

FROM THE DIRECTOR

Center Celebrates 1st Decade, Reaffirms Research Commitment

IT HAS TAKEN FAR TOO LONG FOR THOSE OF US IN THE Silha Center to develop a means of keeping in touch with those we care about. What you are holding is Volume 1, Number 1 of the Center's *Bulletin*, a newsletter that will keep you informed as to what the Center is doing in research and in its contacts with professional constituencies, and with media ethics and law circles nationwide and internationally.

The *Bulletin* is not a substitute for our substantial journal, *Media Ethics*, co-published with Emerson College in Boston, and sponsored by Monitor Radio, a broadcast service of the *Christian Science Monitor* and by the Freedom Forum First Amendment Center at Vanderbilt University. If you wish to be added to the mailing list for the latter, please call (612) 625-3421.

10-year Anniversary Lecture and Panel

It is difficult to realize that the Silha Center is 10 years old. We've been so busy that it seems more like 10 months. Nevertheless, we are taking time out to mark our 10th anniversary by bringing together a distinguished group of journalists to talk about "The Role of News in a World of Infotainment." We take no responsibility for the derivation of that graceless but expressive final word in our program title, but it is a fact that it is increasingly difficult to distinguish between what is straight news or public information and what is entertainment.

To deal with this puzzle we have called upon our friends. Our keynote speakers will be Jacqueline Adams of CBS News and Gerald Boyd, assistant managing editor of *The New York Times*. Following their lecture, they will be joined for a panel discussion by Joann Byrd, ombudsman at *The Washington Post*; Louis Hodges, founder and director of "Society and the Professions: Studies in Applied Ethics," an ethics program at Washington and Lee University in Lexington, Virginia; and Robert Steele, director of the journalism ethics program at The Poynter Institute for Media Studies in St. Petersburg, Florida. We can hardly wait! And we hope that you will join us for the annual Silha

Lecture in a slightly different form. The *time*—Thursday, October 13 at 1 p.m.; the *place*—the Bell Museum Auditorium on the University of Minnesota's East Bank campus—10 Church St. S.E.

Programs, Projects, and Publications

Celebrations aside, the Silha Center's most important function remains its research program, already well under way. We have published in such areas as media accountability, free press and fair trial, points of convergence of media ethics and law, and in media law generally, with an emphasis on libel laws, their history and their reform. A major ongoing research project is investigating how media, nationwide, grant confidentiality and use anonymous sources.

In addition, the Center has put together comprehensive bibliographies in both media ethics and media law. It is the academic custodian of the National News Council archive. It collaborates with the Minnesota News Council and is assisting in analyzing its 20-plus years of rulings. The Center organizes, sponsors and co-sponsors lectures, forums, monographs, and syllabi, provides fellowships for graduate students, and supports faculty research within the School of Journalism and Mass Communication and in sister departments. Continuing consultation with journalists, scholars, and community members, and with visiting journalists and academics takes up a sizable portion of the Center's time.

As significant dimensions of mass communication move into cyberspace, and regulated, unregulated, and partly regulated communication technologies converge, media ethics and law will become increasingly complex fields for investigation, theorizing, and application. The Silha Center will keep pace with these developments and advance its values of freedom and fairness in journalism and mass communication.

My hope is that the *Bulletin*, issued quarterly, will help us keep you informed of what is going on here and elsewhere to serve these critical purposes.

—DONALD M. GILLMOR

Ongoing Projects Focus on Anonymous Sources, Libel

The Center is engaged in a research project analyzing how the media grant confidentiality and how they use anonymous sources.

AS THE SILHA CENTER ENTERS ITS SECOND DECADE, we teeter on the cusp of a new century filled with ever-expanding databases and information superhighways, promising a world in which media ethics and law may well collide, not just intersect. Balancing First Amendment freedoms with ethical fairness thus will be increasingly challenging.

How will we define visual reality in a world where journalists use cameras with reusable discs and there are no verifiable film negatives? What is intellectual property at a time when electronic databases can undermine the very essence of copyright? And how can the news media be respectful of the various diverse elements of our society without becoming pawns of political correctness? These are undoubtedly some of the issues we will grapple with at the Silha Center in our second ten years.

Currently, the Center is engaged in a research project analyzing how the media grant confidentiality and how they use anonymous sources. To gather data for this project, interviews have been and continue to be conducted with a variety of senior editors, investigative reporters, ombudsmen, and attorneys. Data from these interviews, combined with information from a variety of secondary sources, should provide a comprehensive, modern-day view of media practices in the area of anonymous sources.

This fall the Center undertakes an in-depth analysis of the Minnesota News Council's decisions. With these data we'll be able to study the Council's deliberations from historical, legal, ethical, and social science perspectives.

Other ongoing research at the Silha Center focuses on the:

- Completion of a general media law text to be published in 1995
- Study of libel law reform
- Continuing impact of the *Cohen v. Cowles Media Co.* case on both the state and national level.
- Current state of ethics policies at daily U.S. newspapers.
- Role of ombudsmen at daily newspapers.
- Free press, fair trial issues surrounding the O.J. Simpson case.

International journalists often visit the Center, and this summer was no exception, as two separate groups came to the Twin Cities. Some 20 United States Information Agency-sponsored broadcast journalists discussed and debated with Center members issues ranging from the philosophical underpinnings of the First Amendment to excesses in the American news media surrounding the pretrial publicity of the Simpson case.

Last spring the Center coordinated a town meeting

in Boston—one of ten such meetings conducted in various cities across the United States in which the controversial Associated Press Managing Editors Association (APME) 1993 Declaration of Ethics proposal was discussed and debated. The meeting at the *Boston Globe* centered on the section of the APME's proposal dealing with diversity. Present were journalists from four Massachusetts daily newspapers and one television station, academics from five colleges/universities, and, in general, people with a keen interest in newspapers and media ethics.

The group analyzed areas of scope, staffing, inclusion, and stereotyping. About two-thirds of the group said newspapers should have written ethics standards, citing the need for the media to be credible, to be open with their readers, and to help set a positive "tone." Also, most people said new journalists often don't know what the industry's ethical standards are, and experienced journalists need to be reminded of these standards.

—WILLIAM A. BABCOCK

Silha Center History

THE SILHA CENTER WAS ESTABLISHED IN 1984 through the generosity of Otto A. and Helen Fitch Silha. It is the vanguard of the University of Minnesota School of Journalism and Mass Communication's interest in the ethical responsibilities and legal rights of the mass media in a democratic society. The Center focuses on the concepts and values that define the highest ideals of American journalism: freedom and fairness. With support from an additional gift from the Silhas in 1986, the Center now benefits from an endowed professorship in media ethics and law.

Otto Silha, head of his own consulting firm, Silha Associates, is former publisher of *The Minneapolis Star* and *The Minneapolis Tribune* and former chairman of the board of Cowles Media Company. He is active in a variety of professional and civic organizations both locally and nationally. A graduate of the University of Minnesota, Mr. Silha served on its Board of Regents.

Also a graduate of the University of Minnesota, Helen Silha has been a teacher, and has chaired the Board of Directors of Minnesota Early Learning Design. Mrs. Silha has been active on the boards of Compas (a statewide arts organization), MacPhail Center for the Arts, and Friends of Opportunity Workshop.

O.J. Simpson Case Ignites News Council Panel

HATS OFF TO THE MINNESOTA NEWS COUNCIL AND its executive director, Gary Gilson, for bringing together on September 20th a large and distinguished panel of highly visible judges, prosecutors, defense attorneys, reporters, editors, and law enforcement officers to discuss a constitutional problem that has sprung back to life with the O.J. Simpson case: *free press and fair trial*. The panel was free and open to the public and met in the auditorium of the Lutheran Brotherhood building in downtown Minneapolis.

While little consensus was evident in a 90-minute dialogue that will be available on videotape, the intractability of the problem was underlined. Newspeople argue that they are presenting public information to a public that needs to have it. Bench and bar propose that judges deal more harshly with lawyers who leak information to reporters to benefit their cases.

Both sides are less than completely honest. Journalists admit too seldom that they may be propelled by agendas other than that of the public's welfare. Moreover, the public's "right to know" has always been a tricky cliché. It can have a boomerang effect: if the public has a right to know, then the news media may have a duty to provide information that they do not always provide or fail to provide in sufficient quantity or comprehensible form. The judicial system, often beginning with police and prosecutors, uses the media in what becomes a battle of words between tenacious adversaries. Seldom are lawyers penalized by their bar organizations for violating their canons of professional conduct. Journalists function under no such mandatory or formal ethical system, nor would the First Amendment allow them to do so.

What gets lost in all of this is the *presumption of innocence*, the simple idea that any person suspected of or charged with a serious crime is innocent until proven guilty beyond a reasonable doubt. Here is the ultimate test of society's commitment to the protection of the individual person whose life or liberty is at stake and who is facing the full power of the state. Of course victims have rights also, and it is too often overlooked that pretrial publicity may also damage the people's case against a defendant who may be guilty.

In the late '60s and early '70s about half the states found all of the aforementioned constituencies coming together to form fair trial-free press councils (Minnesota was one of them). Guidelines were developed after a year of discussion among judges, lawyers, journalists, police, and professors as to what kinds of information should and should not be published prior to trial. At first the guidelines seemed to work, but initial optimism was premature.

Although the councils had no punitive powers beyond that of peer pressure, there soon came to be so many violations by all of the original signatories that the councils were overwhelmed. Their lights began to blink out all over the country, and by the '80s they were practically all dead or dying.

It was a noble effort nonetheless. News media have a constitutional right to publish whatever they wish. Indeed, the U.S. Supreme Court has said that "editing is for editors." No one else makes editorial decisions. In the whole pretrial process, the last decision is made by an editor—whether or not to publish information that may damage an individual's right to a fair trial before and impartial jury, and the people's right (a less distinctive right) to have justice done.

Hats off also to those editors who decide—regardless of what their competitors do—to delay publication of some information, for example, the existence of a confession, until the trial has begun. The Simpson case has resulted in an agonizing reappraisal. Both the *Columbia Journalism Review* and the *American Journalism Review* made cover stories of the case in their fall 1994 issues. In the meantime, the conflict between two precious constitutional guarantees—fair trial and free press—remains as difficult and as dramatic as ever through cases such as Lindbergh, Sheppard, and now, Simpson, and those involving the ordinary and the anonymous among us.

Finnish media scholar in residence at Center

GUEST PROFESSOR KAARLE NORDENSTRENG HAS an office in the Silha Center fall quarter 1994. Dr. Nordenstreng is the Government of Finland and the David and Nancy Speer Visiting Professor of Finnish Studies in the School of Journalism and Mass Communication, and will teach "World Communication Systems." He is a professor of journalism and mass communication at the University of Tampere, Finland. A radio journalist and head of research for the Finnish Broadcasting Company, he also was a consultant to UNESCO for 12 years. From 1976-1990 he was president of the International Organization for Journalists and was vice president of the International Association for Mass Communication Research from 1972-1988. Dr. Nordenstreng received his Ph.D. in 1969 from the University of Helsinki in psychology and linguistics. He may be reached at (612) 626-1737.

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FALL 1994 CALENDAR

October 13, 1994 Minneapolis, Minn.
"The Role of News in a World of Infotainment."
The 1994 Silha Lecture, with panel discussion following. University of Minnesota. Sponsored by: The Silha Center for the Study of Media Ethics and Law. Keynote speakers: Jacqueline Adams, CBS News; Gerald Boyd, *The New York Times*. For more information, call (612) 625-3421

November 3, 1994 Cleveland, Ohio
The Robert W. Clarke Memorial Lecture, Case Western Reserve University. Sponsored by: The Center for Professional Ethics. Speaker: Stephen L. Carter, Yale University. For more information, call (216) 368-2000

November 10-11, 1994 New York City, N.Y.
22nd Annual Communications Law Seminar. Sponsored by: Practising Law Institute. Subject areas include: libel, reporter privilege, commercial speech, prior restraint, FCC, cable, antitrust, privacy, and access. For more information, call (212) 765-5710

November 17-19, 1994 Tampa, Fla.
"Free Speech in a Democratic Society: Where Do We Draw the Line?" An interdisciplinary conference celebrating the 350th Anniversary of John Milton's *Areopagitica*. Sponsored by: University of South Florida. **Registration deadline: November 11, 1994.** For more information, call (813) 974-5327

March 9-11, 1995 Gainesville, Fla.
AEJMC Southeast Colloquium. Newspaper, History, Law Divisions. Sponsored by: AEJMC & University of Florida. **Paper submission deadline: December 12, 1994.** For more information, call (904) 392-0450.

March 30-April 2, 1995 Austin, Texas
"Communication Issues for the 21st Century: Revisiting Social Responsibility in a Multicultural Society." Conference of The Union for Democratic Communication. Sponsored by: University of Texas. **Paper submission deadline: December 1, 1994.** For more information, call (512) 471-1979.

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Silha Center for the Study of Media Ethics and Law, School of Journalism and Mass Communication, University of Minnesota, 405 Murphy Hall, 206 Church Street SE, Minneapolis, MN 55455
A receipt for your donation will be provided for your records.