Captains of Consciousness does a better job of asserting this thesis than of documenting it. In part, this is because the book, which focuses on the beginnings of the consumer culture in the 1920s, must necessarily neglect the more abundant evidence of later years. For instance, the book does not weigh the effects of the enormous increase in advertising volume — from \$2.6 billion in 1925, to nearly \$6 billion in 1950, to

\$28 billion in 1975. It stops short, of course, of examining the impact of commercial television. Nor does it explore the cumulative reinforcement of advertising in the modern media's entertainment and information content.

Yet advertisers continue to build on the foundations that Ewen describes. Ads still play on insecurity. TV commercials show housewives anxiously winning approval from critical husbands, children, or guests through use of a particular fabric softener, floor polish, or dessert mix. Commercials still suggest that people must possess the right products in order to have a good time, be loved, achieve status. Does anyone really believe that seduction is easier if one shaves with a Gillette Trac II razor? Though viewers must discount much of what they see, they see so much that the cumulative effect is necessarily devastating. How else explain that more than a billion dollars' worth of mouthwash, hair spray, and deodorant was unloaded on an anxious public last year?

Today the most sought-after prospects are young adults, particularly middle-class young couples in the metropolitan areas served by major stores and chains. These people are setting up households, starting families, buying appliances and furniture; older people either have these items already or cannot afford them.

Media content follows the advertising. It is no accident that there are more than a dozen mass magazines for young adults, but not one for the elderly. Advertisers would not support it. *Redbook* is the classic case. In 1964, it decided to rid itself of readers over thirty-five, having judged that "some girls are too old for *Redbook*: 18 to 34 — these are the *Redbook* years." Since then the magazine has nearly doubled its advertising pages. Similarly, some newspapers are trying to enrich their demographic profiles for advertisers; a notorious *Detroit News* memorandum ("The New Ballyhoo," September/October) advised editors to aim front-page stories at suburbanites 28 to 40 years old and earning more than \$18,000 a year.

The media have a role in promoting

consumption that they almost never acknowledge. Newspaper features on food, fashion, furnishings, travel, and real estate encourage spending. During the recent recession many dailies promoted car buying as patriotic. "Keep America Rolling" was the *Cincinnati Enquirer's* slogan; *The Philadelphia Inquirer* and other papers sponsored "Drive a '75" contests, awarding prizes of up to \$1,000 to entrants visiting new-car showrooms.

"Service" features in magazines are a vehicle for encouraging use of advertised products. Fashion magazines mention advertisers gratis and stage department-store promotions for them. *Cosmopolitan* softens up readers for cosmetic and toiletry ads by picturing heavily made-up models and publishing advice on cosmetics, plastic surgery, dieting, and other incitements to preoccupation with personal appearance.

Television, predictably, is the most blatant promoter of consumption. Game shows award furniture, appliances, and other goodies (with brand names invariably mentioned) to wide-eyed contestants while commodity-crazed audiences wallow in envy. Dramas have characters who are high-status, high-consumption doctors, lawyers, and entrepreneurs; except for policemen, blue-collar workers are underrepresented.

News, especially television news, reinforces the message. Not only do "beautiful people" have their faces and activities overemphasized, but, more important, the news media generally fail to offer balanced reporting on what people are asked to consume. Some newspapers and television stations have added a consumer reporter or two in recent years, but recipes and fashions still outnumber reports on ripoffs a thousand to one. Help on wise buying, even of necessities, remains scarce, and there is only scattered effort to warn against non-utilitarian, shoddy, dangerous, and overpriced products.

If the media were looking out for the best interests of their audiences, they would start to explain how things work in America. They would explain how advertising affects prices, how proliferation of brands clutters store shelves and raises overhead and prices, how pro-

ducers can generally make more money on products that pollute than on products that are ecologically sound.

Their reticence is understandable. Why should television, itself so adept at maximizing profit (\$737 million before taxes in 1974), question the right of other industries to do likewise? Why should daily newspapers, whose newsprint requirements fell more than 100 million trees a year, question the national economy's consumption of an inordinate share of the world's natural resources? Why should a medium question the system that nurtures it?

More Americans are awakening to the fact that many of the commodities they consume are poor substitutes for such deeper but increasingly scarce satisfactions as creative work, fresh air, good health, community, and love. Pollster Louis Harris reports that many Americans would choose to cut back their material life-styles rather than endure more inflation and unemployment. "People no longer aspire to sitting in front of a table and heaping more and more physical acquisitions onto a pile of things they own. Instead, they are seeking, yearning and even crying out for a different kind of existence."

At a time when people are "crying out for a different kind of existence," the mass media still push the old Buy Now, More Is Better message. At a time when declining purchasing power should make consumers more selective, the media decline to help. The throw-away era is near an end. It is past time that the media recognized this reality. Anything less threatens their credibility and ultimately their long-running captivity of our consciousness.

TV's audience finds a voice

The View from Highway 1

by Michael J. Arlen, Farrar, Straus & Giroux. 293 pp. \$8.95

Michael J. Arlen insists that television ought to offer its vast audience programs that show life as the audience knows it to be. For urging realism upon television's entertainment factories, he has been called unrealistic. (His re-

sponse is part of the article that begins on page 38.)

As for television news, Arlen believes that it habitually fails to present events with due attention to their weight and significance. Because of the procedures of news selection and presentation — either self-imposed by the networks or imposed upon them by the commercial and technological constraints of the medium — the relentless parade of daily Vietnam stories, with their often exciting “visuals,” failed, according to Arlen, to give us a clear picture of where events were leading — until it was too late. And this happened, he emphasizes, even though many correspondents in Vietnam had formed fairly accurate judgments about where we were headed.

Arlen's criticism is almost always moral in its intent and conclusions. He often suggests, sometimes indirectly, what television ought to be doing, rather than merely expressing pleasure or displeasure at what it has done. No one can expect many of those responsible for what we see on television to be grateful for such criticism. But at least we, their customers and willing victims, ought to be.

One of the pleasures of *The View from Highway 1* is to see Arden's striking growth as a critic since his first collection of *New Yorker* pieces, *Living-Room War*, was published in 1969. His first efforts were brief reactions and opinions that, while breezy and great fun to read, were sometimes off-hand and a bit condescending. They were essays by a writer happily exploring a subject he didn't have to be solemn about. It was as if William Shawn had somehow persuaded Holder Cautfield, for God's sake, to write about television: “. . . Old Harry Reasoner (I like Harry Reasoner),” Arlen wrote in one of his early pieces, “rapping it out so brisk and businesslike for CBS (Harry Reasoner doesn't fly all to pieces because a bunch of fresh kids tip a bus over in Los Angeles), and, down at NBC, Big Chet Huntley. . . .”

Luckily for his readers, Arlen's greater seriousness has not led to greater solemnity. His writing continues to be graceful and often funny. In “The Holi-

day Dinner: A Fable,” he creates the zany electronic Thanksgiving of a family whose holiday is organized around turkey and the Tube. “The New Season” is a collection of parodies of what are called, with excessive generosity, the “ideas” for new TV shows: “With a string of irreverent, topical comedy hits to his credit, dealing openly yet humorously with such heretofore sacrosanct themes as senior-citizen shoplifting (*The Petersons*), biracial eating (*The Larrabees*), middle-age circumcision (*Louie*), and ethnic driving (*Edna*), the time finally seemed ripe to Herb Muldoon, brainy, effervescent president of Muldoon productions, for bringing out a new kind of irreverent, topical comedy about adolescent impotence.”

Arlen's best pieces usually are written around a single insight. In “The Interview” he suggests that interviews by television reporters at the scenes of breaking news stories (“How does it feel?”) result from insecurity, boredom, and (hence) hostility. They come too, he thinks, from mimicking newspapers: news stories contain interviews, so television news stories must contain interviews. His advice to on-the-scene television interviewers: “If you have a scene playing . . . , let it play.”

Arlen is good at simply paying careful attention to what is shown and said on television. A week's references to death on television provide the subject of “The Cold Bright Charms of Immortality.” Death receives plenty of “mentions,” but Arlen argues that on TV death almost always is distant, abstract, and finally unimportant. In dramas, death and violence are unnaturally linked as part of an entertainment formula; the deaths of famous people are treated as an occasion for dwelling on their famousness. There is little place in television, Arlen finds, for the reality of death.

In “Three Views of Women” he reaches much the same conclusion about the shallow treatment of sex on television. “Sex is presumed to exist as an important human activity,” Arlen writes, “but what it *is* or *means* — a subject that men and women are now ceaselessly exploring in their private and semi-private lives — apparently

must never be explored on television.”

His most unsettling — and maybe most prophetic — essay is “Time, Memory, and the News.” It was written after President Ford's nationally televised announcement that he was pardoning Richard Nixon. Arlen suspects that the pardon may have been granted at least partly on an assumption of a short public memory — an assumption that Arlen sees as caused by the effect of the “explosion of communications” on the public's ability to retain the news. “. . . News was now being broadcast to us at such a rate that public distractedness in the face of such information volume might be seriously taken into account in the political process.”

Readers of Arlen's other books, especially *Exiles* and *Passage to Ararat*, know that commenting on television is only a part-time job for him. His writing has been steadily more ambitious — and more successful at realizing its ambitions. I hope he will continue to write about television; no one else I know of does it as well.

R. C. Smith

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LETTERS

Vocal counterpoint

TO THE REVIEW:

I am surprised that the editors of *CJR* saw no conflict in assigning a book about *The Village Voice* [July/August] to a person currently working for it. It seems unlikely that a book about CBS would be given to a CBS person for review or one about the *Times* to a *Times* person.

I am even more surprised that Nat Hentoff felt at ease in accepting the assignment. Hentoff has spent much time in the past condemning critics who review the works of writers with whom they have had personal and political differences. When Anatole Broyard wrote a negative review of a book by Chandler Brossard, Hentoff devoted an entire column in the *Voice* to an exposé of their little known history of antagonism.

In November of 1968, Hentoff and I had our first run-in. I wrote a piece criticizing his stand on the New York City school strike. It was called "Reply to Hentoff, Shadow of Radicalism," and in it I noted that Hentoff was in the awkward position of defending the public schools publicly while sending his children to private schools.

Years later Margot Hentoff and I had a strongly worded exchange when I responded to her anti-abortion piece which the *Voice* ran as its sole commentary on the Edelin decision. Ordinarily, I would be careful to separate the views of a wife from those of her husband (as Hentoff himself has done) and to distinguish between the two professionally. However, the distinction tended to blur when Hentoff cited his wife's efforts to write a book about *The Village Voice* as the reason he would not be interviewed by me. In fact, Hentoff states right in the review "At least one [book about the *Voice*] is being written, and others are likely to follow, for Frankfort has hardly preempted the field." Strange that Hentoff omits in print that it is his wife who is the author of the "one being written." (It strikes me as an item of some interest for a journalism review that the only two writers at the *Voice* who refused to be interviewed are the two who have made a profession of criticizing others in the media for failing to talk — Alexander Cockburn and Nat Hentoff.)

And then, as if all this were not enough, there is the book itself. Although one would

never know this from Hentoff's review, there is a thesis in the book about the *Voice*. Stated simply, it is that over a period of time the *Voice* was becoming more conservative, partly as a response to a diminishing readership and partly because the politics of the original owners were changing.

To document the ways in which the paper had started to cater to a middle class backlash, I cite several examples. In regard to blacks, I mention the *Voice* piece defending Rockefeller's decision to send troops into Attica. Although the author of the piece, Clark Whelton, would not give me permission to reprint it in full, I quote as much as copyright law permits. In addition, I state, "Nat outlined the distorted press coverage in the major New York dailies, tactfully omitting the Whelton piece of the previous week. . . . Several pages later, Nat Hentoff continued to take the press to task for its Attica coverage, again ignoring Clark Whelton."

I understand loyalties. It is difficult to attack places and people with whom one feels a professional identification. Similarly, it is easy to distort the views of those who no longer share that professional kinship. And in the case of the *Voice*, Hentoff would have a particularly hard time remaining objective. A major theme of the book is the decline of sixties liberalism brought about, in part, by the double standards of sixties male radicals. As one who has made a lifetime (as well as a living) by identifying with the values that defined that era, Hentoff can hardly be pleased to read it is over.

Hentoff was right to criticize Broyard for reviewing his ex-friend's book and hypocritical to exempt himself from the same moral standards.

ELLEN FRANKFORT
New York

Nat Hentoff replies: *As in her book, Ellen Frankfort's assumptions in her letter are more fictive than they are supported by what ordinary reporters regard as factual research. To take those assumptions in order:*

My reporting on the 1968 New York City school strike did indeed lead to my having a "run-in" with teachers' union leader Albert Shanker but not even a passing tiff with Ellen Frankfort. Others before her and others since have pointed out that I write about public schools while sending my children to

private schools, and I have made a point of disclosing the same from time to time because it's the kind of information readers should have. Then, having made a judgment on that, they can argue with me about what I actually write. For instance, far from "defending the public schools," as Frankfort characteristically misstates, I have written at some length about the harm many of them do while I've also tried to show why the exceptions need not be all that exceptional.

*As for the "exchange" between Frankfort and Margot Hentoff on the latter's abortion piece, Frankfort wrote a letter to the *Voice*, and Margot Hentoff did not answer it. This is "a strongly worded exchange"?*

*The book currently being written about the *Voice*, as referred to in my review, is not that of Margot Hentoff but rather is Kevin McAuliffe's. The publisher is Scribner's. Margot Hentoff is writing a memoir for Knopf and, as of now, there may or may not be a chapter in it about the *Voice*. "Strange that Hentoff omits in print that it is his wife who is the author of the "one being written." Not at all strange, given her track record, that Frankfort got it wrong.*

*Alexander Cockburn and I were not "the only two writers at the *Voice*" who refused to be interviewed by the inventive Ellen Frankfort. There were at least several more. I know not their reasons. I almost invariably do cooperate with other reporters. This was an exception. I do not regret it.*

*As for the book's "thesis" that the *Voice* became more conservative over a period of time, it is simplistic but not entirely unfounded. Yet again, Frankfort gets her "supportive" facts wrong. During the period in which the *Voice* carried Clark Whelton's defense of Rockefeller's assault on Attica there were many more *Voice* pieces condemning it. So what does that reveal about the drift to conservatism? And even Whelton immediately reversed himself, thereby making it unnecessary for me to bastinado him. That time. As for the "loyalties" that Frankfort claims prevented my criticizing Whelton, the fact is that both before and after Attica, he and I brawled in the pages of the *Voice* with rather deadening regularity. This is omitted, of course, to keep another flaky assumption aloft.*

Furthermore, as to my "loyalties," I am not known for a disinclination to criticize in-

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situations with which I am more or less identified. That is one reason I never rise anywhere near the top of such institutions, including the Voice.

As a final index of Frankfort's scrupulous research standards, there is her notion that I am just about terminally disheartened by the passing of the sixties because I had made a life and living out of identification with the "values" of that roller-coaster decade. Alas for the thesis, my heroes go back a good deal farther — A. J. Muste, I. F. Stone, and William O. Douglas. Another important influence was the checking staff of *The New Yorker* which trained me to get all the facts right. I consider that to have been a moral influence and blame Frankfort's publisher for not having brought similar instructive light to bear on the author and her manuscript. But as A. J. kept saying, we are all perfectible. Frankfort may be a reporter yet if she starts small, like with her letters.

Imaginative piece

TO THE REVIEW:

In your rather gaudy piece entitled "The New Ballyhoo" [CJR, September/October], you must have depended upon your imagination, rather than observation or inquiry, in your references to *The Cincinnati Post*.

Re "the decision of a few major papers to subordinate deliberately news of public affairs in favor of sensation": (a) we have made no such decision, nor have we been asked whether we have done so; (b) instead of subordinating news of public affairs, we have increased it.

You say we have joined the *San Francisco Chronicle* "in this pattern . . . in intent if not in execution. . ." That also sounds like guessing what is in our minds.

Isn't that rather fey journalism?

WALTER FRIEDENBERG
Editor, *The Cincinnati Post*

Pen pals

TO THE REVIEW:

CJR presents the White-Xerox affair (September/October) as the story of a mighty corporation that abandoned a program it had undertaken in the public interest upon learning from a solitary man of letters that the program might actually threaten the public interest. In fact, however, the program to sponsor particular articles met widespread disapproval, and it might have been worthwhile to consider the possibility that Xerox merely seized upon Mr. White's letters as an opportunity to appear public-spirited in sinking an effort it had hoped to appear public-

spirited in launching. If people accept CJR's version of corporate humility and social sensitivity, then Xerox may congratulate itself on having snatched victory from the jaws of defeat.

DAVID H. REMES
Cambridge, Mass.

TO THE REVIEW:

You have done a fine service by printing the correspondence between Xerox and E. B. White. I had not seen the texts before.

It seems to me you missed a good opportunity to make an essential point, one that should not be missed by all defenders of a free press. In view of the alacrity with which much of the press jumps on possible ethical transgressions by others in our society, it is interesting that it was private citizen White, and not the press, who blew the whistle. There was no decisive blow from The Society of Professional Journalists, the Reporters Committee for Freedom of the Press, the National Press Club, the American Society of Newspaper Editors, the National News Council, the American Newspaper Publishers Association, or any other organization. So far, *Esquire* retains its accreditation in the Periodical Press Galleries on Capitol Hill. The gallery rules, to which . . . all publications are subject, appear to ban representatives of any subsidized press.

CLAUDE WITZE
Washington, D.C.

TO THE REVIEW:

As a journalist I feel compelled to reply to Mr. E. B. White's correspondence with Xerox.

For a corporation to pay a writer a fee and then offer to finance the publication of a story in a magazine of general circulation is strictly within the bounds of the free press in our country. *Esquire* was free to refuse the article; likewise, Harrison Salisbury was free to refuse to write the article. Perhaps what *Esquire* feared was that if it refused publication, one of its competitors might choose to run the story.

As Mr. Jones pointed out in his first letter, there are many subjects of interest which cannot be linked to funding. There are many journalists who would welcome the opportunity to be offered money to write certain stories. It should be pointed out, also, that these subjects do not conflict with either the writer's or the publication's point of view. Without the money in advance, many journalists would not have the opportunity to research a story, write it, and then seek publication for such a story. Simply, I see nothing

ominous or even unhealthy about such a transaction.

Truly if a fact were ever able to stand alone it would be this one: the editorial tone of the daily newspapers today largely reflects the advertisers sponsoring them. And when these sponsors consist of large department stores and those corporations defined as "big business" (oil companies, for example), is the press really free?

For the most part, the press in this country is not free; thus, neither are its readers. Contrary to Mr. White's opinion that there is a large number of owners, it is a fact that fewer and fewer daily newspapers are independent. Newspaper chains are growing at an amazing rate today, putting out of business many urban daily independents. Of the newspapers in our large cities, how many belong to a chain? And of these chains, which are not bound by its advertisers?

If Xerox would like to continue its support of print articles, I'm sure there are thousands of journalists in this country waiting for an opportunity like this one.

MANLEY WIITEN
Philadelphia

Exposed cable

TO THE REVIEW:

It was with some excitement that I began Ronald P. Kriss's "Cable TV: the Bottled-Up Medium" in the July/August issue of the *Review*. It was with disappointment and despair that I finally concluded the same article.

The battle is hardly one between cable and television, as Kriss draws it, but between the public interest and remote economic and technocratic empires. Better to talk about the growing local initiatives to wrest power from the international conglomerates — oops, now multinationals — who control the nation's communication resources, or the struggle in Congress between A.T.&T. and the rest. Hopefully, CJR will not be long in doing a *real* exposé — or even a reasoned examination — to light the public darkness.

ROBERT JACOBSON
Los Angeles

Corrections

The corporation for which John Chancellor and John Scali have narrated company films ("Darts and Laurels," September/October) is A.T.&T., and not I.T.T., as erroneously stated.

In the article, "The High Cost of Owning *The Denver Post*," identification of the author was incomplete. Bill Sonn is a former editor of *The Straight Creek Journal*.

March 1976

Corrections Magazine

Covering America's Changing Prison System



National Survey Results

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Wicker/Martinson/Morris/van den Haag
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REPORTS

"The Local TV News Scene," **Broadcasting**, August 23, 1976

Good news from the local TV news front. According to *Broadcasting's* annual nationwide survey, the trend is up: longer newscasts; faster spot coverage; more in-depth stories, investigative reporting, and documentaries on vital issues; broader angles (crews journeying to faraway places for local implications of national and international stories); more original, ambitious special service features. And while the local news consultant may be here to stay, content is up, cosmetics down, if only because of the discovery that news is profitable: in the words of one of them, "Consultants are the old messiah. News is the new messiah." Is it the millennium come round at last? Well, not quite yet — but even allowing for a trade magazine's optimism, there does seem to be evidence of general progress in the field.

The Presidency and the Press, Edited by Hoyt Purvis, *The University of Texas at Austin*, 1976

In a laudable effort to strengthen the lines of communication between the White House and the press, the L.B.J. School of Public Affairs this spring sponsored a meeting of past and present presidential press secretaries and White House correspondents. This is the published transcript of their discussions. The rhetoric on such issues as responsibility for the public's current sense of alienation is relieved by revealing self-justification (the misleading of the press in the Pakistan tilt episode, for example), a few sharp exchanges (Helen Thomas, for one, insisting firmly on frankness), and earnest expressions of professional philosophy. One point of general agreement is the desirability of increasing the press's access to the president. Among the suggestions: a daily fifteen-minute presidential press conference.

"A.C. Nielsen Co. Does A Lot More Than Just Rate Television Shows," by David M. Elsner, **The Wall Street Journal**, August 2, 1976

Everyone knows that only the valiant dare challenge the awesome judgments of the A.C. Nielsen Company — not with a single Nielsen rating-point translating into \$17 million a year in revenues. Those TV ratings, however, are but a small item in the Nielsen marketing basket — 11 percent of it, to be exact; besides tracking the country's viewing

habits, the researcher watches our buying habits as well. Elsner's brief article is crammed with facts about the company's history and methods, critics and competitors — and, of course, that little black monitoring box. Perhaps as interesting as the surveys Nielsen does are the ones that it doesn't: politics and magazine readership, it seems, are just too slippery to measure.

"The Best Newspaper in Texas," by Ronnie Dugger, **The Texas Observer**, June 18, 1976

Dugger and his colleagues at *The Texas Observer* agree that the best newspaper in Texas is the *Corpus Christi Caller*. This love letter is not the predictable profile of a publication, however — rather, it focuses exclusively on the *Caller's* exemplary ten-part series on the Mexican Americans in Corpus Christi, which the paper ran this spring. Using extensive quotations and paraphrased summary, Dugger conveys the courageous and sometimes painful substance of the memorable series that Dugger believes may make the *Caller* itself a factor in the social evolution of the bicultural region.

"Television's Conflict of Interests," an interview with Nicholas Johnson, **The Center Magazine**, July 1976; "Conversation With Clay Whitehead," **Videography**, June 1976

In this pair of interviews, Nicholas Johnson, the former maverick F.C.C. commissioner, and Clay Whitehead, former director of the Office of Telecommunication Policy at the Nixon White House, talk about some of the problems of American television. Johnson, now a leader in the media reform movement, has some strong words about the broadcasting industry: "The broadcasters have opposed public broadcasting, they have opposed cable, they have opposed pay broadcasting. They oppose paid access, they oppose free access, they oppose public access on cable. They oppose breaking up the ownership patterns, they oppose reducing power, they oppose adding VHF stations." Interestingly, while Johnson believes that any breaking up of big-business dominance is a good in itself, at the same time he holds the notion that, as an institution, the networks constitute a powerful defense against a dictatorial takeover in this country. Whitehead, on the other hand, has no doubts about the need to end the networks' monopoly. Currently a postdoctoral fellow at the M.I.T. Center for

International Studies and a fellow of the Harvard Institute of Politics, Whitehead comments on a broad range of topics ranging from Watergate to the role of the F.C.C. Like Johnson, he is concerned with providing more alternatives for viewers and is an enthusiastic supporter of cable TV: he differs from Johnson, however, in his firm conviction — here arrestingly argued — that the best solution lies in deregulation.

"The Oregonian — The Inside Story," by Steve Forrester, Ronald A. Buel, Roy Paul Nelson, and A. Robert Smith, **Willamette Week**, July 12, 19, 26; August 2, 9

A small local alternative weekly has taken a challenging look at the oldest and largest newspaper in its state, the *Oregonian*, and its sister paper, the *Oregon Journal*. The five-part series examines in exhaustive detail the *Oregonian's* every aspect — history, organization, operations, policies — and considers editorial content, graphics, and layout as well. The assessment of mediocre, if not poor, quality, however, is, like the papers' diminishing statewide influence, of less probable concern to their publisher than the statistics on declining circulation: as properties of S.I. Newhouse's media empire, their primary function is to be profitable. An interesting case study in itself, the story of the Oregon dailies acquires added significance as an example of the dismal effects of uninspired chain ownership.

"The Power of Movie Critics," by Stephen Farber, **The American Scholar**, Summer 1976

How influential are the movie critics, anyway? Examples abound, after all, of critical successes that bombed at the box office (*Mean Streets*, *The Conversation*), and popular successes that the critics panned (*The Great Gatsby*, *Mahogany*), as well as of neater instances where critics and audiences agreed (*Jaws*, *Shampoo*). In Farber's view, the true influence that movie critics have is on each other: in New York's incestuous critical world, he says, the tendency is either to follow the leader or, perversely, to contradict him out of professional pride. One of the genuine threats to critical reliability, Farber believes, is the illusion of power that may develop when the critic turns celebrity: by way of illustration, he cites some of the recent writings of *The New Yorker's* Pauline Kael. And he regards a related symptom of media madness — the trend of local stations to hire frustrated actors to deliver capsule reviews — as additionally alarming to the cause of serious criticism.

DANIEL J. LEAB

The Lower case

EC-Swim Record, 70

URGENT

BERLIN AP - East German women set a new world record for the 1,200-meter relay Friday, clocking 7 minutes, 54.2 seconds, the official news agency ADN reported.

08-06-76 06.26pod

BERLIN, to fix distance of relay, read 1st graf:

BERLIN AP - East German women set a new world record for the 1,200-meter relay Friday, clocking 7 minutes, 54.2 seconds, the official news agency ADN reported.

08-06-76 06.41pod

BERLIN, to fix distance of relay, read 1st graf:

BERLIN AP - East German women set a new world record for the 900-meter relay Friday, clocking 7 minutes, 54.2 seconds, the official news agency ADN reported.

08-06-76 06.13pod

EDITORS: The following writethru lead fixes the distance of the record race.

BERLIN AP - East German women set a new world record for the 800-meter relay Friday, clocking 7 minutes, 54.2 seconds, the official news agency ADN reported.

08-06-76 06.16pod

EDITORS: The following writethru lead fixes the distance of the record race and clarifies that it was track & field, not swimming:

BERLIN AP - East German women set a new world record for the 4 by 800-meter relay Friday, clocking 7 minutes, 54.2 seconds, the official news agency ADN reported.

08-06-76 07.07pod
AP Sport's Wire 8 6 76



School bus driver Ed Ray and the 26 children he is credited with having rescued from kidnappers July 15 ride a float in Chowchilla parade. About 4,000 townspeople turned out for yesterday's festivities.

The Bergen (N.J.) Record 8/23/76

Ehrlichman wins prison stay

Trenton (N.J.) Times 9/16/76

He said plans worked out by his and Ford's representatives called for three debates of 75 minutes each, with the first session scheduled for the third week in November.

The Kansas City Times 8/31/76

Youngstown police on duty getting smaller

Niles (Ohio) Daily Times 9/29/76

Ford OKs Hike For Recreation

The Arizona Daily Star 9-29-76

Indochinese refugees settle in well: Report

Journal and Courier (Lafayette, Ind.) 9/29/76

Caribbean islands drift to left

The (Cleveland) Plain Dealer 7 26 76

Chief Blue, the last full-blooded Catawba Indian Chief died in 1959. The Evening Herald incorrectly said Wednesday that he died three years ago due to a reporting error.

Evening Herald (Rock Hill, S.C.) 9/2/76

Chinese apeman dated

The Oregonian 7 26 76

Aging Expert Joins University Faculty

Atlanta Constitution 8/20/76

Miss Celeste Segelhorst, 1975 Wheat Festival and Fair Queen, will have the honor of drowning the new queen.

Yelvington Publications (Wescotah, Ill.) 9 15 76

The above are sample questions based on the test that Penn State is giving to journalism students in all but one of the professional course. The questions deal only with comma, faults, dangling modifiers, spelling punctuation, and usage. There are no errors in capitalization and there is supposed to be only one error per a sentence. Students are cautioned that the error must be viewed in the context of the entire sentence and that rewriting a sentence is not the answer.

Editor & Publisher 9/11/76

Admitted killer of 4 women gets 90 years in Washington

The Detroit News 8/4/76

Woman better after being thrown from high-rise

Chicago Daily News; 9/27/76



Don't let the people who want to break up the oil companies take you down the wrong road.

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