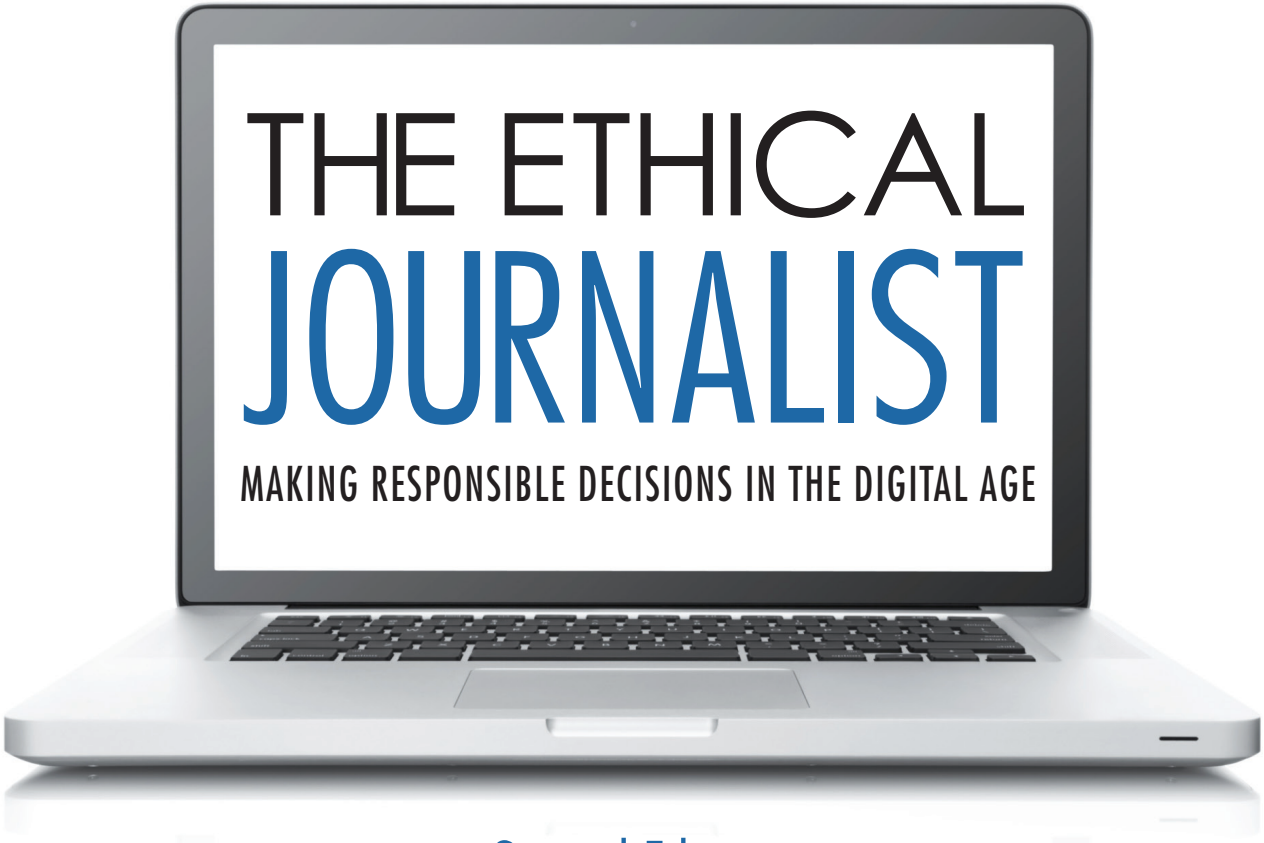
GENE FOREMAN

THE ETHICAL JOURNALIST

MAKING RESPONSIBLE DECISIONS IN THE DIGITAL AGE



Second Edition

with website

WILEY Blackwell

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In memory of Jim Naughton,
who personified The Ethical Journalist

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1 Why Ethics Matters in Journalism **3**

Our society needs news professionals who do the right thing

- Contemporary journalists are keenly aware of the ethics of the profession; they deal frequently with ethics questions in their working lives.
- In a profession that cannot be regulated because of the First Amendment, responsible journalists adhere voluntarily to high standards of conduct.
- The goal of this book and course is to teach you how to make ethically sound decisions.
- Discussing case studies in class is crucial to learning the decision-making process.
- The digital era, which has radically changed the way the news is gathered and delivered, has provoked controversy over whether ethics should radically change as well.
- Confronted with a daily deluge of information, the public depends on ethical journalists for news that can be trusted.

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- Ancient societies developed systems of ethics that still influence human behavior.
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- Journalists generally agree that their highest ethical principles are to seek truth, serve the public, and maintain independence from the people they report on.
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- In the 1940s the Hutchins Commission defined journalism's social responsibility: to provide reliable information for the community.
- An ethical awakening occurred in journalism during the decade beginning in the mid-1970s.
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- Codes can be useful as a part of the decision process, not as a substitute for that process.
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- Critical thinking, or thoughtful analysis, is an essential component of the decision process.
- A step-by-step template can guide you to a better decision.
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- Plagiarism and fabrication are morally wrong. Plagiarism is stealing the creative work of another. Fabrication is making things up and presenting them as fact.
- The offenses of plagiarism and fabrication destroy journalism's credibility and cost offenders their jobs and their careers.
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- A three-step template can help you make decisions in privacy cases.
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- Reporters who cover new immigrants are finding that the assignment presents specific ethics issues.
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Online, there are huge opportunities and some problems

- Although ethical issues pertaining to digital journalism are discussed throughout the book, this chapter focuses on issues specific to that news-delivery platform.

- Requests from the public to "unpublish" archival content creates an ethical dilemma. News organizations should resist deleting the digital record while also being considerate of the human problems stemming from the permanence of that record.
- Although the Internet empowers the audience to be heard, news organizations need to find ways to curb incivility.
- Hyperlinks in online news stories help journalists be transparent about their sources.
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Foreword

Journalism Genes

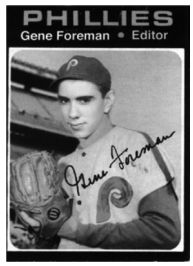
Gene Foreman. PHOTO BY JOHN BEALE.

When Gene Roberts left *The New York Times* in 1972 to begin elevating one of America's worst newspapers, *The Philadelphia Inquirer*, he quickly realized he needed help. "I was looking," he recalls, "for someone who was everything I was not." Roy Reed, then a national reporter for *The Times*, and others who knew Roberts well told him they had just the right person to be his managing editor: Gene Clemons Foreman.

And so the two editors became Gene and Gene, or as the staff in Philadelphia dubbed them, The Chromosomes. They were indeed an odd couple – Roberts an unmade bed of an intuitive strategist and Foreman a conscientious pillar of reasoned exactitude – and they were a perfect match. Roberts always has been given, rightly, credit for the development of a literate *Inquirer* staff that may well have been, pound for pound, the most enterprising in American newspapering. In his 18 years in Philly, the staff was awarded 17 Pulitzer Prizes. Yet Roberts would be the first to say, and others of us who had the privilege of helping improve *The Inquirer* would echo, that it was Gene Foreman whose standards were at the center of the remarkable transformation.

It was Foreman who commissioned, edited, and published newspapering's most thorough and high-minded policy manual. It was Foreman who established and conducted standards and procedures training sessions for every staff member. It was Foreman who encountered Michael Josephson, a lawyer who was creating an ethics institute in Los Angeles, and tutored him in news issues so that Josephson could train journalists anywhere – including *The Inquirer* – in news ethics. It was Foreman who defined what the paper should look like and made sure it did. It was Foreman who built an exceptional core of copy editors, in part by creating a pre-employment editing test that became a model for the industry. It was Foreman who relentlessly examined each issue of the newspaper and delivered detailed guidance about where there was room for improvement. Never has there been a newspaper editor more focused on fact, honesty, reality, ethics, truth, accuracy, style.

Without either of the Genes, the remaking of *The Inquirer* likely would have collapsed. With the two as a team, yin and yang, it prospered as we performed a little more enterprisingly and a little more carefully each day. Many of us came to regard working for the Genes as the golden era of our careers. Plus it was great fun. They fostered the kind of newsroom in which on one of Gene Foreman's birthdays his fanatical devotion to the Philadelphia Phillies could be celebrated by creating a huge sheet cake on which there was a deliberate typo in the icing spelling Foreman's name. Just as Gene was about to cut the "cake," it popped open and up came Larry Bowa, the Phillies' shortstop. I've often thought Foreman identified with Bowa because both did their utmost to perform



at a high level without error. Gene certainly deserved a gold glove for editing. When Gene Foreman retired in 1998 after a quarter-century at *The Inquirer*, the staff threw a huge family picnic in his honor. One of the mementoes was a "baseball" card celebrating how much he loved both journalism and his baseball team.

As Gene's editing career wound down, Penn State arranged for him to continue to advocate best practices by joining the journalism faculty. Every week, Foreman made the rigorous round-trip from his home outside Philadelphia to the main campus in State College.

Students aspiring to careers in journalism came to revere him for his meticulous teaching and his energetic mentoring. Here's how Leann Frola Wendell, class of '06 and now a copy editor at the *Dallas Morning News*, put it:

> Professor Foreman was my most influential teacher at Penn State. Not only did he give me a solid foundation for copy editing and ethical journalism, he went above and beyond to help me with my career. Inside the classroom, he was impeccably organized and made each grading point count. He taught in a way that challenged us to intimately learn the material. And he was sure to explain why what we learned mattered. Professor Foreman was also a great resource outside the classroom. He made me aware of editing opportunities and encouraged me to work hard and apply for them. At his urging, I applied for a program that led me to the job I have today.

In preparing to teach ethics, Gene concluded that there were people in the craft and the academy who advocated high-minded practices, but no single text that explained to his satisfaction why and how journalism should be done right. Over nearly a decade he kept pulling together material from everywhere he could find it – accounts of best practices, case studies of news coverage gone awry, quotations from exemplars of the craft, and breaking news about how news was being broken in print, on the air, and online.

And he has put all of it, and more, into this book. *The Ethical Journalist* is like GPS for sound decision-making. It will not tell you what path to take but rather where you are on the journey to an ethical decision. It is invaluable for anyone who practices or cares about the craft. It is up to the minute in relevance. It will serve not merely to teach but to exemplify Gene Foreman's conviction that while there are immutable principles to guide the honest and careful delivery of news, ethical values are not static but alive. Standards cannot merely be proclaimed; they must be experienced, for every day, every broadcast, every edition, every deadline brings some unforeseen wrinkle in the who, what, when, where, why, and how of the world.

James M. Naughton

James M. Naughton (1938–2012) headed the Poynter Institute of Media Studies at St. Petersburg, Florida, from 1996 to 2003 and on retirement became its president emeritus. He joined *The Philadelphia Inquirer* in 1977 and was the paper's executive editor when he left for Poynter. Before his work at *The Inquirer*, he was *The New York Times*' White House correspondent during the Nixon and Ford administrations.

Preface

I am pleased to present this second edition of *The Ethical Journalist*. The content has been thoroughly updated to reflect the changing news environment of the digital age.

Like the first edition, issued in 2009, this book is intended to inform your professional life. Technically, it is published as a textbook for college courses in journalism ethics and communications ethics, and as the ethics textbook in a course combining journalism ethics and law. I hope that practicing journalists – especially young men and women who did not take journalism courses in college – will also find it useful for its comprehensive discussion of the standards of the profession.

If you fit those categories of student journalist and practicing journalist, you will find yourself addressed directly in this book. I reach out to you in two ways: first, to help you learn to make ethically defensible decisions in the practice of journalism; and, second, to give you the benefit of the thinking of generations of professionals and scholars that resulted in today's consensus guidelines for ethical conduct.

With these goals in mind, I have divided the book into two parts. Part I examines ethics in a general way, shows the relevance of ethics to journalism, and outlines a decision-making strategy. Part II discusses specific subject areas in which journalists frequently confront ethical problems.

Throughout the book, the consensus guidelines are explained, not to dictate your decision-making but to offer a starting point for thinking through the issues. The idea is that you don't have to start from a zero base; you can build on the best thinking of those who have gone before. Where there is disagreement in the profession, I have noted that, too. In several instances I advocate for what I consider to be best practice. All this is fodder for classroom discussion.

The book is largely the product of my half-century in journalism – more than 41 years in the newsroom and more than eight as a college professor. Although my approach is an entirely practical one of trying to improve decision-making in the profession, I have been influenced by ethics scholars as well as newsroom colleagues. One theme of the book is the value of ethical theory as a resource in the decision process. As a longtime newspaper managing editor, I acknowledge that the newsroom has benefited from the scholars' thoughtful analysis of issues whose nuances we practicing journalists sometimes overlooked as we focused on the next deadline.

To learn journalistic techniques like writing headlines for a website, I presume that you will take other courses and read other textbooks. In contrast, the purpose of this book is to encourage you to ponder the ethical ramifications of what journalists do, whether the consumer gets the news from a newspaper or a TV set or a computer screen or a mobile device.

The case studies and other actual experiences of journalists recounted in this book illustrate the ethical choices you may have to make. Those experiences have occurred in all types of news media – print, broadcast, and digital.

The timeless values of journalism are explained in the book's first 17 chapters. Although news delivered digitally is referenced throughout those chapters, there remain certain ethics issues that apply specifically to digital journalism. These are discussed in Chapter 18. Visual journalism, too, has its own specific issues, and these are the topic of Chapter 19. Summarizing the book's lessons, Chapter 20 offers capsules of ethics advice for aspiring journalists. In this new edition there is a Glossary at the back of the book; terms included in the Glossary are printed in bold when they are introduced in the text.

On the website accompanying *The Ethical Journalist*, you will find additional resources: more readings in print and online, and more case studies. The texts of reports and articles cited in the chapters can be accessed by clicking on the hyperlinks. You can expand the book's content to an almost infinite degree by following the links – much in the way that digital journalists offer their audience the ability to read the documents underpinning their reporting. Where readings have been posted on the book's website, their availability is noted in the chapter endnotes. We intend to refresh the website's content regularly so that *The Ethical Journalist* will continue to be up to date. You can find the website here: www.wiley.com\go\foreman\theethicaljournalist.

The journalists' decisions in the book's examples are open to debate, which is precisely why you should study them. If you decide that the journalist involved in a case study made a mistake, bear in mind that, nearly always, those were mistakes of the head and not of the heart. In teaching the journalism ethics course for 16 semesters, I frequently told my students of my own decisions that I would do differently if given a second chance. In many ways, learning journalism ethics is about learning from our mistakes.

Gene Foreman
Keswick, Virginia
September 2014

Acknowledgments

In preparing this second edition of *The Ethical Journalist*, I once again drew on the wisdom of colleagues whose friendship I enjoyed in my careers in the newsroom and in the classroom.

Four colleagues read all, or much, of the manuscript: Steve Seplow, Katie O'Toole, Jim Davis, and Avery Rome. Others reviewed at least one chapter: John Affleck, John Beale, Curt Chandler, Bill Connolly, Rick Edmonds, Russ Eshleman, Russell Frank, Maxwell King, Malcolm Moran, and Jeff Price. They were valued sounding boards, offering many suggestions that improved the book. I thank them all.

As I outlined the content revisions for this edition, I consulted with the folks named above and also with Doug Anderson, Malachy Browne, John Carroll, Tom Kent, Hank Klibanoff, Carol Knopes, Santiago Lyon, Arlene Morgan, Gene Roberts, Craig Silverman, Bob Steele, Al Tompkins, and Stacey Woelfel. I am grateful to them for their guidance.

I thank Bill Marsh, who again prepared the book's graphics, and John Beale, who collected the photographs that appear in these pages.

I extend special thanks to Marie Hardin, dean of the College of Communications at Pennsylvania State University, who arranged research support for the second edition. I was privileged to have taught eight years at Penn State as the inaugural Larry and Ellen Foster Professor, and I am proud to continue my relationship with the university as a visiting professor. Dean Hardin assigned two graduate students, Steve Bien-Aime and Roger Van Scyoc, to help in my project. I thank Steve and Roger for their dedicated assistance.

I express my appreciation to the journalists who graciously allowed their work to be used in the book as Point of View essays, as case studies, or as illustrations. Their contributions are acknowledged where they appear in the book.

I am grateful to Elizabeth Swayze at John Wiley & Sons, the acquisitions editor who commissioned both editions, and to the Wiley Blackwell editors who guided my manuscript into print, Julia Kirk, Leah Morin, and Jacqueline Harvey.

I thank my wife, JoAnn, and our children and grandchildren, for their continued support of my work – and for being who they are. I love you all.

Gene Foreman
Keswick, Virginia
September 2014

Part I A Foundation for Making Ethical Decisions

This part of the book will prepare you to make ethical decisions in journalism.

Chapter 1 explains why journalists should understand ethics and apply ethical principles in their decision-making.

Chapter 2 explores the history of ethics and the way that members of society develop their ethical values.

Chapters 3, 4, and 5 discuss journalism's role in society, the shared values of the profession, and the often tenuous relationship of journalism and the public.

Chapters 6, 7, and 8 lay the foundation for moral decision-making in journalism, which is the goal of a course in applied ethics. Chapter 6 discusses classic ethics theories, Chapter 7 codes of ethics, and Chapter 8 the decision process.

1 Why Ethics Matters in Journalism

Our society needs news professionals who do the right thing

Learning Goals

This chapter will help you understand:

- why ethics is vitally important in a journalist's everyday work;
- why responsible journalists adhere voluntarily to high standards of conduct;
- how journalists should make ethically sound decisions;
- how discussing the case studies in class is crucial to learning the decision-making process;
- how the digital era, in revolutionizing the way the news is gathered and delivered, has provoked a controversy over ethical standards; and
- why the public depends on ethical journalists more than ever.

Lovelle Svart, a 62-year-old woman with short, sandy hair, faced the video camera and calmly talked about dying. "This is my medication," she said, holding an orange bottle of clear liquid. "Everyone has told me … I look better than I did ten years ago, but inside, I hurt like nobody's business." On that afternoon of September 28, 2007, after she had danced the polka one last time and said her goodbyes to family and close friends, the contents of the orange bottle quietly killed her.[1]

Svart's death came three months after her doctor informed her she would die of lung cancer within six months. The former research librarian disclosed the grim prognosis to a reporter friend at *The Oregonian* in Portland, the newspaper where she had worked. She said she had decided to avail herself of Oregon's assisted-suicide law. Svart also said she wanted to talk to people frankly about death and dying, hoping she could help them come to grips with the subject themselves. Out of that conversation grew an extraordinary mutual decision: On its website and in print, *The Oregonian* would chronicle Lovelle Svart's final months on earth (Figure 1.1).

Figure 1.1 Lovelle Svart faces the camera during one of her "Living to the End" video diaries on *The Oregonian*'s website. PHOTO BY ROB FINCH. REPRINTED BY PERMISSION OF *THE OREGONIAN*.

The Ethical Journalist: Making Responsible Decisions in the Digital Age, Second Edition. Gene Foreman.

In her series of tasteful "video diaries," she talked about living with a fatal disease and about her dwindling reservoir of time. In response, hundreds of people messaged her on the website, addressing her as if they were old friends.

But before Svart taped her diaries, journalists at *The Oregonian* talked earnestly about what they were considering. Most of all, they asked themselves questions about ethics.

The threshold question was whether their actions might influence what Svart did. Would she feel free to change her mind? After all the attention, would she feel obligated to go ahead and take the lethal dose? On this topic, they were comforted by their relationship to this story subject. Familiarity was reassuring, although in the abstract they would have preferred to be reporting on someone who had never been involved with the paper. In 20 years of working with her, they knew Svart was strong-willed; nobody would tell her what to do. Even so, the journalists constantly reminded her that whatever she decided would be fine with them. Michael Arrieta-Walden, a project leader, personally sat down with her and made that clear. The story would be about death and dying, not about Svart's assisted suicide.

Would the video diaries make a statement in favor of the controversial state law? No, they decided. The debate was over; the law had been enacted and it had passed court tests. Irrespective of how they and members of the audience felt about assisted suicide, they would just be showing how the law actually worked – a journalistic purpose. They posted links to stories that they had done earlier reflecting different points of view about the law itself. Other links guided readers to organizations that supported people in time of grief.

In debates among themselves and in teleconferences with an ethicist, they raised countless other questions and tried to arrive at answers that met the test of their collective conscience. For example, a question that caused much soul-searching was what to do if Svart collapsed while they were alone with her. It was a fact that she had posted "do not resuscitate" signs in her bedroom and always carried a document stating her wishes. Still, this possibility made them very uncomfortable – they were journalists, not doctors. Finally they resolved that, if they were alone with her in her bedroom and she lost consciousness, they would pull the emergency cord and let medical personnel handle the situation. As Svart's health declined, they made another decision: They would not go alone with her outside the assisted-living center where she lived. From then on, if they accompanied her outside, there would also be another person along, someone who clearly had the duty of looking out for Svart's interests.[2]

The self-questioning in the *Oregonian* newsroom illustrates ethics awareness in contemporary **journalism**. "Twenty years ago, an ethical question might come up when someone walked into the editor's office at the last minute," said Sandra Rowe, then the editor of *The Oregonian*. "We've gone through a culture change. Now an ethical question comes up once or twice a week at our daily news meeting, where everyone can join the discussion. We are confident we can reach a sound decision if everyone has a say."[3]

The Incentives for Ethical Behavior

Most journalists see theirs as a noble profession serving the public interest. They *want* to behave ethically.

Why should journalists practice sound ethics? If you ask that question in a crowd of journalists, you would probably get as many answers as there are people in the room. But, while the answers may vary, their essence can be distilled into two broad categories. One, logically enough, is moral; the other could be called practical.

- *The moral incentive.* Journalists should be ethical because they, like most other human beings, want to see themselves as decent and honest. It is natural to crave self-esteem, not to mention the respect of others. There is a psychic reward in knowing that you have tried to do the right thing. As much as they like getting a good story, journalists don't want to be known for having exploited someone in the process.
- *The practical incentive.* In the long term, ethical journalism promotes the news organization's credibility and thus its acceptance by the public. This translates into commercial success. What journalists have to sell is the news – and if the public does not believe their reporting, they have nothing to sell. Consumers of the news are more likely to believe journalists' reporting if they see the journalists as ethical in the way they treat the public and the subjects of news coverage. Just as a wise consumer would choose a product with a respected brand name over a no-name alternative when seeking quality, journalists hope that consumers will choose their news organization because it behaves responsibly – because it can be *trusted*.

Why Ethics Standards Are Needed

There are also practical arguments for ethical behavior that flow from journalism's special role in American life.

The First Amendment guarantee of a free press means that, unlike other professionals, such as those in medicine and the law, journalists are not regulated by the state and are not subject to an enforceable ethics code. And that is a good thing, of course. The First Amendment insulates journalists from retribution from office holders who want to control the flow of information to the public and who often resent the way they are covered in the media. If a state board licensed journalists, it is a safe bet that some members of the board would abuse their power to rid themselves of journalists who offend them. The public would be the loser if journalists could be expelled from the profession by adversaries in government.

But there is a downside to press freedom: Anybody, no matter how unqualified or unscrupulous, can become a journalist. It is a tolerable downside, given the immense benefit of an independent news media, but bad journalists taint the reputation of

everyone in the profession. Because they are not subject to legally enforceable standards, honest journalists have an individual obligation to adhere voluntarily to high standards of professional conduct. Ethical journalists do not use the Constitution's protection to be socially destructive.

Yet another argument for sound ethics is the dual nature of a news organization. Journalism serves the public by providing reliable information that people need to make governing decisions about their community, state, and nation. This is a news organization's quasi-civic function. But the news organization has another responsibility, too – and that is to make a profit. Like any other business, the newspaper, broadcast station, or digital news site must survive in the marketplace.

The seeming conflict of those two functions – serving the public, yet making money – is often regarded cynically. Decisions about news coverage tend to be portrayed by critics as calculated to sell newspapers, raise broadcast ratings, or draw Web traffic rather than to give the citizens the information they need. The truth is that good journalism is expensive, and the best news organizations invest significant sums in deeply reported projects that could never be justified in an accountant's profit-and-loss ledger. If there is a pragmatic return in such projects, it is in the hope that they build the organization's reputation as a source of reliable information.

Journalists cannot expect their work to be universally acclaimed. But they have an obligation to themselves and their colleagues to never deliberately conduct themselves in a way that would justify the criticism. They have an obligation to practice sound ethics.

The Growth of Ethics Codes

For reasons that are explored in Chapter 3, journalism matured in the second half of the twentieth century. During this period, it became common for individual news organizations to articulate their ethics standards in comprehensive codes, which can be useful guides in decision-making about the news. Today, not only professional organizations of journalists, but also individual newspapers, broadcast stations, and digital news sites typically have ethics codes.

There is a distinct difference in the effect of these two different kinds of codes. Although the codes of professional organizations fulfill an important purpose of establishing profession-wide standards, they are voluntary and cannot be enforced. But, when a newsroom adopts a code, violations can be enforced by suspension or dismissal of the violators. Of course, codes are valuable only to the extent that they are practiced, and newsroom leaders have a responsibility both to enforce their codes and to set an example of propriety.

Journalists new to the profession may be surprised to find that the rank-and-file reporters, editors, and photojournalists often are more effective than their bosses in enforcing the code. John Carroll, former editor of the *Los Angeles Times*, says that among journalists "certain beliefs are very deeply held," and that the core of