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The Ohio State University, Ph.D., 1972
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A STUDY OF GOVERNMENTAL INQUIRIES INTO
ALLEGED STAGED NEWS PRACTICES OF TWO
TELEVISION NEWS DOCUMENTARIES

DISSERTATION
Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By

Paul C. Lunsford, B.S., M.Ed.

* * * * *

The Ohio State University
1972

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The writer wishes to acknowledge with deepest gratitude the kindness, personal counsel and scholarly advice extended him by members of his committee, particularly Professors Walter B. Emery, chairman, James L. Golden, G. Robert Holsinger and Galen Rarick. A large debt also is owed to scores of professional media workers, both colleagues and friends, who have made substantial contributions directly or indirectly to this study.
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Studies in Mass Communication. Professor Galen Rarick

Studies in Broadcast Journalism. Professor G. Robert Holsinger

Studies in Rhetoric. Professor James Golden
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CHAPTER I

INTRODUCTION

The controversial subject of staged news has obtained an inordinate amount of governmental, professional and audience attention during the latter half of the 1960's and the first two years of the 1970's—a relatively short span of seven years. Indeed, it has become the figurative eye of a storm of controversy surrounding an increasing alienation among mass media, government and audiences, an accretive process often described in overused and much abused stereotypical terms as the "credibility gap."

Yet despite the furor, staged news (the act rather than the term) is neither new nor unique. Its origin can be traced back into the misty antiquities of early civilizations, through early English journalism, and the American colonial press. Virtually no era of journalism has been completely free from the taint of staged news.

This recent focus of attention on the problem has taken many critical forms—the reasons for which are at once obvious and obscure, immediate and historical, self-serving and public serving. It is not coincidental, however, that this critical attention should fruit in the rapid and often traumatic change in political, social and moral values of American society during the 60's and 70's.
Staunch defenders and strict interpreters of the First Amendment see governmental inquiry into broadcast news practices as overt assaults upon the traditional freedom of the press, an invasion of the sanctity of their editorial judgment. Probably the leading figure in this position is Dr. Frank Stanton, formerly president and now vice-chairman of the Columbia Broadcasting System, whose network has been a consistent target of governmental inquiry, especially by the House Subcommittee on Investigations.

Stanton's persistent and sometimes perennial foe is the Subcommittee's chairman, Rep. Harley O. Staggers of West Virginia, whose current mission appears to be the preservation of the integrity of broadcast journalism through Subcommittee surveillance. Stanton seems to view Staggers' efforts as a personal vendetta against himself and the CBS network. He staunchly defends the basic integrity of his network news.

Staggers lost an unprecedented fight with CBS' then president in the summer of 1971 when the House of Representatives refused to cite CBS and Stanton for contempt for refusing to cooperate fully with an investigation into the controversial documentary The Selling of the Pentagon. Staggers subpoenaed Stanton and CBS personnel to produce the out-takes of the film shot for the documentary, Stanton refused, and Staggers' colleagues, in an unprecedented action, refused to uphold a contempt citation. The Selling of the Pentagon issue mainly concerned the editing of film interviews out of context.
"It is impossible for me to psychoanalyze him," said Stanton, whose early training was in psychology at The Ohio State University, where he was awarded a Ph.D. degree. "He is a very intense and bitter man."

Staggers has retorted that he is not bitter at all, and that the Subcommittee's efforts to get the networks to police themselves "has been a good thing for the American people."

Staggers has not concentrated his scrutiny entirely upon CBS. His Subcommittee investigators also have investigated and have under current examination the news practices (with special emphasis on staged news) of the other two networks, the National Broadcasting Corporation and the American Broadcasting Company.

However, the problem of staged news in broadcast journalism involves considerably more ramifications than a simple personal and professional conflict between two strong personalities. Actually, the problem of staged news strikes deeply in the heart-core of American journalistic ethics—a traditional framework of accuracy, balance, fairness and freedom.

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1 *Time*, February 14, 1972, p. 76.

2 Ibid.
General Statement of the Purpose

This study seeks to examine the process, validity and reliability of governmental inquiry into two landmark cases of alleged staged news, one involving the CBS network, the other a CBS owned and operated station, WBBM-TV, in Chicago. One of the cases, WBBM-TV's "Pot Party at a University", was the subject of an investigation by both the House Subcommittee on Investigations and the Federal Communications Commission. The CBS network case, "Project Nassau", was jettisoned by CBS executives in the work print stage before it ever reached the air. It was, however, subjected to an extensive investigation by the House Subcommittee, but not by the FCC.

3 Transcript of Testimony in Hearings Before the House Special Subcommittee on Investigations on "Pot Party at a University", April 15, 29, May 9, 10, June 17, 1968. Hereinafter, these hearings will be designated as Pot Party Hearings. The Subcommittee issued a report and recommendations as a result of its investigation on March 20, 1969. This will be referred to as Pot Party Report.


5 Transcript of Testimony in Hearings Before the Special House Subcommittee on Investigations on CBS' "Project Nassau", July 17, 24, 30, September 11, 17, November 7, 1969, February 10, April 16, 1970. Hereinafter, these hearings will be designated as Project Nassau Hearings. The Subcommittee also issued a report and recommendations as a result of its investigation on July 20, 1970. This report will be referred to as Project Nassau Report.
The study will examine these two cases within the framework of specific historical broadcasting events and incidents pertinent to staged news, the traditional concept of objectivity in American journalism, the rise of interpretation and the new avant garde journalists, the self-regulatory codes and canons of both print and broadcast journalism, along with pertinent FCC regulations dealing with broadcast news. Social, economic, political and moral factors relevant to staged news also will be indicated in the study.

A secondary objective of this study is to provide students of mass communication, particularly in broadcasting, with insights into some of the complexities surrounding governmental inquiry into staged news practices, to identify some of the characteristics of staged news, to present the painful ethical dilemma confronting broadcast newsmen in their determination of staged news. Finally, an attempt will be made to evaluate the government's role in official inquiry into broadcast news practices.

**Significance of Study**

The unique significance of this study lies in the fact that it is truly a germinal work in the field of governmental inquiry into alleged news practices. An exhaustive search of the available literature failed to reveal a single scholarly study dealing with this subject. Examination of popular periodicals and scholarly journals show an equal paucity of articles. An abundance of material exists on related subject matter, including news slanting, bias, distortion, measurement of accuracy, sensationalism and other areas. But mass communication and journalism researchers thus far have ignored the area
of staged news, at least in their published works. Occasionally, the term staged news is categorized without differentiation along with distortion, bias, slanting and other journalistic evils.

There are several potential reasons, mainly speculative, to explain the lack of research in this area, despite the considerable amount of public, government and professional attention that has been focused on the subject:

1. Difficulty in framing a workable and generally accepted definition of staged news. One knowledgeable journalistic researcher expressed the difficulty this way: "Nearly any kind of event, with the exception of natural disasters, accidents and the like, can be interpreted as 'staged'." Quite obviously, then, since the term is ambiguous and subject to numerous interpretations, a rather precise, if not universally acceptable, definition is crucial to the focus of this study.

2. The journalistic research lag. In some broad respects, this is similar to the familiar cultural lag defined by sociologists and cultural anthropologists. Research is costly and, even more importantly, time consuming. Research results are often published long after the subject matter has faded from public, official and even professional attention. Finally, researchers need time in which to consider and evaluate the viability of potential contemporary research topics, and to place them in proper perspective.

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Conversation with Dr. Galen Rarick, research professor of journalism, The Ohio State University, Columbus, Ohio, April 14, 1971.
3. Staged news research does not lend itself to quantifiable and experimental methodologies for obvious reasons. The research trend in recent years at many universities and colleges has been toward increased emphasis upon quantitative studies in the mass media. Significant as these are, they do not preclude the possibility of less objective methodology adding to the body of mass communication knowledge.

It would be presumptuous to infer in any way that this study purports to be a definitive study of staged news in broadcast journalism. Quite the contrary, it is intended primarily as a modest groundbreaking investigation which will provide some foundations for the work of future research in a field where it is vitally needed. The importance of the media, particularly broadcasting, in providing honest, accurate and insightful information upon which people in a democratic society can make judgments and decisions and form opinions, it universally acknowledged. When the integrity of these media are brought into question by governmental agencies in official and public inquiries, then the significance of this study is doubly underscored.

Methodology

This study proceeds from the basis of a multi-form methodological approach, qualitative rather than quantitative, historical, descriptive and analytical. However, case study is the principal methodology used in the examination of the two landmark cases of governmental inquiry into staged broadcast news. This method is employed in the focus of the study in Chapter VI, "Pot Party at a University," and Chapter VII, "Project Nassau."
The historical-descriptive method is used in Chapter II, "The Historical Background," to establish the historical, social, political and economic antecedents relevant to staged news in general and the landmark case studies in particular.

The same methodology is used to trace the origin and development of the concepts of objectivity and interpretation in Chapters III, "The Concept of Objectivity," and Chapter IV, "The Rise of Interpretation."

A more analytical approach is used to examine the voluntary codes and regulations in the field of both print and broadcast journalism, in addition to federal regulations relevant and/or pertinent to staged news. These are contained in Chapter V, "Journalism Ethics: Codes and regulations."

The normative survey technique, often used in educational research is employed in the section entitled, "Definition of Terms," in Chapter I, "Introduction." As was noted earlier in this chapter, a viable working definition of staged news is vital to the focus of this study.

As a result, letters were sent to 34 nationally recognized authorities in the field of journalism. (See Appendix A for a copy of letter and Appendix B for a list of authorities to whom letters were sent). They represented journalism professors and educators, network newsmen, presidents of network news, network newscasters and commentators, executive news producers, media critics and the FCC. Replies were received from 23 of the total number. (See Appendix C for samples of replies).

Essentially, the letters sought the respondents' definition of staged news, or what, in their opinion, constituted staged news.

In addition, the respondents were asked to differentiate between
staged news and bias, distortion, slanting, etc. Finally, they were asked their personal opinions of the frequency of staged news events (by their own definitions) in broadcast journalism.

No attempt was made to apply content analysis to the definitions of staged news received from the 23 respondents. Instead, a simple comparative analysis of the definitions was made. Each was carefully studied and similarities in phraseology, words and meanings were noted. From these similarities a composite definition was derived, reflecting as closely as possible the consensual agreement of the respondents. Since the term staged news is subject to a variety of interpretations, as evidenced by the definitions of the respondents, a precise and universally accepted definition is obviously impossible of attainment.

**Definition of Terms**

*Journalism*, as used in this context, refers to both broadcast and print media. It is the reporting, writing, editing and publication of news, and its transmission via daily and weekly newspapers and weekly news magazines. It is the reporting, writing, filming, editing and presentation of news and news documentaries and their transmission via television and radio.

*News* is the timely reports of events, happenings, discoveries, opinions and matters of any sort which affect or interest readers and listeners. This definition probably would not meet with universal approval, even among lay students of the media. It is axiomatic that professional newsmen are consistently more skilled in identifying and writing news than they are in defining it.
Objectivity is the traditional tenet of journalistic accuracy, fairness and balance which has dominated the mainstream of American journalism for more than half a century. It is a criterion for reliable knowledge calling for exhibition of the evidence so that the knowledge claim can be verified by other competent observers. It precludes the introduction of personal bias, prejudice or opinion into news reporting or filming. As will be observed later in this study, objectivity, although under considerable attack by avant garde journalists, is still the predominant force in contemporary journalism. However, the process of human perception makes it an ideal, rather than an actuality, to be cherished, but impossible of human attainment.

Perception is used in this study to mean the process by which the individual perceives, organizes and interprets sensory data within his own unique frame of reference. This process is viewed as a transaction between the perceiver, the perceived and the circumstances surrounding the perceptual act.

Subjectivity pertains to the operation of personal idiosyncracy, opinion, bias and prejudice rather than judgment based upon verified or verifiable evidence. This would include news slanting, bias and distortion.

Staged news: As noted above, the definition of this term constitutes a crucial component in the focus of this study. The difficulty of attaining a precise definition of the term has already been noted, and the methodology has been described.

Generally speaking, staged news can be divided into two broad categories:
1. News staged for the media

2. News staged by the media

Boorstin, in his book, The Image: A Guide to Pseudo Events in America, deals primarily with events staged for the media, which he has labeled "pseudo events." These have been described variously as "created" news and "public relations news." Boorstin has listed some characteristics of the pseudo-event which possesses some peripheral pertinency for news staged by the media.

(1) It is not spontaneous, but comes about because someone has planned, planted or incited it. Typically, it is not a train wreck or an earthquake, but an interview.

(2) It is planted primarily (not always exclusively) for the immediate purpose of being reported or reproduced. Therefore, its occurrence is arranged for the convenience of the reporting or reproducing media. Its success is measured by how widely it is reported. ... The question, 'Is it real?' is less important than, 'Is it newsworthy?'.

(3) Its relations to the underlying reality of the situation is ambiguous. Its interest arises largely from this very ambiguity. Concerning a pseudo-event the question, 'What does it mean?' has a new dimension. While the news interest in a train wreck is in what happened and in the real consequences, the interest in an interview is always, in a sense, in whether it really happened and in what might have been the motives. Did the statement really mean what it said? Without some of this ambiguity a pseudo-event cannot be very interesting.
(4) Usually it is intended to be a self-fulfilling prophecy. The hotel's thirtieth anniversary celebration, by saying that the hotel is a distinguished institution, actually makes it one.

Although there are some overlapping characteristics in both categories of staged news, the sole emphasis of this study is upon news staged by the media deliberately to achieve dramatic or pictorial effect, fill in content gaps, provide continuity, sustain narrative or a host of other motives.

What, then, is staged news—that is, news staged by the media, as contrasted with Boorstin's pseudo-events? Both categories are pseudo-events in essence, but a wide chasm of professional ethics separates the categories, and it is incumbent upon professional media workers to accept the responsibility for discerning the difference between acceptable and non-acceptable staged news practices, a task demanding Socratic wisdom in many cases.

Richard S. Salant, president of CBS News, has made some cogent observations upon the two categories of staged news:

... First, 'staging' is used to describe what those seeking to attract the attention of news do. Thus, most demonstrations and protests are 'staged' in the sense that those who organize and lead them do so, to a greater or lesser extent, to obtain news coverage for their message—or for themselves. But this kind of staging—creating

an event, or shaping its nature or timing, for purposes of attracting the greatest possible press coverage—is far more common than just demonstrations and protests. Press releases, press conferences, parades, hearings, conventions—all, to some degree or other, are often planned, shaped, or timed by the organizers for press purposes.

Obviously, this kind of staging cannot be controlled by the news media. Nor is it practical, or sensible, for a news organization to adopt a rule of refusal to cover anything simply because it is 'staged' in this sense. To refuse to cover on that ground might be to limit news coverage to natural disasters, accidents and bank robberies.8

Salant points out that he does not mean to say that sound journalistic judgment should ignore such staging at face value. The newsworthiness and validity of the event must determine whether it should or should not be covered. But he views news staging by the media, as considered in this study, as "abhorrent" and "... cannot be tolerated." He defines staging by the media:

"... as a news organization's or news person's deliberately causing, or arranging, for an event to happen, or to happen in an important aspect, when it would not have happened that way were it not for the active direction and arrangement on the news side. This kind of staging is abhorrent. CBS New's policies forbid it. It cannot be tolerated." 10

8 Letter and enclosures to writer, November 1, 1971.
9 Ibid.
10 Ibid.
Salant, among many other broadcast newsmen, notes that there are many thorny, grey areas of news coverage involving acts of staging, and he feels a flat prohibition against staging would be excessive.

...For example: if a newsman arranges an appointment with someone in his office, and then films the interview, it is 'staged' in the sense that were it not for the initiating action and arrangements of the newsmen it would not have occurred. ... When a news photographer asks two people at a hearing or a function to pose, or shake hands, that is staging. None of these actions, however, is very horrendous, and are so normal that no serious question about their propriety can be raised. ... As a matter of internal news policy it is wise to err on the side of discouraging, rather than encouraging, grey area staging.¹¹

Federal Communications Commissioner Nicholas Johnson recognized these perplexing grey areas in staged news in his dissenting opinion to the FCC's "Pot Party" decision. He felt, among other things, that the majority decision had not laid down clear enough definitional guidelines in the area of staged news. (See Chapter VI, "Pot Party at a University," for an elaboration of his dissenting opinion).

The FCC in its majority decision in the "Pot Party" case formulated a succinct definition of staged news to which many professional broadcast newsmen subscribe. The FCC defined staged news as an event "which did not in fact occur but rather is 'acted out' at the behest of news personnel."¹³

¹¹ Ibid.
¹² 18 F.C.C. 2nd, pp. 157-158.
¹³ Ibid., p. 132; also see Letter to ABC, CBS, and NBC, 16 F.C.C. 2nd (1969).
Elmer W. Lower, president of ABC News, in a letter to the writer, reported that his network's concept of staged news coincides precisely with that of the FCC.

Our definition of staged news is identical to that of the FCC's—an event which did not in fact occur but rather is acted out at the behest of news personnel. At ABC News we do not permit the use of staged footage. Our rule is if we miss something, our personnel are forbidden to request: 'Do that one more time.' This is an iron-clad, unbending, unyielding, no-exceptions-at-any-time rule.14

Lower makes a clear distinction between staged news and bias, distortion and slanting, as did most of the other respondents in the survey.

Bias, distortion and slanting seem to me to be the manner in which a story is presented and have nothing to do with staging. An event which is staged can be—while unethical—unbiased and unslanted. (Presenting it as a spontaneous event, however, is a distortion). You can have bias, distortion and slanting without staging. Our policy demands objectivity on the part of our newsmen as well as honest film footage (i.e., unstaged footage).15

Professor William L. Rivers of the Department of Communication at Stanford University, who has authored several critical studies of the press, notably The Opinion Makers, finds no difficulty in agree-

15 Ibid.
Where I differ is in believing (with Nick Johnson) that there is much more to be said about the matter. The FCC definition covers one aspect. It's also important to define what I call re-staged news: repeating those actions that occurred at an earlier time so that the media can report them. There are two categories: (1) events that occurred once (during a race riot a boy throws a rock through a car window; a photographer asks him to do it again so he can picture it), and (2) events that occur over and over again (a group often has pot parties and invites a TV news team to visit Wednesday night and report what they're like. ... All kinds of staged news are distortions. Staged news is not reality. Re-staged news is less reprehensible, of course, because it is an effort to get at reality and present it. Clearly though, in both cases of re-staged news the newsmakers are conscious that their actions are being reported. They cannot behave as they would in a real situation.فع

Other definitions of staged news reflect a variety of interpretations on the part of some of the nation's outstanding broadcast journalists and executives. Some representative definitions follow:

Reuven Frank, president of NBC News:

... To me a staged event is an event staged by us which we allow only when approved in advance, only when it is the recreation of an event which could not otherwise be understood, only when it is clearly identified.

When any of these three conditions is not met, however, whoever is responsible certainly will be reprimanded and may be fired. On the other hand, if you were the CBS local news director in Chicago back then when the suburban middle class was not yet aware that its children were taking to smoking marijuana, and you thought it might be your responsibility to break the news, how else would you have done it? I have no answer to that one. 18

A V Westin, executive producer, ABC News:

... As I understand the term, 'staged news' involves the creation of an event that otherwise would not have taken place ... 19

Les Midgley, executive producer, The CBS Evening News:

... I would define staged news as motions gone through solely for the benefit of cameras and reporters, especially if they are unprofessional enough to request such motions. ... 20

Howard K. Smith, co-anchorman for ABC News:

Staged news is an event that would not have happened but for the presence and instigation of the reporter. Bias, distortion and slanting involve a reporter setting his mind before the event, as it were, applying preconceptions of his own, or unfairly selecting from several statements an interviewee has made. Inevitably this is subjective. Staging is not. 21

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21 Letter to writer dated August 26, 1971.
Ralph Renick, vice president for news, WTVJ-TV, Miami, Florida, and formerly president of the Radio-Television News Directors Association:

Staging anything is when news personnel call for, direct, or in any way influence the actions of those whom they are filming, interviewing or reporting on. Staging is simply the overt act of causing an event to happen or to be changed in any way. ... Staging is more a mechanical fact of manipulation rather than a subtlety of the mind.22

Richard L. Tobin, associate publisher and vice president of Saturday Review, who also serves as editor of the Communications Section of this prestigious magazine:

I think staged news is simply information announced with a purpose in mind. Sometimes this news is legitimate, sometimes not. More often, though, staged news is simply another way of describing the function of public relations. The perfect example of staged news is the wartime communiqué. Seldom if ever does a communiqué actually lie, but seldom if ever does it tell the whole truth, either ... From the beginning of time, human beings have wanted to show themselves and their projects to the best advantage. They have told the world around them only those things that would be of advantage to themselves. This is the basic difference between staged news and objectively reported news. ...Intuitively...an editor can pretty well tell whether something is phony or not. In any case, he soon learns.23


J. W. Roberts, Washington Bureau Chief, Time-Life Broadcast, Inc.:  

My definition of staged news is that staged news is any event which is arranged in advance of the actual occurrence. This would include such things as news conferences, posed photographs and similar activities. ... A staged news event by my definition applies to the arrangement of an event. Bias, distortion or slanting of the news occurs in the reporting of the event. 24

William Small, News Director and Washington Bureau Manager of CBS News, author of a perceptive book on television news, To Kill A Messenger:  

I simply look upon staged news as events arranged by the newsmen rather than simply happening or being arranged by news sources or events. ... 25

Walter Cronkite, Managing Editor and Anchor Man for CBS Evening News:  

There isn't any such thing as 'staged news'. An event that is staged is not news. A staged event in the terms of your inquiry is any performance produced and directed by professional broadcast personnel with the purpose of representing it as a spontaneous happening. (This is different from a rehearsal or reconstruction of an event, so identified). ... This may or may not have anything to do with the other sins of reporting—bias, distortion, slanting, et cetera. These latter events can manifest themselves in any phase

of reporting or broadcasting, as well as in 'staged events'. Events, on the other hand, might be staged for purely pictorial or reportorial effect without regard to any ideological bias on the part of the producers. They may even prove not to be distortion in that they may represent an accurate portrayal of a particular situation. (The distortion would come if the reconstruction were represented as an actual happening).  

Cronkite believes that television cameramen inherited an "old trick of newspaper and newsreel photographers" in "staging" events, almost never for ideological reasons but solely for pictorial ones with scarcely a thought for consequences. However, he believes the practice is passing, at least in network news presentations.

Thus this representative sampling of nationally recognized authorities in the field of broadcast journalism reveals a large variety of definitions and opinions. However, certain commonalities of meaning are immediately evident in most of these definitions, especially in relation to the focus of this study:

1. A direct cause and effect relationship exists between the newsmen and the event he is reporting or filming. The newsmen causes, instigates or initiates the event for the purpose of reporting or filming it.

2. The event itself would not have occurred at all, or would not have occurred in the same way, except at the behest, arrangement and direction of the newsmen.

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27 Letter to writer dated July 16, 1971. 28 Ibid.
3. There are varying degrees of professional acceptability of news staging and re-staging, ranging from the relatively innocuous posing of a handshake and selective arrangement of principals in a picture (and these are so normal that no serious questions can be raised about their propriety) to the outright "faking" and extreme staging of a news event, which are almost universally regarded in broadcast and print journalism as a grave ethical problem. This study concerns itself principally with the latter. In essence, then, staged news represents a problem in journalistic ethics, not only for individual newsmen and news organizations, but also for the professional groups and associations of which newsmen are members. The following definition of staged news will be used in this study:

An event which, in fact, would not have occurred at all, or would not have occurred in the same form or manner, except at the behest, initiation, direction or arrangement of the newsmen (for whatever purposes), and seriously distorts the presentation of the reality of the event itself.

Research Background

This study was originally suggested by investigation of the Federal Communications Commission and the House Subcommittee on Investigations into WBBM-TV's "Pot Party at a University", and the

29 F.C.C. 2nd, pp. 124-161.
subsequent Subcommittee's investigation into the CBS network's "Project Nassau". It initially appeared that the staged news issue was an important component in the widening credibility gap between the media and its audiences.

This study also has its roots in thirty years of experience the writer has had in both broadcast and print media, where the problem of reporting reality accurately, either by print or film, has been a thorny and ubiquitous one. Within various newsrooms, it does not take long to separate the writers and photographers who provide faithfully accurate (within the limitations of their own perceptive powers and individual frames of reference) accounts of news events and those who appear to adhere to a cynical criterion: "Don't let the facts get in the way of a good story." Fortunately for the reading, listening and viewing publics, the latter are in a distinct minority and are soon weeded out.

Research for this study was conducted at various locations in a number of cities: the Federal Communications Commission offices on "M" Street, Washington, D.C.; the Library of Congress, Washington, D.C.; the offices of the House of Representatives' Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, Washington; the New York Public Library, New York, New York; the Chicago Public Library, Chicago, Illinois; the Ohio State University Library, Columbus, Ohio; the Cincinnati Public Library, Cincinnati, Ohio;
the University of Cincinnati Library, Cincinnati, Ohio.

**Review of the Literature**

This section of the introductory chapter is not intended as a comprehensive review of the literature of mass communications. Indeed, others have done this far better than the writer could. Nor is such a comprehensive review needed in the context of this study.

The chief primary resource materials for the focus of this study came from transcripts of hearings into "Pot Party at a University" and "Project Nassau" by the Federal Communications Commission and the House Special Subcommittee on Investigations. These transcripts, plus Subcommittee reports and recommendations, FCC decisions, depositions, statements, exhibits, briefs, arguments and other records, constitute more than three thousand typewritten and printed pages of materials. Titles, sources and page citations are contained in the footnotes of this study.

In addition, several interviews were conducted with key figures in the investigations and hearings, including FCC Commissioner Nicholas Johnson, who wrote a lengthy dissenting opinion to the majority decision in the "Pot Party" case, and his aides: William Ray, chief of the Complaints and Compliance Division of the FCC, and Daniel Manelli, chief counsel for the House Special Subcommittee on Investigations. Numerous letters and other communications were exchanged with key network news personnel, including NBC, CBS and ABC. Dates and places of interviews are cited in the text.
As noted previously, an exhaustive search of the scholarly literature failed to reveal a single study dealing with staged news, as defined in this study, or of the two landmark cases, "Pot Party at a University" and "Project Nassau." A number of daily newspapers, including The New York Times, treated the two cases on a strict reporterial basis of the investigations, and at least one trade magazine, Broadcasting, assumed an editorial stance, predictably enough, against the investigation of "Pot Party." At least two newsweekly magazines, Time and Newsweek, reported the investigations, but made only superficial analysis of the problem itself.

The most valuable source for the historical background of significant broadcast journalism events relevant to the thrust of this study, (Chapter II), was Barnouw's definitive trilogy, A History of Broadcasting in the United States, particularly Volume III, The Image Empire. Although Barnouw deals extensively and perceptively with broadcast journalism from its inception through part of 1970, he fails to treat staged news as a significant journalistic shortcoming, and he does not mention either the "Pot Party" or "Project Nassau" cases at all. Perhaps the reason for his omissions is the fact that, although the cases occurred prior to the publication of his final volume, the results of FCC and Subcommittee investigations has not yet been completed. However, there had been rumors and newspaper reports of alleged staged news practices in broadcast journalism in several daily

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newspapers prior to the beginning of the official investigations.

Probably the most scholarly and valuable source of the history of documentary films, including critical appraisals, was Bluem's *Documentary in American Television*. Bluem discusses at considerable length the television news documentary, but he does not recognize staged news in broadcast journalism as defined in this study. However, he points out some of the pitfalls and advantages of recreated reality in other types of documentary productions, including biographical, dramatic, and compilation documentaries. In overall perspective, he probably has written the most definitive work on the American documentary film.

If his chronological history of the development of the documentary is inadequate in the early era (and his emphasis is upon the modern documentary), then this skeletal outline is more than fleshed out by a host of the other works on the beginnings of documentary films. These include Hardy's *Grierson on Documentary*, Rotha's *Documentary Film*, Snyder's *Pare Lorentz and the Documentary Film*, and Calder-A. William Bluem, *Documentary in American Television* (New York: Hastings House Publishers, 1965).


Marshall's *The Innocent Eye*.

Although Bluem and others have treated the newsreel—fore-runner of the television news documentary—in greater length, the best concise history of the newsreel is provided by Graeber in a 1971 article in *The Quill*. He graphically traces the popularity of the newsreels in movie houses throughout America, and chronicles their decline with the advent of television news and double-feature movies in the nation's theaters.

Numerous accounts in newspapers, magazines, journals and books have dealt with the infamous Richards case involving news slanting. Barnouw has provided a searching analysis of the Richards case, although it is not as comprehensive and detailed as a few other accounts of the lengthy legal action against Richards. It does, however, place the case into clear context for the purpose of this study.

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Many other sources made important contributions to the historical antecedents pertinent to this study. They include Emery's *Broadcasting and Government*, Head's *Broadcasting in America*, Smead's *Freedom of Speech by Radio and Television*, and Siepmann's *Radio, Television and Society*, Emery and Smith's *The Press and America*, Bird and Merwin's *The Press and Society*, Bleyer's *Main Currents in the History of American Journalism*, and Tebbel's *A Compact History of American Journalism*.


Of especial significance to the historical antecedents in this chapter was Mott's monumental study, *American Journalism*. Mott's history is probably the definitive work on the historical development of journalism, yet his treatment of broadcast news is superficial and scanty. He delineates many of the ethical dilemmas facing print news men, but he fails to include many of the major ethical problems facing broadcasting journalists, including the problem of staged news. However, he describes several of the classical "hoaxes"—a form of faked news—perpetrated by the media, and he treats at considerable length various aspects of sensationalism, "yellow journalism", slanting, bias and distortion.

In Chapter III, "The Concept of Objectivity," a large number of works, both in books and journalism and broadcasting journals, have contributed to an understanding of the significance of accurate and truthful news and to the harmfulness of media transmitted news that is deficient in these qualities. Objectivity is generally held to be one of the foremost characteristics of acceptable and superior newswriting. It is not, of course, quantifiable in any agreed-upon way, but it is widely applied as a criterion of good news reporting and writing.

Prior to the 1940's there was relatively little public questioning of the validity and desirability of objectivity as a criterion in journalism. Of course, a few professional workers in journalism questioned the traditional concept as to its real meaning and function, but there

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were no analytical studies of the concept and its relation to news prior to 1952 when Shilen undertook such a study in a Ph.D. dissertation at New York University.

Probably the most comprehensive account of the concept written prior to 1950 was contained in Brucker's *Freedom of Information*. Brucker brought a number of aspects of the concept into question and recommended further exploration of the subject. However, he believed the concept to be one of America's greatest contributions to journalism.

Mott's *The News in America*, published in 1952, devotes an entire chapter to the problem of objectivity entitled, "Objective News vs. Qualified Report." He took note of some of the rising objections to the rigid application of the concept, and delineated some of the ethical and professional problems faced by newsmen in dealing with it.

Probably one of the most perceptive of the earlier works dealing with objectivity was Davis' *But We Were Born Free*. He considered


in thoughtful fashion the many problems arising from this traditional
and he pointed out how the development of complex political events in
recent years has nurtured considerable frustration among reporters in
their attempts to objectively report the ephemeral world of politics
and politicians.

A number of other works have contributed to an understanding of
the significance of objective reporting. Outstanding among these are

52 William L. Rivers, The Opinion Makers (Boston: Beacon Press,
1967).

53 Leo Rosten, The Washington Correspondents (New York: Harcourt,
Brace and World, 1937).

54 Walter Lippmann, Public Opinion (New York: Harcourt, Brace
and World, 1922).

55 Zechariah Chafee, Government and Mass Communications

and Row, 1967).

57 Wilbur Schramm, Responsibility in Mass Communication

58 Frank Luther Mott and Ralph D. Casey (eds.), Interpretations
Breed's "The Newspaperman, News and Society" and Macrorie's "Objectivity and Responsibility in Newspaper Reporting."

A number of professional journals and periodicals made valuable contributions to the study of the concept of objectivity. These include Journalism Quarterly, Nieman Reports, Guild Reporter, Editor and Publisher, Journal of Broadcasting, Columbia Journalism Review, Quill, International Press Institute Reports, Broadcasting Magazine, as well as such magazines as Time and Newsweek, Atlantic Monthly, Harpers and many others.

Virtually all of the standard textbooks on broadcast and print journalism contain sections and chapters on the concept of objectivity.

The books and periodicals cited above apply, with few exceptions, to background and research source materials in Chapter IV, "The Rise of Interpretative Reporting." However, several additions should be made:

Salmon's The Newspaper and Authority, White's classic News on the Air,


Nearly all journalistic textbooks contain the codes and canons of ethical journalism, including FCC regulations pertaining to broadcast news. There have been only a few studies which have dealt extensively with this area. Probably the earliest effort was Crawford's *The Ethics of Journalism*, in which he took the print media to task for their ethical shortcomings.

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The first attempt at objective measurement of ethical and unethical behavior by representative newspapers was made by Kingsbury, Hart and Associates in their Newspaper and News, published in 1937. They found numerous discrepancies between the ethical conduct expressed in journalistic codes and the actual behavior manifest in the columns of the newspapers studied. These discrepancies, they found, varied from paper to paper, according to the kind of material each used to attract audiences.

Another excellent analysis, although this was not a quantitative one, was Vogel's Ethical Codes and Courts of Honor in the Press of the Free World. In his examination of the journalistic codes and canons of many countries, Vogel concluded that most journalists will prefer not to submit to ethical controls of the press, whether these restrictions are codified by their own associations or by governmental agencies.

A germinal work on journalistic ethics was provided by the Commission on Freedom of the Press, A Free and Responsible Press, which


proposed some searching ethical guidelines for the American press, indicating its responsibilities to a democratic society. The commission's report created a storm of controversy, and it has been bitterly attacked and highly praised, both by working members of the media and non-professional observers. It remains, however, one of the most articulate expressions of what a free and responsible press should be. They correspond in substance to Harold Lasswell's achievement standards of a democratic press, cited in Ickes' *Freedom of the Press Today*.

A number of articles in journals and periodicals deal in less depth with the problems of ethics in both print and broadcast journalism.

As was noted in the beginning of this section, the focus of this study is upon in-depth case studies of two landmark cases of alleged staged news in broadcast journalism. The resource material for these two chapters, VI and VII, already have been cited. Titles and page citations, dates of interviews, letters and conversations will be noted in the footnotes of these two chapters.

The final chapter, VIII, summarizes the highlights of this study and seeks to draw valid and reliable conclusions on the basis of evidence elicited by the research and presented in the text of the study.

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The review of the literature concerned with this study is by no means comprehensive, nor was it intended to be. Literally hundreds of books, magazine articles, scholarly journals, professional colleagues in the media and academic world, teachers and friends have contributed, consciously or unconsciously, directly or indirectly, ideas, concepts, resource material, suggestions and advice to the substance and body of this study. Their anonymity, however, does not in any way belie the importance of their contributions.

Limitations of the Study

As in any investigation into media phenomena, this study possesses a number of limitations, some of which are self-evident, others that are less obvious but apparent to the writer. These limitations will be considered under four headings.

Time Span: The focus of this study confines itself to a period of 3 years, 1967 through 1970. This delimitation was made because it was during this period that the two landmark cases of alleged staged news occurred, resulting in extensive governmental inquiry into purported deceptive news practices. Quite obviously, there was governmental investigation into deceptive news practices both before and after the period of this study. Some of these are referred to only peripherally in the text. Many of these would provide valuable research projects for future researchers.

Sample: Although this is in no sense a quantitative study, the two landmark cases, "Pot Party at a University" and "Project Nassau" represent in essence the sample upon which the study is based. It is self-evident that only 2 case histories do not represent an adequate
sampling upon which broad, general and valid conclusions can be drawn about staged news practices in television news documentaries. As Van Dalen has pointed out, "... a generalization drawn from a single case or a few casually selected ones cannot be applied to all cases in a given population."

In addition, it is only coincidental that the two landmark cases selected for study in this thesis involves the CBS network and its owned and operated station in Chicago. Other networks and stations also have been subjects of government investigation and scrutiny.

The Methodology: The multi-form methodology employed in this study possesses a number of limitations. The advantages and disadvantages of historical, descriptive and analytical methods have been explicated in great detail in countless research books and manuals. The methodological limitations in this study, however, will be confined principally to the case study method, which constitutes the main thrust of the research.

Any case analysis must be cast within an adequate social and historical framework, and the nature of the case determines the dimensions of the framework. Human beings, including broadcast journalists, interact constantly with diverse environmental factors; consequently their behavior cannot be understood without examining these varied relationships. The case study method limitations can be summarized

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as follows:

1. Generalizations cannot be formulated from the evidence of a single case or two, as was noted under sampling limitations of this study. However, some inferential general conclusions will be attempted in the final chapter of this study.

2. The case study is narrower in scope, but more exhaustive and more qualitative in nature than the survey method. Young claims that "the most meaningful numerical studies in social science are those which are linked with exhaustive case studies describing accurately the interrelationships of factors and processes."

3. The case study often has been criticized as too subjective in nature to produce evidence of scientific value. The inherent subjective dangers in this method are all too evident. The researcher must guard against permitting personal biases and standards to influence his interpretation. Judgments must be suspended until adequate evidence supports a conclusion. And the researcher using this method must exercise every possible precaution to detect data that are the product of faulty perception, deliberate deception, a poor memory, unconscious biases, or the researcher's desire to present the "right" answer. And the tendency to overemphasize unusual unusual events or to describe them in such a way as to achieve dramatic

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effect must also be guarded against. The writer has made every effort to avoid the dangers of subjectivity in this study.

**Interviews:** This study would have been enhanced to a considerable extent had the writer been able to obtain more in-depth interviews with some of the key figures involved in the two cases. Some could not be located, others failed to respond to letters, and a few said they already had given their versions in testimony, depositions and statements before the House Special Subcommittee on Investigations and the FCC. The time and cost of such an extensive series of in-depth interviews with persons at widely separated locations throughout the United States, even if they had been available, would have been prohibitive.

**Summary**

The introduction to this study has stated the general purpose, the significance of the study, the methodology and its deficiencies; it has provided a definition of terms as used in the context of the study, given the research background, outlined a review of the literature and enumerated the limitations. Chapter II will consider the historical framework, including some social, political and economic forces, which had significant influence upon the focus of this study.
CHAPTER II

THE HISTORICAL BACKGROUND

Introduction

The purpose of this chapter is to explore significant forces and events in the development of news broadcasting and the television news documentary which have influenced either directly or tangentially governmental inquiries into alleged staged news and deceptive news practices of network broadcasting systems. Some of these developmental influences are starkly obvious and their impact is dramatic; others are more tenuous in nature. Together they constitute a mosaic which limns the historical perspective in which this study was made. Basic to any consideration of this perspective, however, is an insight into the constant quest for filmic and broadcast reality in news and documentary presentations.

Problems of Filmic Reality

The problem of reality in documentary films (regardless of genre), as in philosophy, psychology and religion, has been and is at once obscure and obvious, profound and superficial, important and trivial. Complex philosophical systems have been fashioned around various concepts of reality, and in many cases the substance
of their theory has served more to confuse than to clarify.

Documentary films have been described under various nomenclature, but implicit in all of these definitions is "reality" or "actuality." It is essential that if the term reality is used at all, it must mean the world disclosed to human experience, not a mysterious ultimate behind or beyond human experience. However, this idea, according to much philosophical thought, is really a mundane one. One really must deal with ultimate reality, with what things "really are." In fact, philosophy has sometimes been defined as the ultimate search for reality. But such an inquiry would seem to represent utter futility.

Quite obviously, then, the approach to reality in documentary films must be relativistic rather than absolutistic, psychological rather than philosophical. It must be a world disclosed to human experience which occurs always in particular contexts and perspectives, specific situations seen from specific viewpoints.

As Abraham Kaplan has pointed out, each is equally valid when its limitations are taken into consideration:

There is no absolute perspective revealing what the world 'really is' rather than what it appears to be in limited perspectives. The 'real' is a set of appearances in their relations. This does not in any way impugn the objectivity of matters of fact. It insists only that they are objective to a specified perspective or
Thus reality has many faces, and realism is not a matter of the documentarist confronting a fixed and determinate world of which he proceeds to render an accurate impression. He is dealing with reality on a dual level, objective and subjective, whether he likes it or not.

And herein lies one of the major problems in the concepts of reality in television documentary productions: the attempt to achieve a fidelity presumed to be external to any human perspective, the problem of trying to eliminate or minimize the subjective element.

The process of human perception dooms these attempts to varying degrees of failure. Perception is selective, conditioned and determined by many factors—frames of reference, attitudes, interests, and needs. Thus human perception does not apprehend "pure" reality. It is instead impressions of the world as it appears to the perceiver.

These attempts by documentarists to reduce the subjective element (which many regard as suspect and untrustworthy) has resulted in a variety of documentary techniques under a panoply of labels: naturalism, realism, neo-realism, social realism, kino-eye and cinema verite. Actually, though these labels are freely, even rashly, used, there is no general agreement as to what they mean. Usually, what is


2 See Chapter III, "The Concept of Objectivity."
meant, with individual differences, is realism or naturalism, a film technique which depicts life events and their meaning as closely as possible to the actual events and people involved. For some, realism has come to be a merely convenient perjorative, especially when qualified as stark, raw, superficial, and unimaginative.

Yet the concept of realism has thrust deeply into the heart of the American television documentary. Most will insist that the very nature of the television documentary demands a conceptual framework of realism to validate any claim to actuality.

The Early Newsreels

The newsreel tradition had its beginning in the years following Thomas A. Edison's invention of his "kinescope." Graeber has said that the earliest motion pictures made in France and England during 1895 are the first examples of motion picture journalism, and the filming of the British Derby by Robert W. Paul in 1896 may have been the first newsreel.

By 1896, motion picture coverage of spot news stories was being pursued by the Pathe Brothers and Leon Gaumont in France, Oskar Messter in Germany, and Biograph and Vitagraph in America. The first regular newsreel series is credited to Charles Pathe and his Journal of 1907.

The outbreak of World War I offered newsreel cameramen their first great opportunity to film events of vital concern to men and

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women everywhere. The newsreel grew in scope after the war, and by the late 1920's Metrotone, International Newsreel, Fox Movietone News and the Pathe Newsreel had organized newsgathering and filming facilities throughout the world. Technological improvements, such as talking pictures, the single-system sound camera, the addition of natural sound and narration, added to the capacities for the presentation of reality.

At first, the novelty of the newsreels, the curiosity of motion on film, the actuality of the event, brought enormous popularity to the new medium. No one disputed its simple function of recording events. But gradually, the endless procession of bathing beauty contests, ship-launchings, boxing, football, and Lew Lehr's commentaries upon the animal world, began to pall upon movie house audiences.

Andrew Buchanan suggested that newsreels were "jumpy little postcard collections which for some reason or other are never produced—they merely happen." His criticism voiced the hurried and incomplete treatment of events filmed, which left viewers with a sense of frustration. John Grierson, an eminent documentarist, described the newsreel as "just a speedy snip-snap of some utterly unimportant ceremony."

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5 Hardy, *Grierson on Documentary*, p. 78.
This criticism, just as it might be, is not intended to suggest that newsreels were an uninterrupted filmic record of trivia. Probably the most spectacular event of the 1930's was caught by a Pathé newsreel cameraman, Bill Deekes, when the giant dirigible "Hindenburg" exploded in flames over the U. S. Naval Air Station at Lakehurst, New Jersey on May 6, 1937. The Hindenburg holocaust remains as one of the epic news films of the century.

The March of Time

It was inevitable that the growing dissatisfaction with the "jumpy little postcards" would culminate in a new approach to newsreels. Time, Inc., introduced this new concept in film journalism, "March of Time," on February 1, 1935, at the Capitol Theater in New York City.

It exerted tremendous influence upon the world of mass communication for the next two decades. At the apex of its popularity, between 1936 and 1942, "March of Time" was shown in more than 9,000 American theaters to weekly audiences of nearly 20 million persons.

Actually, "March of Time" was a film version of the successful radio program, "March of Time," produced by Roy Larsen, who later became one of the top executives of Time, Inc. The film version was the work of Louis de Rochemont, who obtained his experience with half a dozen newsreel companies in the previous decade. It was his work with the newsreel companies that made him vow: "... Someday I'm
going to revolutionize the newsreel." And he kept his vow.

Rochemont's approach to newsreel journalism departed sharply from the traditional philosophy of simply recording facts. Paul Rotha has described his procedure:

Using partly the same naturally shot material which is the stuff of the newsreel, and partly staged scenes with both real people and actors, it tries to present an event in relation to its background—an approach that calls for a considered restatement of fact.  

The need to reinact missing elements in a film story was acknowledged by the "March of Time" producer, as it had been in the earlier radio version. This technique, according to Bluem, established that "... For the first time in a visual medium a journalistic record of an event admitted the validity of a reconstruction of reality."

Simply, "March of Time" averred without qualification that a news story was valid reportage even if certain voices and actions were staged.

Rochemont, Larsen and others argued that the records of

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7 Rotha, Documentary Film, p. 248.

8 Bluem, Documentary in American Television, p. 36.
reality were not "true"—that the very presence of camera and microphone changed the situation being filmed or recorded. Objectivity to them was only an ideal and desired condition, but not a fact. Even when newsreel material was available, impersonation was sometimes preferred for dramatic effect.

Bluem has made a cogent comparison between the "March of Time" technique and that of newspapers:

This was, perhaps, no more a privilege than newspapers enjoyed from the outset. True, the still photographer may have 'faked' his pictures but, if detected, a stigma was cast upon the journalistic value of his product. In the 'March of Time', however, the means of reportage stretched the limits of journalism by implicitly arguing that the picture as well as the word was, after all, only symbolic of reality. What mattered was not whether pictorial journalism displayed the facts, but whether, within the conscience of the reporter, it faithfully reflected the facts. The question of impartial reporting of the news rested, then, upon whether what was purported to be reality had a basis in fact and was the result of a sincere attempt to present it in a compelling fashion. This was an overlooked contribution of the March of Time, and yet it may have been the most revolutionary change in the history of pictorial journalism.  

Its unique treatment of reality—a radical departure from the accepted newsreel philosophy—was not the only factor that caused "March of Time" to become a seminal force in motion picture journalism at a critical time in American history.

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9 Ibid., p. 38.
One of its significant contributions was the expansion of story treatment into far greater depth than the newsreels had ever attempted. Typically, newsreels offered a crowded pot pourri of events ranging from international coverage to insignificant trivia, all treated in a crudely superficial manner.

In its beginning, "March of Time," too, was tied to the traditional newsreel concept, but as its producers gained more experience they decreased the number of stories treated and accorded greater depth to the ones they used in the series. Then, in January of 1938, "March of Time" produced its first single-story film—"Inside Nazi Germany, 1938." This film ran more than 15 minutes and was devoted to a study of the rise of Hitler and the menace of Nazism in Germany and America.

The third major contribution of "March of Time" to newsreel journalism was its entrance into the field of controversial issues—an approach heretofore untouched by reality films and newsreels. It probed the infamous trial of Bruno Richard Hauptmann at Flemington, New Jersey for the kidnapping of the Lindbergh infant, a trial which later resulted in the passage of Canon 35 of the American Bar Association; it explored in satire the life and times of Huey P. Long, the Louisiana dictator, and other controversial issues. And its treatment of these issues brought it into head-on collision with censorship boards on several occasions. Bluem has commented on the controversial subjects:

Its purposes in selecting controversial subjects were to stimulate thought, to probe and lay bare the sensitive issues confronting America. Yet it had insisted
upon its own journalistic 'objectivity'
in that it did not offer resolutions,
but, instead, possible outcomes. ... 
It was this inconsistency--this dramatic
portrayal of real crises--which could not
easily be accepted. A crisis which does
not resolve itself makes incomplete drama,
just as a dramatized reconstruction of
reality is not fully compatible with journal-
ism. This was the dilemma of 'March of Time,'
and it passed on this heritage to all sub-
sequent traditions, no matter the medium,
style or form, which would seek to make fact
compelling by means of dramatic narrative.10

Between 1935 and 1951 "March of Time" gave to the documen-
tary film movement, to television, to the print media, in fact, to
nearly all areas of mass communication, a vast source of techniques,
principles, ideas and inspiration which has produced a lasting effect
on both print and broadcast journalism.

The newsreel companies performed superbly during World War II,
but they never were able to bring the war into the living rooms of
American homes as did television's coverage of the Viet Nam conflict.
They experienced a brief surge of post-war popularity, but by 1946
television had burst upon the scene and the newsreel began its decline.

The advent of television was not the only reason for the decline
of the newsreels, although it was a major one. The beginning of the
"double-feature" and "give away" mania in the movie houses served to
crowd the newsreels from the screens, and film executives tended to
regard the newsreels as just another form of "short subjects." They
cared little about journalistic importance or standards. As a result,
many of the newsreels, not including the "March of Time" became reposi-

ories for publicity gimmicks, movie star buildups, and even more trivial approaches to American life and people. They all soon began to look and sound alike, and they lost that vital force of any journalistic medium—competition.

Graeber has said that the newsreel fell into decline when TV audiences began to get much of the same material on their home screens which they had been accustomed to seeing at their theaters. By the end of the 1950's, the era of the newsreel was dead. Film reportage had arrived with the newsreels, and social theses had begun to emerge in the journalistic documentary of the "March of Time." Thus the way was paved for significant new developments in the documentary film in America.

The Non-News Documentaries

The influences of the newsreel techniques and philosophy could be seen in the development of the non-news documentary which occurred as the newsreels were enjoying their post-World War I popularity. The formal non-news documentary film movement began in 1923 with a seminal work embodying the purest realism, "Nanook of the North," photographed and produced by Robert Flaherty who went to the Arctic to record his classic story of an Eskimo family.

In a sense, Flaherty's project was a rebellion against the staged backgrounds and contrived stories of the early Hollywood studios. He

was convinced that it was possible to place dramatic stories of real people against their natural background and to show the interaction of these people with their environment. In this first film study of primitive man in his natural environment, Flaherty captured the cruel struggle of the Eskimos against their harsh environment with a sensitivity and realism that has rarely been equalled.

Some of the great strength of Flaherty's films lies in their stemming from a source—Flaherty's excitement about, and sympathy with, a human way of life, through his direct contact with it—which is strong and pure, and without literary or dramatic trammels.¹²

In "Nanook" and such later films as "Moana" (1927), "Man of Aran" (1934), and "Louisiana Story" (1948), Flaherty pursued the great themes of man and revealed his own preoccupation with the idyllic life. Always his intent was to preserve the essential reality of real persons in a real setting, devoid of the artificial elements of "actors," contrived story-line and Hollywood appurtenances.

Flaherty was acquainted with the naturalistic literary tradition of Zola, Rousseau, Garland and Dreiser, and he sought to take this concept in its purest form to a people unspoiled or conditioned by civilization. He succeeded hugely, and his influence on the television documentary looms large today.

Bluem has suggested that Flaherty's work is anachronistic—the technology which made it possible for him to record the drama of un-

complicated societies had little true purpose in modern industrial societies. He could not relate his work to the realities of life in restless, changing societies.

John Grierson, a British documentarist, was enormously influenced by Flaherty's work, but he felt that Flaherty's concept of naturalism and realism was too rigid and confining. It could not serve as a useful social instrument. There were a limited number of primitive societies, and the naturalistic concept employed in its purest form by Flaherty was unsuitable for the social analysis of complex, urban societies. Consequently, Grierson sought to establish a use for film defined by Spottiswoode as "a characterized presentation of man's relation to his institutional life, whether industrial, social or political; and in technique a subordination of form to content."

However, Flaherty's theme of man's relation to his environment was essentially the same. In Grierson's films, only the environment was different. And he gave more emphasis to content than form.

Grierson's first important film, "Drifters" (1929), dealt with the daily lives of the herring fishermen. It showed one part of the British people how another part of the population worked and lived, and by so doing engendered a larger sense of social independence. This and subsequent films founded the "social analysis" school of British documentarists, and they have exerted extensive influence on current tele-

13 Bluem, Documentary, p. 43.

vision documentaries involving social problems and controversial
issues.

The concept of naturalism and realism was highly apparent in
the documentaries of Pare Lorentz in the 1930's. He was commission-
ed by the federal government to make a film which would make clear to
the American farmer the government's soil conservation and resettle-
ment program. The result was "The Plow That Broke The Plains," 16
naturalistic in content and theme.

Lorentz sharpened this concept in "The River," a study of
erosion in the Mississippi River basin. Filmic realism reached a new
height in this film as Lorentz showed the awesome power of the flood
waters--trees stripped from the land and huge areas of land sliding
into the water. Bluem says that it was "perhaps the first time in
American documentary that the great narrative power of film was em-
ployed to record natural phenomena in such a way that a vital social
statement was advanced."

15
Hardy, Grierson on Documentary, pp. 167-169.

16
Snyder, Pare Lorentz, pp. 21-49.

17
Bluem, Documentary, p. 51.
Huss and Silverstein point out that "under John Grierson, Pare Lorentz and Robert Flaherty, the filming of the real took on the impact of brilliant drama. In their hands, the familiar and unfamiliar elements of life itself became the raw materials of artistic (and political, social and economic) statements."

The Television News Documentary

The television news documentary possessed a rich heritage of techniques, philosophy and ideas from its very beginning. Its antecedents were deeply embedded in early still photography, the newsreels, "March of Time," the work of the pioneer non-news documentarists, and the hard news films.

Just as Flaherty, Grierson and Lorentz had provided the germinal force in the development of the non-news documentary, two men provided this same force in the development of the television news documentary—Edward R. Murrow and Fred W. Friendly. All television news documentarists, past and current, have drawn their form and inspiration from the work of these two men.

For the most part, with the exception of "March of Time", the newsreels and the filmed hard news reports were only slivers of reality, of single news events, of partially reported episodic fragments, and there were only weak attempts to show the relationship of the event in the broader context in which it occurred. There was little

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continuity and interpretation.

In November, 1951, Murrow and Friendly began the first and definitive television news documentary in American Television, "See It Now." The primary aim of this series was to use film to tell a "story," to report in depth. Like Louis de Rochemont in the "March of Time," Murrow and Friendly wanted to move beyond the daily news reporting because they felt these fragmented news film clips were unsatisfying and incomplete. They wanted to show American audiences what was really happening in the world in a contextual perspective only film could reveal.

In the beginning, Murrow and Friendly were tied to the newsreel-hard news format as they sought a metier which could provide depth and meaning to the story. They found it in the third season of See It Now, "Christmas in Korea", a milestone in the development of the television news documentary. Murrow and Friendly took their crew to Korea to record the faces, voices, sights and sounds of the Korean war in terms of human values. They ignored the hard news--the latest battle losses and the progress of the armies.

From this documentary on, See It Now moved away from the hard news genre and sought instead to provide searching and timely reports of the human condition in America, the social conflicts and the significance of international affairs. The series brought them much critical acclaim and much criticism.

They built their largest audiences with the deliberate selection of social conflicts which were of burning interest to most Americans.
Their program on Senator McCarthy (1954) was a frank, editorial attack on the Wisconsin senator, still is the source of considerable debate among broadcast news historians. Bluem has raised the question:

The true question, rather, is whether Murrow’s direct editorial attack on McCarthy did not cast suspicion on all similar technique in TV documentary. At that moment when Murrow engaged in an essentially cinematic method of dramatizing a point (by juxtaposing film clips of several of McCarthy’s own statements), he crossed a line between use of film as an emotion inspiring aesthetic form, and as a recording instrument of the passing scene governed by less subjective rules of direct expository narrative. He turned from making 19 films tell something to making it will something ...

Despite this debate which has never been resolved, "See It Now" remains as the prototype of the television news documentary—a factual, timely report in depth on issues of prominent national and international concern to millions of people.

"See It Now" was cancelled in 1958, probably due to a switch from institutional advertising to consumer advertising by the Aluminum Corporation of America, sponsor of the series, and also to the fact that some of the programs had caused considerable friction and problems for network executives.

It was replaced by "CBS Reports," conceived by Dr. Frank Stanton, then president of the network. Murrow took a leave of absence, later left the network, and the production of "CBS Reports" was assigned to Friendly. The majority of the programs in the new series were impartial news treatments, but several, including "The Business of Health:

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Bluem, Documentary, p. 99.
Medicine, Money and Politics" and "Harvest of Shame," drew accusations of slanting, bias, distortion and unfairness. "Harvest of Shame," which explored the plight of America's migrant workers, was an editorial documentary in the most unabashed manner. Salant, president of CBS News, replied to the critics: "... The price of avoiding angry letters is blandness; the price of blandness in this field at least, is public indifference; and we cannot afford those prices either ... we sought ... to present facts and issues and stimulate people into doing their own thinking."

The tradition established by "See It Now" and perpetuated by "CBS Reports" was replicated by NBC in its "White Paper" series. Nor could "White Paper" avoid the now familiar charges of bias, distortion and slanting when it tackled the controversial domestic issues of the day.

It created a national furor with its investigation of the welfare situation in Newburgh, New York. Joseph Mitchell, city manager of Newburgh, decided to ignore state welfare laws and decide for himself who deserved welfare aid and who did not. The resulting documentary by NBC concluded that, contrary to Mitchell's views, the welfare rolls were not filled with cheaters and idlers.

It is interesting to note that the FCC, while criticizing the networks on several other scores, defended CBS' "Biography of a Bookie

From a Speech Before CBS-TV Network Affiliates, in New York City, on May 5, 1961.
Joint," and NBC's "Battle of Newburgh."

Later documentaries have produced similar storms of controversy, and it is almost inevitable that journalistic films dealing with sensitive and controversial subjects will draw accusations of bias and distortion.

As mentioned earlier in this chapter, documentarists, for the most part, are in constant quest of better filmic techniques to reproduce reality. This quest led to a new school of documentarists who adopted the cinema verite approach which had begun in Europe in the early 1930's.

Cinema verite seeks to depict the essential reality by eliminating or minimizing the subject's awareness of the camera. It achieves emotional response from the viewer by making the camera an active participant in the event recorded. It assumes from the outset that the camera is the sole reporter and must not be subsumed to script, to pre-conceived thematic statement, to plotted narrative or story idea. It is, in brief, the candid camera technique.

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21 The name probably was originated in France by Jean Rouch, but the concept itself existed much earlier in the work of Dziga Vertov who sought to make reality films which faithfully revealed the human condition.

22 Peter Graham, "Cinema Verite in France," Film Quarterly, 17 (Summer, 1964), 30-36.
Experiments with cinema verite in the television news documentary were most fully exemplified in Robert Drew's productions for ABC-TV's "Closeup."

"Yanqui, No!", the first of these productions, in 1960, posed the threat of communism in South America, and Drew attempted to see the anti-American developments in some of these countries through the eyes of the natives. He sought to produce documentaries that employed dramatic logic--where the story told itself through pictures, not through word logic, lecture logic, written logic or interviews.

The result was a raw film of uneven quality that made extravagant use of extreme facial closeups, deliberately blurred focus, a restless camera and wild sound recording which distorted voice qualities. Narration was severely restricted.

The verite technique played a major role in such documentary films as "In The Street" (1952), "On The Bowery" (1954), and "Farrebique" (1947), as well as many films in the 1960's.

As a technique for recording reality, the naturalism of verite has had great influence on the television news documentary, but it also has posed some serious questions: Can cinema verite be sustained for an entire film, or is it more adaptable for short sequences within films? Does this technique cause a distortion of context by letting the camera alone seek out revelation of character?

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23 Drew has said in several interviews that this technique does not employ the hidden camera. Instead, the camera is used as unobtrusively as possible.
Does it contribute to the understanding of the viewer, or do the abrupt transitions and erratic camera movements contribute to confusion?

In more recent verite productions, the technique has been softened and shaped, although the quick-cut in sound and picture often is used to direct the flow of attention. It is probable that this softer technique will prevail in future productions.

Theoretically, verite has no definite limitations, and is often used to describe any number of experiments and innovations in cinematic technique which are directed toward revealing new aspects of life and reality.

When Drew claims cinema verite is a better method of reconstructing reality, there is considerable validity to his claim for its great promise. But its limitations are obvious. Even cinema verite is subject to human and technological limitations. Reality can never be grasped directly. At best, it can be only reproduction.

The Richards Case

Such problems of the treatment of news reality posed little

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24 Huss and Silverstein, The Film Experience, pp. 151-156.

25 Ibid.
concern for George A. (Dick) Richards, president and controlling stockholder of three radio stations—KMPC, Los Angeles; WJR, Detroit; and WGAR, Cleveland. On February 28, 1948, the Radio News Club of Southern California, a group of professional radio newsmen, sent a letter of complaint against Station KMPC, Los Angeles, to FCC Chairman Walker. The letter and statements from former employees alleged that Richards had ordered flagrant news slanting by his employees to conform to his (Richard's) political, economic and social biases.

Thus began one of the most notorious cases of news distortion, slanting and bias in broadcasting history. Emery found that "no case in the history of the FCC has received more nation-wide publicity than the Richards case." He reported that Richards was estimated to have spent two million dollars in his own defense.

On November 12, 1948, the FCC ordered an investigatory hearing in California. After numerous postponements and delays, a hearing was begun on March 13, 1950 in Los Angeles before Hearing Examiner J. Fred Johnson. On May 2, 1950, Johnson died, and the Commission designated Examiner James D. Cunningham to preside. The new hearing was held in Los Angeles and Detroit from June 14 to December 21, 1950. The record was closed on December 21 of that year.

During 108 hearing days, 278 witnesses were heard and 1,204

26

exhibits were received in evidence. The transcript contained more than 18,000 pages. Richards did not testify due to a heart condition which his physicians said would imperil his life if he were forced to appear.

On May 27, 1951, Richards died. In his initial decision on June 14, 1951, Hearing Examiner Cunningham stated that Richards' death rendered moot the questions presented under the issues. He found no occasion to make detailed findings of fact upon the record, and ordered that the proceedings instituted against the application for the license renewal of Richards' three stations be dismissed.

The Commission concurred with Hearing Examiner Cunningham's findings and concluded that statements by Mrs. Richards and officers of the licensee corporations constituted a rejection of the alleged practices and policies, and were a positive representation that the alleged practices and policies would not occur in the future. Accordingly, the Commission granted the license renewals. Commissioner Walker dissented to the opinion. He believed the Hearing Examiner exceeded his authority in directing dismissal of the proceedings, and should have made findings of fact and conclusions of law.

Clearly, the ultimate resolution of the case failed to meet with universal approval. Many broadcasting observers believed that

27
Ibid.

28
Radio Reports, Volume 7, pp. 788,795.
the evidence presented at the hearings would have necessitated the revocation of Richards' licenses had he lived. However, Barnouw observed that "... the FCC apparently had come to believe, in spite of the law, that there was a property right in radio channels, and one that extended even beyond death."  

Head concluded that the practice of slanting and distortion occurred infrequently, and the Richards case ended inconclusively: "Even the least conscientious and responsible broadcaster is likely to have some sense of the gravity of tampering with the news. ... "  

Smead also believed that such violations were very rare, but he concluded that the FCC "was able to avoid the disagreeable task of destroying such profitable businesses by termination of the licenses without sacrificing its regulation of news programs."  

Siepmann found that the Richards case was not technically a breach of the FCC decision in the Mayflower case because it involved not open advocacy but "something worse--a concerted form of willful


30 Head, Broadcasting in America, p. 379.

31 Smead, Freedom of Speech, p. 79.
deceit and deliberate distortion."

He criticized the National Association of Broadcasters and the radio industry because not a single prominent spokesman "uttered a public word to disassociate himself from such practices." He decried the failure of the NAB to impose sanctions on its members for code violations and described the "machinery of collective self-regulation" as "inoperative and incomplete."

The Climate of Ethical Decay

By the mid-1950's the television industry was booming. Fights for precious channel allocations--some called them a license to mint money--were bitter, and rumors of sharp practices and political pressures were rife. There were even rumors of bribery, but such reports seldom broke into print.

This boom atmosphere in the industry seized upon programming practices, too, and it gave rise to various corruptions that seemed for a time to be taken for granted as part of industry practices.

But gentle winds of concern appeared to be arising here and there. In 1956 Stockton Hellfrich, who headed NBC's continuity accept-

33 Ibid., p. 236.
34 Ibid.
ance department, received a memorandum from a colleague, Carl Watson:

Is there a danger that an expose of the growing payola enterprise in our industry in some reputable publication such as Newsweek will spark a government investigation of our industry? ... In our day-to-day editing and monitoring, it is impossible not to notice the number of products getting a so-called free ride in the body of the established programs. ... A completely separate operation is apparently in full swing whereby pay-offs to writers and producers are included for offering program plugs. This program is apparently handled by specialists in the field. ... 35

It was a well-known secret within the industry that many writers and producers were receiving remuneration for including product names, use of products and other free commercial mention in established television shows. Several publicity, public relations and promotional organizations specialized in this type of product brand publicity. In 1956 and 1957, some writers, directors and producers were receiving from agents whole lists of opportunities for pay-off.

Radio disk-jockeys also were in a privileged position for pay-offs. Since the success of any new record depended on the favor of the disk-jockeys, their favor was cultivated by the record companies with expensive gifts which later became cash payments. Within the industry, and later in the media, this became known as "payola."

35

Quoted in Barnouw's The Image Empire, pp. 68-69.
One disk-jockey was found to have received more than $36,000 from June, 1958, to October, 1959, to favor the records of eight companies. Another described it as something like a political contribution in which the giver pays "in the hope that something good will happen."

The year 1959 brought two more scandals that shook the broadcasting industry to its foundation, and even besmirched the integrity of a network news organization. The first involved the "quiz" programs. Rumors that the programs had been "fixed" had been smouldering in the industry for a long time, and these rumors had appeared in print on several occasions.

In August, 1958, Charles Stempel, an early winner on the program "Twenty-One," said that the program had been fixed. The most famous participant on the program, Charles Van Doren, denied that there had been irregularities. But the rumors intensified, and a New York grand jury began to look into the situation. The grand jury found many discrepancies in the statements given by the participants summoned to testify.

In a dramatic denouement to the scandal, Van Doren disappeared from sight, then reappeared and confessed that he had participated in the fixing of the program, that the producer of the program had gone over the questions with him and had given him the answers he did not know. Many of the quiz figures apparently had perjured them-

36

selves before the grand jury and District Attorney Frank Hogan said perhaps 50 of the 150 witnesses had told the truth.

Perhaps most shocking of all in the field of broadcast journalism was the Mutual Broadcasting System scandal, which involved huge bribes, international intrigue and shady corporate financial manipulations.

In 1958 Hal Roach Studios in Hollywood—a prime producer of telefilms—had merged with the F. L. Jacobs Company, a Detroit-based industrial complex, headed by Alexander Guterma. Not long afterward, the complex purchased MBS for $2,000,000. Hal Roach, Jr. was named chairman of the board of MBS, and Guterma became president. Before the merger, MBS had been in financial trouble, but Guterma considered broadcasting a depression proof industry.

In January, 1959, Guterma, accompanied by Roach and other associates, flew to Ciudad Trujillo, capital of the Dominican Republic, where he negotiated an agreement with representatives of the notorious dictator, Rafael Trujillo. In essence, this was a "news" or rather a publicity agreement under the guise of news. For $750,000 Guterma agreed to provide on MBS a monthly minimum of 425 minutes of news and commentary regarding the Dominican Republic, none of which would be unfavorable.

One of the central figures in these bizarre negotiations was Porfirio Rubirosa, former husband of Woolworth heiress Barbara Hutton, and international playboy. Guterma, a salesman par excellent, suggested a demonstration of MBS's ability to produce the desired news.
Since both Rubirosa and Roach were present, why not invent a story to the effect that Rubirosa would star in a forthcoming picture to be produced by Roach? Gutermann called MBS in New York, and the next day Walter Winchell delivered the fictitious story over the network.

The next month, February, Gutermann lost control of the Jacobs Company and ran head-on into a succession of legal problems, which finally forced his resignation. Along with Roach and Garland L. Culpepper, Jr., he was indicted for failing to register as a foreign agent.

The scandal sent tremors of fear throughout the broadcasting industry, and the broadcast historian Bamouw has commented: "It was never clear how far Gutermann could have carried his corruption of MBS news. But that a nation-wide network could so casually be purchased was thought-provoking." Bamouw's comment certainly represents an understatement of the implications of the MBS case.

The tentacles of broadcast scandal reached into high places. An investigation by the House Subcommittee on Legislative Oversight, conducted by Professor Bernard Schwartz of New York University, led to the resignation of FCC Chairman John C. Doerfer, whose acceptance of "amenities" from the broadcasting industry was found to be imprudent; also of FCC Commissioner Richard Mack who had accepted a bribe for his


38 Bamouw, The Image Empire, p. 127.
vote on a disputed Miami, Florida channel. He was never convicted. Among Schwartz's first findings was that Representative Oren Harris, chairman of the Commerce Committee, had acquired a twenty-five percent interest in television station KRBB, Eldorado, Arkansas, for $500 plus a $4,000 promissory note, which was never paid. As chairman of the Commerce Committee, Harris had jurisdiction over the Subcommittee on Legislative Oversight. It was not unexpected that Schwartz was finally fired.

Skornia, among other critics of television practices, raised the question: what did the networks finally do about the quiz scandals? And, generally, his answer was: very little. NBC announced the formation of a committee of five prominent citizens to review NBC policies and standards. The activity of this committee is little known. CBS announced the abolition of all big money quiz shows, rehearsed and unrehearsed programs, canned applause, and related rigging. Skornia has stated that as soon as the furor blew over, canned applause, game shows, and most of the outlawed practices were back on CBS, without publicity or fanfare. CBS denied this with considerable supportive evidence.

Both networks, he said, announced an increase in news and public affairs programming.

As for the threatened government crackdown, loyal friends of the networks in Congress limited government efforts.

39 Skornia, *Television and Society*, p. 49.
largely to outlawing quiz rigging and deceit as the industry defined it. The symptoms were treated. The structure out of which the practices so naturally grew remained relatively undisturbed. Business as usual prevailed. ... 40

The amendment to Section 509 of the Communication Act which prohibited quiz rigging made no reference to news staging or rigging. Many regarded this as especially significant in light of the MBS-Guterma scandal which involved flagrant abuse of a national network's journalistic facilities.

The Violent Sixties

The capacity of both print and broadcast journalism to deal with the realities of the 1960's was considerably diminished by the complexities and conflicts of the decade. Technologically, the media's performance was never more superb; journalistically, it exhibited the inconsistency, contradictions, doubts and uncertainties, and often obtuse confusion.

The American people were divided by scores of political, social, economic, military and racial issues, and the media too often contributed confusion rather than understanding to these issues. There were bloody racial riots, student demonstrations, attacks on poverty,
pollution and the Viet Nam War, as well as the entire value-system of
the so-called middle class establishment. Much of this violent up-
heaval in society resulted from what Rozak has called "The Making of
41
a Counter Culture" by the nation's youth.

Perhaps Jose Ortega y Gassett expressed this best when he wrote:

In the 'today', in every 'today', various
generations coexist and the relations
which are established between them, accord­
ing to the different condition of their
ages, represent the dynamic system of
attractions and repulsions, of agreement
and controversy which at any given moment
makes up the reality of historic life.42

These powerful divisive forces which separated man from man,
group from group, and institution from institution, gradually created
a widening and interrelated credibility gap between media, government
and people. The old values of faith and trust had been replaced by
suspicion and the concept of self-interest.

These years saw the credibility gap widen into chasms of media
distrust which proliferated into a rash of charges that some news events
had been staged by the media. Two of these,"Pot Party at a University"
and "Project Nassau" constitute the focus of this study.

41
Theodore Rozak, The Making of a Counter Culture (New York:

42
Jose Ortega y Gassett, Man and Crisis, translated by
By May 15, 1969, the FCC had before it a series of complaints of news staging by the major television networks:

1. All three networks were charged with having staged a number of events during the August, 1968, Democratic convention in Chicago. Among the allegations was one by Thomas A. Foran, U. S. attorney for the Northern District of Illinois, who stated that he saw a cameraman build a fire out of burning trash in Michigan Avenue, place a "Welcome to Chicago" sign in the fire, then film the burning. He and an assistant also reported witnessing the filming of a bandaged and supposedly injured individual who, before being photographed, had been conversing with photographers. The investigative staff of the House Subcommittee on Investigations also received reports of some staging incidents in connection with the convention, but recommended against Subcommittee hearings.

2. The FCC also had before it charges of staging by CBS in its filming of the "Poor People's March" in Marks, Mississippi. Allegations were made that network newsmen made suggestions as to what clothing should be worn during the filming, that automobiles should be moved away from homes being photographed, that TV antennas should not be shown, and that a local negro policeman was offered five dollars.

to say that negroes were starving in Marks.

3. The Commission also received complaints that CBS's documentary, "Hunger in America," first shown over the CBS network on May 21, 1968, identified a San Antonio, Texas, baby as dying of starvation when the network either knew, or should have known, that the infant's death was unrelated to starvation or malnutrition.

4. NBC newsmen, according to reports received by the FCC, brought their own picket signs to a Claremont College student debate in order to stage or simulate a non-existent controversy.

The networks offered rebutting evidence to these and other charges of staging. The charges are presented here not as proved facts but merely as an indication of the increased awareness and concern over alleged practices of news staging.

Although some observers decried the complaints as trivial, FCC Commissioner Johnson viewed them in a much graver manner:

For this reason the integrity of the mass media is essential in its role of communicating honest opinion and accurate information. When people lose their faith


46 Los Angeles Times, November 4, 1967, p. 1; also see FCC Minute Entry, March 20, 1968.
in even isolated incidents of news as they are depicted to them, they will begin to distrust all news presentations. It is therefore essential that no element of falsity or deception creep into the news. Once it does, like the proverbial 'rotten apple', the rest of the barrel will decay. ...

Especially important, democracies function or fail to function, on the accuracy of the information and opinion supplied their citizens. ... If they believe that militant college students carried picket signs in Claremont College demonstrations or burned them in Chicago protests, those voters may cry for restrictive legislation. If these events did not in fact occur at all, the ballots cast become unjustifiable and irrational. Democracy ceases to function and arbitrariness and injustice enter. 47

Summary

This chapter has explored the historical forces and antecedents relevant to the focus of this study. It has examined the complex problem of reporting reality in news and non-news documentaries. In addition, it has noted the climate of ethical decay and some of the resulting violations of journalistic norms. The violent societal upheaval of the 1960's and the increasing distrust of media objectivity are pivotal components in this historical framework. The next chapter will consider the equally complex problem of the concept of objectivity.

47 18 F.C.C. 2nd, p. 146.
CHAPTER III

THE CONCEPT OF OBJECTIVITY

Introduction

Staged news and the concept of objectivity in both print and broadcast journalism represent almost polar extremes on a hypothetical scale of ethical news practices. The ultimate antithesis of objectivity, however, is outright faking of news, with the staging of news only a gradient or two above this lower extremity. Both are considered unethical by newsmen and their print and broadcast codes. The baseline for this judgment is the traditional concept of objectivity which has prevailed in news reporting for the past fifty years. Faked news presents few ethical problems. It is simply journalistic fraud. Staged news, however, is a more complex problem in practice and ethics, and a discussion of the concept of objectivity is needed to understand the relationship between staged news and traditional objective reporting.

Probably no other single concept in print and broadcast journalism has been subjected to so much controversy, reverence, disdain and discussion as the concept of objectivity, particularly in the last decade. Despite many frontal assaults upon its foundation, it has been and is the heart-core of the reportorial process for the past half a century.
The concept has been described variously by adherents and critics on a value continuum ranging from "the First Commandment of the media" to the "bitch goddess Objectivity," a hoary myth perpetuating a chimerical ideal impossible of human attainment. Paeans of praise have been heaped upon the concept by thousands of newsmen and editors; others, especially the more militant young newsmen, insist vehemently that "even the quest for objectivity is a myth, that the prime purpose of the media is not to report the world but reform it, and in the direction of their ideas."

A veteran editor, critic and educator has written that objective reporting by the media is "the most important development in journalism since the Anglo Saxon press became free of authority." An outstanding Washington newsman has described the tradition of objectivity as "one of the great glories of American journalism."

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Conversely, Curtis D. MacDougall, a Northwestern University professor, has said: "There is no such thing as objective news reporting and writing simply because there is no such thing as absolute truth; at least none known to mortal man." And the eminent journalism historian, Mott, shares this attitude, saying that "complete objectivity ... would never be possible even for a robot to achieve, for there must have been some mind behind the creation of the robot."

Obviously, as in so many modern dilemmas, there is no easy answer to the issue posed by objectivity, if there is any answer at all. It is the purpose of this chapter to examine the concept in some detail with a view toward providing some insights into the problems of the media in reporting reality, particularly as these problems affect the issue of staged news.

The Meanings of Objectivity

From the introduction to this chapter it is evident that meanings of objectivity, both word and method, are many, varied and individual. Attempts at definition have sprouted a luxuriant growth of semantic confusion and repetitive abstractions. One writer abstracted more than seventeen current definitions of the term in com-
mon usage, many of them derived from scientific methodology, others from print and broadcast journalism. It is probable that none would meet a test of universal or even majority acceptance. A dictionary, listing eleven definitions of the word in various contexts, defines objective as:

... being the object of perception or thought; belonging to the object of thought rather than the thinking subject (opposed to subjective). Free from personal feelings or prejudice; based on facts; unbiased ... intent upon or dealing with things external to the mind rather than with thoughts and feeling ... of or pertaining to that which can be known, or to that which is an object or a part of an object; existing independent of thought or an observer as part of reality. 

A dictionary of philosophical terms, however, takes a precisely opposite meaning of the word: objective designated anything existing as idea or representation in the mind without independent existence. This essentially is the scholastic view that had its beginning with Duns Scotus and continued into the 17th and 18th centuries.

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These two definitions, wholly contradictory in nature, serve to establish that meanings are relative, at least in time, space and to the individual. And they also serve to illustrate that the concept of objectivity has been a central issue in men's attempts to understand the world around them.

The meaning of the word, under the impact of science, shifted from the philosophical context to the scientific. In 1859, Charles Darwin published The Origin of Species and helped found the scientific era, a period characterized by the experimental method rather than philosophical speculation. As scientific research burgeoned, researchers apparently found the word *objective* admirably suited to description of their procedures: accurate, controlled, free from self-contamination. And it spread to many other areas of life, partly because of the eternal quest for certitude and partly because science became the great authority figure of the twentieth century.

The pandemic "scientific method" which had its inception in the physical and the natural sciences has been articulately described by Max Otto:

A way of investigation which relies, and relies solely, on disciplines, empirical observation and rigorously exact proof. Its aim is objective verification. And by objective verification is meant, first, that the investigator's wishes and wants, his aesthetic, moral or religious predilections, his faith in or desire for a particular conclusion, have been carefully eliminated as determining factors; and second, that proof extends beyond inner or personal conviction, to outer or public demonstration. The extent to which this can be done depends upon the matter to be
investigated. But whatever the problem may be, it is impossible to devise a technique as just defined; and whenever this is honestly attempted the investigation is scientific in the comprehensive meaning of the term.**

Otto's definition embodies most of the characteristics of scientific knowledge: verifiable evidence, ethical neutrality, controlled conditions, trained observation, systematic recording. The influence of this methodology is readily apparent in journalism's lexicon of adjectival synonyms: true, impartial, unbiased, unprejudiced, non-subjective, detached, impersonal, neutral, fair, accurate, factual, non-opinionated.

It was not long, however, before the objective scientific method of inquiry became enshrined on the altar of human experience, and some of the practical and theoretic results of its application seemed to be ample justification. Indeed, many men, including some scientists, believed that a carefully trained observer could perceive an object completely, precisely and accurately for what it really was without his own frame of reference entering into or affecting that perception.

The credo of detached, scientific objectivity permeated the humanistic sciences and manifested itself in the naturalism and realism of literature. Thrall and Hibbard have described this manifestation as:

... A manner of literary composition distinguished by an emphasized realism and calculated to present actuality, a detached, scientific objectivity, a wide inclusiveness of details, a freedom of subject matter, and a treatment of man in any or all of his strengths and weaknesses.12

Gradually, some revealing crevices began to appear in the stolid armor of scientific methodology. Many observers noted that science does not have the answer to everything, and many important questions and issues are not proper scientific questions. The scientific method is our most reliable source of factual knowledge about human behavior and the natural universe, but science with its dependence on verifiable factual evidence cannot answer questions about values, aesthetics, purpose and ultimate meaning or supernatural phenomena. Answers in these areas of human concern must be sought in other disciplines and often with other methods.

Julian Huxley voiced his concern about "disembodied" science in his Scientific Research and Social Needs:

... science is not the disembodied sort of activity that some people would make out, engaged on the abstract task of pursuing universal truth, but a social function intimately linked up with human history and human destiny.13


Schrodinger, too, emphasized the human linkage between man and his perception of reality, and he pointed out the thinness of the demarcating line between the subjective-objective issue:

A hard fast line cannot be drawn between subjective ways of apprehending reality in painting, literature, music, social and political ideas, and the objective way of apprehending reality which we have in the body of truth furnished by the scientists. Everyone of them is in some manner moulded by the human temperament.  

Gunnar Myrdal clearly recognized the human frailty of bias in the scientific process and thought that researchers should state their bias in their writing. He addressed himself to the deficiencies of the process in The American Dilemma:

Against the most honest determination to be open-minded on the part of all concerned and, primarily, on the part of the scientists themselves, the need for rationalization will tend to influence the objects chosen for research, the selection of relevant data, the recording of observations, the theoretical and practical inferences drawn and the manner of presentation of results. 

Fifteen years later, Myrdal warned scientists against the potential self-deception inherent in scientists themselves: "As social scientists we are deceiving ourselves if we naively believe that we are not as human as the people around us and that we do not


tend to aim opportunistically for conclusions that fit prejudices markedly similar to those of other people in our society.

**Perception and Objectivity**

Actually, in the sense of this study, concepts of reality are determined by individual ways of perceiving—the unique process of human perception. As previously noted in observations on the problems of filmic reality (Chapter II), some philosophers say that reality resides in the object, external to the person perceiving it. Others insist that it exists only in the mind of the person viewing the object. Psychologists suggest a third theory—the transactional model—that perception is an interrelated function of the observer, the object, and the situation, all acting together. The nature of reality nowadays is left mostly to the discipline of philosophy. Scientists more often spend their time trying to find out what happens in the process of perceiving.

The transactional model, based on the philosophy of Dewey and early studies of certain kinds of apparent illusions in visual perception conducted by Ames, was developed by a group of psychologists


at Princeton University, including Cantril, Ittelson and Kilpatrick. The transactional approach stressed the active participation of the perceiver and the role of expectancies and desires as determinants of perceptual and behavioral organization.

The transactional model was highly congruent with the so-called "new look" in perception developed by Jerome Bruner and his colleagues at Harvard in the same decade (late 1940's, early 1950's). Their findings emphasized two important characteristics of the perceptual process: (a) perception is selectively organized so that new experiences are assimilated selectively and incorporated with previous experiences into ordered categories that are meaningful and functionally useful to the individual and (b) new experiences are assimilated more readily if they are congruent with past experiences than if they are incongruent.

Bruner's new look represented a clear extension beyond its parent notions in Gestalt theory because it emphasized both functional utility and dependence upon the accumulation of past experiences. In recognizing that perceptual experience is steered by expectations

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and desires, psychologists utilize a descriptive concept, frame of reference. This term denotes the overall context with respect to which behavioral response is organized. It includes the past experience of the individual as well as the simultaneous pattern of events that occur in conjunction with one another.

The demonstrations and theories of the transactional approach and the new look in perception set the stage for a logical extension of perceptual schema in the late 1950's. This extension emphasized that the tendency toward order, congruence and organization in cognition and behavior is sufficiently pronounced that specific acts of behavior may be predicted accurately from information about states of consonance (balance, order, congruence, and internal consistency) or dissonance (imbalance, disorder, incongruence, and internal inconsistency) within an individual's cognitive system.

Leon Festinger outlined the implications of these tendencies in *A Theory of Cognitive Dissonance*. Two basic notions subsume the essence of this theory: The existence of dissonance in a cognitive system is psychologically uncomfortable and motivates the individual (1) to try to reduce dissonance and achieve consonance, and (2) to avoid situations and information that would increase the dissonance.

Almost intuitively, Walter Lippmann anticipated these findings of differences in individual perception when he wrote a penetrating

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analysis of the news process in 1922:

I am arguing that the pattern of stereotypes at the center of our moral codes largely determines what group of facts we shall see, and in what light we shall see them. That is why, with the best will in the world, the news policy of a journal tends to support its editorial policy; why a capitalist sees one set of facts, and certain aspects of human nature, literally sees them; his socialist opponent another set and other aspects, and why each regards the other as unreasonable or perverse, when the real difference between them is a difference of perception.23

The process of perception is one of the most widely explored areas of research in all psychology. Despite its central importance to the concept of objectivity, only a framework of highlights can be included in this chapter.

What, then, do these studies of the perceptual process suggest for journalists? They suggest with considerable clarity that the newsman, like the scientist, is not an isolate, standing apart from the society and culture in which he lives, mechanically recording upon a tabula rasa the events, follies, hopes and aspirations of his fellow men. Instead, he is an integral member of that society, feeling, thinking, erring, with all of the passions, biases, prejudices and irrationalities of other men. In the act of perception itself, with all of its limitations and dangers, he must train himself to see

more clearly the events he is recording.

The Origins of the Concept

The history of the development of the concept of objectivity, or, more accurately, objective reporting, is not one of steady, linear progression in American journalism. On the contrary, its evolution was marked by numerous regressions, interregnums, and general lapses of conceptual purity.

The origin of the word objective is hidden in obscurity. The Oxford English Dictionary states that the first time the word appeared in its current meaning was about 1790. Apparently it enjoyed a brief vogue, then disappeared from usage for a period.

Actually, the concept, although not expressed by the word itself, can be traced to an early period of English journalism. Elizabeth Mallet, publisher of the London Daily Courant, clearly drew the line between fact and opinion in the first issue of her paper on March 11, 1702:

... at the beginning of each Article he will quote the Foreign Paper from whence 'tis taken, that the Publick, seeing from what Country a piece of News comes with the Allowance of that government, may be better able to Judge the Credibility and Fairness of the relation. ... Nor will he take it upon him to give any comments or conjectures of his own, but will relate only Matter of Fact; supposing other People to have Sense enough to make Reflections for themselves.24

24 Bleyer, Main Currents, p. 16.
For reasons apparently known only to herself, Mrs. Mallet abandoned the publication within two weeks. After a month's hiatus, Samuel Buckley resumed publication. He seems to have been intrigued by the founder's editorial policy of separating fact from opinion.

In reprinting her original policy, he expanded it as follows:

By following this Method (of giving the name of the foreign paper from which each piece of news was taken), he hopes he shall thought to perform what he takes to be the proper and only business of the News-Writer; first, giving the freshest Advices from all quarters, which he will certainly be able to do (let the Post arrive when it will) by coming out Daily: And next, delivering Facts as they come related, and without inclining either to one Side or the other: And this he will be found to do, by representing the same Actions, according to the different Accounts which both Sides give of them: For which the Papers that he cites will be his Vouchers. And thus having fairly related, What is done, When, Where, by which Side reported, and by what hands transmitted hither; He thinks himself obliged not to launch out of his Province, to amuse People with any Comments and Reflections of his own; but leave every Reader to make such remarks for himself as he is capable of.25

A latter day critic of the press, himself deeply concerned about journalistic objectivity, has described Elizabeth Mallet's policy as "a statement of the principles of objective reporting that might still serve as a model today."26

25 Ibid., p. 18.

The first American newspaper, the *Boston News Letter* begun in 1704, two years after the establishment of the *Daily Courant*, also followed the practice of giving the name of the paper from which its foreign news was taken, and had little or no comment on the news. Bleyer has described the editor of the *News Letter*, John Campbell, as:

... He was scrupulously accurate, even to the extent of pointing out in one issue that a comma had been misplaced in a preceding number. On another occasion he explained that, in an account of a fire at Plymouth in the preceding issue, 'whereas it said Flame covering the barn, it should be said Smoak.' Occasionally he would point out the moral of a piece of news. When, for example, a woman had committed suicide, he expressed the hope that 'the Inserting of such an awful Providence here may not be offensive, but rather a Warning to all others to watch against the Wiles of our Grand Adversary.' Again, when a man was punished with a severe whipping for selling tar mixed with dirt, he explains that the account 'is here only Inserted to be a caveat to others, of doing the like, least a worse thing befal them.' Such brief comments were the only editorial utterances in the *News-Letter*.  

The *News-Letter*, of course, was the second attempt to publish a newspaper in colonial America. The first had occurred fourteen years earlier when Benjamin Harris, a former London bookseller, brought out *Public Occurrences Both Foreign and Domestick*. The date was Thursday, September 25, 1960, and the city Boston. *Public Occurrences* occupies a niche in journalistic history because its first issue was its last. Four days after the first edition, the Governor

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Bleyer, *Main Currents*, p. 50.
and Council suppressed it on the basis of allegations that it "contained Reflections of a very high nature" and "sundry doubtful and uncertain reports." Thus the original newspaper in America became a victim of government censorship on the basis of controversial objectivity.

The quality of objectivity in the early Colonial newspapers appears to be questionable, despite numerous professions to print the facts and avoid falsehoods. The chief staple of the early journals was foreign news brought by ship from London. Much was hearsay or letters from persons travelling or living on the Continent.

This paucity and time-lag in news moved one editor, Samuel Keimer, to state in the first issue of his Pennsylvania Gazette:

> We have little News of Consequence at present, the English Prints being generally stufft with Robberies, Cheats, Fires, Murders, Bankruptcies, Promotion of Some and Hanging of others; nor can we expect much better until the vessels arrive in the Spring. ... In the mean Time we hope our Readers will be content for the present, with what we can give 'em, which if it does 'em no good, shall do 'em no Hurt; 'Tis the best we have, and so take it.29

And Editor Keimer gave them an extract from an encyclopedia of the day.

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28 Ibid., p. 44.

29 Mott, American Journalism, p. 56.
Probably the greatest impetus to objective reporting in the colonial papers was given by the famous libel trial of John Peter Zenger, founder and editor of the *New York Weekly Journal*. Zenger attacked a tyrannical royal Governor, William Cosby, and other royal officials. He was jailed on a charge of libelous statements in his paper, which he edited "thro' the Hole of the Door of the Prison." His cause was almost hopeless, but some of his friends had induced the octogenarian lawyer, Andrew Hamilton, to defend him.

Hamilton made a historic plea to the jury which embodied two related principles: the admissibility of evidence as to the truth of an alleged libel, and the right of a jury to determine whether a publication is defamatory or seditious. Although Zenger was acquitted to the plaudits of the Colonies, these principles were not firmly established for many years in either England or America. However, the Zenger case was the forerunner of the principles of truth as a defense against libel.

However, the journalistic gain made in the Zenger trial was short-lived. Constant conflict between the Colonies and the Crown brought clouds of revolution to the horizon. It became impossible for editors to maintain neutrality, and colonial journalism grouped itself into the Patriot versus Tory press. Mott wrote of the prevailing situation:

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*Ibid*, p. 34.
... the immediate political view that all who are not for us are against us, and the printer who publishes both sides is merely carrying water on both shoulders for what he can get out of it. In a time of revolution, there is little or no place for the former view, as several Boston printers found to their cost. All papers not fully aligned with the Patriot cause were generally considered Tory papers; but there were as many degrees of toryism as there were varying measures of honest devotion to principle and hypocritical venality.31

Brucker has commented on the violent propagandistic tendencies of the press during the pre-and Revolutionary era:

It (the Revolution) made objectivity highly unpopular. ... Samuel Adams as much as anyone capitalized the violent feeling of the time, and in so doing showed the way to a new kind of journalism. Though his cause was utterly different, his method was an eighteenth century prototype of that of Dr. Goebbels. Sam Adams went in for no nonsense about reporting the news from both sides. In the spirit of our ephemeral EM (a defunct New York newspaper) he was far more interested in fighting for a cause than in the niceties of balanced coverage. Accordingly, a minor outbreak in the streets of Boston became, in his fiery account, the Boston Massacre, and remains that in our history books to this day.32

It is obvious that the objectivity of the colonial press was virtually destroyed by the American Revolution, presaging the diffi-

31 Ibid., p. 79.

culties of objectivity and dangers to freedom in future wars.

This loss of objectivity was not recouped with the end of the Revolution and freedom for the Colonies. Instead, American journalism passed into an era described by Mott as "the dark ages of partisan journalism." It was a period of intense political factionalism.

The issue was joined over various proposals for the new Constitution to replace the Articles of Confederation. Two factions emerged—the Federalists and the Republicans. Both needed the support of the newspapers. Editors, aware of the role they had played in the Revolution, sought an expanded importance for themselves and their papers in the political and economic life of the new America, and they aligned themselves for the most part with either one or the other faction.

... there was virtually no printing of news of the opposing party in a partisan newspaper; and they were nearly all partisan, very definitely partisan, newspapers ... indeed, one of these newspapers would be considered a traitor to its cause and party if it did do that.34

An editor of the day, William Corbett (Peter Porcupine), bluntly admitted to intentions of partiality in the first edition of his Porcupine's Gazette on March 4, 1797. "Professions of im-

33 Mott, American Journalism, p. 167.
partiality I shall make none," he wrote. "They are always useless, and are besides perfect nonsense." He maintained a strong pro-Federalist position in his publication during all of the years of its existence.

Many of the papers of the early 19th century owed their establishment and existence to political sponsorship. Political mentors often provided jobs for editors and publishers on the federal payroll.

In general, the embryo of objectivity in pre-Revolution days gave way to vituperation, scurrility, corruption, distortion and journalistic venality. Few of the political leaders of the two dominant factions escaped the vituperation of their journalistic opponents.

Thomas Jefferson, during his campaign for the Presidency, was no exception. A Boston organ of Federalism wrote:

Should the Infidel Jefferson be elected to the Presidency, the seal of death is that moment set on our holy religion, our churches will be prostrated, and some infamous Prostitute, under the title of the Goddess of Reason, will preside in the Sanctuaries now devoted to the Most High.

Jefferson's experiences with the partisan newspapers caused him a sharp change of opinion. He had once written, "Were it left to me to decide whether we should have government without news-


36 Mott, American Journalism, p. 169.
papers, or newspapers without a government, I should not hesitate a moment to prefer the latter." But in 1807 he voiced a bitter change:

... Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront the facts within their knowledge with the lies of the day. ... I will add that the man who never looks at a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to the truth than he whose mind is filled with falsehoods and errors. ...

The eternal adversary roles of government and press were never more clearly set forth.

But economic and social forces were at work in American society which foreshadowed a return to a more objective journalism. The partisan press was, in a sense, a class press. It directed its content to the political figures, the merchants and craftsmen, paying scant attention to the working men and their families, an emerging group with increasing economic influence.

Thus, conditions were propitious for the spectacular advent of the "penny papers," the beginning of modern journalism. Shilen has explained the success of the penny press:


38 Ford, Vol. 9, p. 72.
The penny press in America was a depression product but its success was hardly attributable to low cost alone. Some of the major elements explaining the rise of this new and different newspaper were (a) availability in the streets from newsboys crying their wares, (b) home delivery for six cents per week, (c) news of general interest and (d) written in a readable breezy style.39

It is noteworthy, however, that these attributes were not original ideas of American publishers and editors. As Bleyer has emphasized, most of them were copies directly from the English newspapers.40

The first successful tabloid penny paper was the New York Sun, founded by Benjamin Day in 1833. Earlier that year Horace Greeley had made an ill-fated attempt to found a cheap daily, the New York Morning Post, but it perished after less than a month.

The content of the Sun captured the interest of the masses and set the tone for the penny papers that followed it. It depended heavily on murders, suicides, humorous accounts of police court inebriates and feature stories with bizarre subject matter. To appeal to as many readers as possible, the Sun, like most of the other penny papers was politically independent.


40 Bleyer, Main Currents, p. 158.
Sensationalism

The penny papers brought a return of more objective reporting, at least in political areas, but they also fostered "sensationalism," their chief staple of style and content. They took mundane, commonplace happenings and, through language, display position and generous portions of space, exaggerated the stories far beyond their inherent and relative significance. Sensationalism was the common diet their circulations thrived upon.

For example, the *Sun* perpetrated one of the most sensational staged news hoaxes in journalistic history--the "moon hoax." In 1835, the *Sun* printed a short paragraph about a series of amazing astronomical discoveries made by Sir John Herschel by means of a newly-invented, immense telescope. A few days later, the *Sun* wrote that the new telescope:

> ...has discovered planets in other solar systems; has obtained a distinct view of objects in the moon, fully equal to that which the unaided eye commands of terrestrial objects at the distance of one hundred yards; has affirmatively settled the question whether this satellite be inhabited, and by what order of beings. ...  

Even in our contemporary time of moon walks, space shots and orbiting satellites, this knowledge appears astounding, and little imagination is required to understand the excitement it created in 19th century America.

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...Yale sent a delegation down to see the original article; papers everywhere commented; there was a demand for pamphlets and pictures. ... Meanwhile the Sun circulation had leaped to 19000—proudly announced as greater than that of any other newspaper in the world.42

Inevitably, of course, the hoax was exposed, not by the rival penny papers, but by Richard Adams Locke, the Sun editor, and author of the series, in a conversation with a rival newspaperman. Edgar Allen Poe reportedly described Locke's creation the greatest hit in the way of sensation ever made by any similar fiction either in America or Europe. Poe promptly abandoned a similar story he was beginning for a magazine.

James Gordon Bennett, publisher of the New York Herald, despite a promise to record facts on every public and proper subject, lapsed into a sensational salaciousness which brought down upon a "moral war" by other newspaper publishers. He was accused of indecency, blasphemy, blackmail, lying and libel.

If the partisan press represented the dark age of journalism, then the penny press represented the vulgar, tasteless age. It also represented some significant advances in journalism, including the use of increased local news and "human interest" stories about persons who are interesting as human beings, and not for their association with either significant or sensational events.

One of the great contributions to the advancement of objective

42 Ibid., p. 226.
reportings was the founding of what became the Associated Press by six participating newspapers in the late 1820's. This cooperative enterprise was designed to save the owners money and time in news coverage and transmission. Because they were of differing political persuasion, and some were independent, Associated Press reporters sought to write accurate, unbiased stories which would be acceptable to the membership. Often these objective stories stood in strange contrast to the more biased stories of the newspapers' own correspondents. Establishment of the United Press (1907) and International News Service (1909) contributed heavily to the concept of objectivity.

The Civil War, which divided the nation, also divided the newspapers, much as had the Revolution. Pro-Confederate newspapers ("the Copperhead press") were published in many Northern cities and towns. Many of these papers were just as partisan as the party press immediately following the Revolution. The news they printed was often inaccurate and unreliable, but it is impossible to determine if they deliberately distorted stories. Official sources, the government and military, often provided the newspapers with unreliable information for purposes of security, self-aggrandizement, or morale.

Elmer Davis has described the press' objectivity during this period:

Their idea of objectivity, in the main, was 'what helps our side'. No nonsense of fair reporting what was said on both sides, of giving the other fellow a break. What they printed was what the editor and his political
backers wanted.

This was probably truer of the newspapers' editorial positions than of their accounts of the war itself. Some historians, notably Mott, believe that no great war has ever been so thoroughly covered by eye-witness correspondents as the American Civil War.

Newspapers have printed far greater volumes of material about later wars, and more prompt and accurate news; but the Civil War conditions allowed far more uncensored, on-the-scene reporting than did those of later years. 44

Despite the use of eye-witness correspondents, the information generally was so fragmentary and delayed as to provide less than a reliable picture of the progress of the war as a whole.

Less than two decades after the war, Joseph Pulitzer purchased the ailing New York World and established what came to be known as the "New Journalism." The chief ingredient of the new journalism - sensationalism - was not really new at all, but an intensified renewal of emphasis on crime, sex, stunts and crusades. Indeed, sensationalism is a common thread running through American journalism from the first (and last) edition of Publick Occurrences to the present day. Most critics and

43 Elmer Davis, "Must We Mislead the Public," Fifth Annual Memorial Lecture, Minneapolis, November 13, 1951, University of Minnesota, p. 10.

44 Mott, American Journalism, p. 329.
historians, particularly purists of objectivity and accuracy, have deplored the use of sensationalism, employing the term as an epithet of distaste and distortion of reality.

The controversial Commission on Freedom of the Press (the Hutchins' Commission, 1947) was even more severe in its attitude toward the practice. The commission charged that the press was "so preoccupied with the reporting of sensational events" that the "citizen is not supplied the information and discussion he needs to discharge his responsibilities to the community." Others, however, have taken a less stringent view. They believe it would be a torpid and spiritless reader indeed who would pass by everything sensational in his newspaper.

The burden of responsibility for sensationalism in the press has for the most part been assigned to the newspapers themselves, and they are not without blame. This is, however, a superficial judgment which fails to include consideration of the role of society. Since most newspapers reflect the needs and values of the social systems in which they exist, then a portion of the culpability must devolve upon society itself.

Emery and Smith have noted:

Whenever a mass of people have been neglected too long by the established organs of communication, agencies eventually have been

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devised to supply that want ... so the
public first reached by a new agency is
likely to prefer what the critics like
to call "sensationalism", which is the
emphasis on emotion for its own sake.46

But what is sensationalism, a concept whose history shows as
much persistent durability as the concept of objectivity? It is at
once both subject matter (crime, sex, horror) and treatment of that
subject matter (descriptive and adjectival, dramatic and emotionally
evocative).

As is characteristic of the concept of objectivity, there are
almost as many definitions of sensationalism as there are definers.
47 48
Typical among these ... are definitions expressed by Bleyer, Mott,
and others.

This proliferation of definitions does not necessarily preclude
a broad consensus, despite a wide variation in kind and extent of
definition. There seems to be some agreement among them. Wayne
Danielson and his associates have attempted a summary of these common
factors and characteristics:

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Emery and Smith, *The Press and America*, p. 213.

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Helen M. Hughes, *News and the Human Interest Story* (New
Many definitions discuss the 'emotion arousing' aspects of sensationalism. It provides thrills. It is fascinating in a morbid sort of way. It is shocking to our moral or aesthetic sensibilities. It creates suspense. It arouses 'unwholesome emotional responses.' It appeals of man's 'insatiable appetite' to hear of horrors, crimes, disasters, sex scandals, etc. Șt

Utilizing this summary of common factors in definitions, Danielson et al attempted their own definition of sensationalism, one based on the theoretical concept of psychological distance. They postulate that:

Essentially, sensationalism means that the stories in a publication are under-distanced: that is, that they supply more sensations and emotional reactions than we desire individually or than society has deemed proper for us to desire. It ... has to do with the psychological distance we wish to keep between ourselves and our perception of events in the world ... Șt

The over-arching problem of all of these definitions is that they are couched in undefined and often ambiguous terms, "insatiable appetite," "emotion arousing," "psychological distance," thus fomenting semantic and tautological confusion.


51 Ibid, p. 6.
Numerous attempts have been made to measure sensationalism, but nearly all of them have failed to measure the concept itself, emerging finally as fortuitous ways of classifying messages and publications. Many of them have involved some form of content analysis, using subjective and expert judgment to divide content into sensational and non-sensational categories. The findings have been inferential rather than empirical.

Typical of these attempts to measure sensationalism were the studies of Kingsbury, Hart and associates in spectrum analysis, Newman and Scheffler in their emotional reaction test to news, and Danielson et al., based on the concept of psychological distance. At least one writer has gone so far as to postulate that the rise in juvenile delinquency has been caused by sensationalism in radio, television and newspapers, although he offers no objective evidence to support his contention.

52 Susan M. Kingsbury, Hornell Hart et al., Newspapers and the News (New York: Putnam's, 1937).


54 Danielson, et al., "Sensationalism."

The Era Of Yellow Journalism

Despite a host of voices raised against the practice, sensationalism continued to manifest itself in the American press. Joseph Pulitzer and the World raised it to a new high (or low). Almost directly, his sensationalistic techniques ushered in the era of yellow journalism, although it was William Randolph Hearst who pushed it to its outermost limits. Emery and Smith have described the era with graphic clarity:

Yellow journalism, at its worst was the new journalism without a soul. True, the yellow journalists trumpeted their concern for 'the people', and championed the rights of the common man; but at the same time they choked up the news channels upon which the common man depended, with a callous disregard for journalistic ethics and responsibility. Theirs was a shrieking, gaudy, sensation-loving, devil-may-care kind of journalism which lured the reader by any means. It seized upon the techniques of writing, illustrating and printing which were the prides of the new journalism and turned them to perversed uses. It made the high drama of life a cheap melodrama, and it twisted the facts of each day into whatever form seemed best suited for the howling newsboy. Worst of all, instead of giving its readers effective leadership, it offered a palliative of sin, sex and violence.56

In essence, yellow journalism was sensationalism personified, deified and epitomized, at least in the New York press, and what

56 Emery and Smith, The Press and America, pp. 415-416.
Breed has termed the "dendritic process" assured its spread to many smaller papers. Never had the concept of objectivity fallen into such low estate.

Pulitzer had opened Pandora's box with his sensationalism in the early years of the World, and its success was eyed enviously by many circulation conscious publishers throughout the country, including Hearst who was enjoying considerable success of his own with the San Francisco Examiner. Anxious to get into the highly competitive New York field, Hearst bided his time until there was a paper for sale, and he bought it—the New York Evening Journal. And the battle was joined between Hearst and Pulitzer.

The result was a journalistic Roman Circus whose effects are still discernible in contemporary newspapers. It was journalism of dare stunts and blatant promotion of these journalistic "achievements"—the entire congeries of journalistic virtues were spun off in headlines; of exploitation of crime, sex and sin; of gaudy, emblazoned pictures and brazen impersonations. Journalistic ethics, objectivity, good taste, balance, fairness—the entire assembly of journalistic virtues—were spun off in the frantic scramble for circulation and sensational stories that would provide that circulation.

The approaching Spanish-American War provided an ideal vehicle on which to mount this pyrotechnical journalism. It is doubtful that the approaching Spanish-American War provided an ideal vehicle on which to mount this pyrotechnical journalism.
Hearst, Pulitzer and other yellow publishers were the primary cause of the war, as some critics have claimed. There were underlying economic, political and nationalistic conditions which played an equally important role in the conflict. It is equally doubtful that Hearst alone furnished the war, as he is reported to have promised in his famous telegram to Artist Frederick Remington. However, the jingoistic, war-mongering journalism of the yellows helped fan conditions into open flame.

For example, the Cisneros incident is often cited as typical of the yellow journal era. Evangelina Cisneros, niece of the president of the insurrectionist Cuban government, accompanied her father to the Isle of Pines prison where he was banished for sedition. Miss Cisneros was accused of having lured Colonel Berriz, military governor of the island, to her home, where hidden partisans attempted to assassinate him. She was returned to Havana for trial. Hearst realized the potential propaganda value of the situation and he decided to apply his own type of sensational treatment to the story.

The girl's story—which differed completely from the Spanish commander's—provided a perfect foundation for such a treatment. She said that the Spanish commander attempted to rape her and that friends, hearing her cries for help, drove him away.

Miss Cisneros was sentenced to prison and the Journal unleashed one of the most sensational campaigns in journalistic history to free her. "Miss Cisneros," said the Journal, "is, according to all who have seen her, the most beautiful girl on the island of Cuba. ... She was reared in seclusion and, almost a child in years, is as ignorant of the
world as a cloistered nun." Berriz was a "lecherous and foiled scoundrel."

The *Journal* enlisted the support of prominent Americans who were urged to send telegrams to the Pope and Queen Regent of Spain in the girl's behalf. Many of them did. The whole country was deeply stirred by this Hearstian melodrama, although some historians have cast considerable doubt on the veracity of the girl's story.

Hearst and the *Journal* soon maneuvered the story into a startling, triumphant denouement. They sent Reporter Karl Decker to Havana where he wrenched loose the bars from the prison and smuggled Miss Cisneros, dressed in boy's clothing, from the prison. Hearst arranged a gigantic reception in Union Square, and later took her to Washington where she was greeted by President McKinley. The entire incident did more to make America emotionally conscious of the Cuban struggle than any other event before the sinking of the "Maine."

The Cisneros incident is illustrative of scores of journalistic "achievements" during the yellow era, all of which were blatantly promoted by circulation-obsessed publishers. Hearst was, of course, supreme in the field.

Writing of another faked story during the war-mongering phase of Hearst's *Journal*, Willis J. Abbott, a former Hearst editorial executive, later editor of the *Christian Science Monitor*, said:

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New York *Journal*, August 22-26, 1897, Quoted in Mott's *American Journalism*, p. 530.
It was characteristic of Hearst methods that no one suffered for what in most papers would have been an unforgivable offense, and I never heard the owner of the paper, in public or in private, express the slightest regret for the scandalous "fake." Indeed, it soon became the fixed policy of the paper to exaggerate and misconstrue every military act of the Spanish commander in Cuba. 59

Characteristically, most of the yellow journals accepted the "press releases" of the New York Junta—the "Peanut Club" of Cuban rebels as "fact", but labeled those of the Spanish administration as prejudiced and distorted. Probably the information released by the Spanish government was no more, if as much, prejudiced and distorted than those of the Junta.

An insight into the "facts" upon which many of these stories were based has been provided by Swanberg: "The New York newspapers, which to a large degree spoke to the nation, actually knew little of what was happening in Cuba. What little they knew was twisted one way or the other by prejudice. Most ironic of all, the United States administration, which had to bare top level policy on the 'facts of the Cuba situation', knew scarcely more than was printed in the newspapers.


Hearst himself has remained a perplexing enigma in journalism. On one hand, he has been viciously attacked for his vulgar and tasteless sensationalism, his role in fomenting war, his affectations of concern for the common man while living in baronial splendor, his derogation of objectivity, his pretensions to power, both political and editorial.

Swanberg has suggested that perhaps the key to this enigma lies in the Hearstian philosophy of taste:

Considerations of taste in journalism did not disturb him. He had long since decided that the great majority of people, the masses, had no time or taste for such luxury as taste and could be reached and moulded most effectively by the noise, sensation and repetition which he liked himself. ... In the strict sense, the Hearst newspapers were not newspapers at all. They were printed entertainment and excitement—the equivalent in newsprint of bombs exploding, bands blaring, firecrackers popping, victims screaming, flags waving, cannons roaring, houris dancing and smoke rising from the singed flesh of executed criminals.61

On the other hand, Hearst has been hailed as one of the innovative geniuses of modern journalism, lauded for his mechanical innovations, his lavish use of pictures (some of them faked), his use of banner headlines and other typographical and make-up features, his genuine, though ostentatious, sympathy for the common man, his Sunday supplements with colored comics and jazzed up, superficial articles, his attraction of highly competent men, even a few brilliant ones, with the lure of inflated salaries.

Perhaps an accurate assessment of the Hearstian role in modern journalism lies somewhere between these two extremes—an inherently shy man who was titillated by noise and excitement and adventure, and correctly estimated that his readers would be, too.

Yellow journalism began with the *World* and *Journal* in 1896 and flourished spectacularly for less than a decade. By 1901, the *World* whose fight with the *Journal* had begun to wane, dropped the more blatant features of yellow journalism and began to provide its readers with more information and less entertainment.

Two factors accounted for the decline of yellow journalism: (1) the growth of the New York *Times* under the direction of Adolph Ochs who built his publication into a newspaper of record on a firm bastion of objectivity; and (2) the assassination of President McKinley. The role of the *Journal* in the latter event evoked a flood of revulsion on the part of readers and the country at large.

McKinley had been the object of bitter *Journal* invective, both before the war and afterward. The abuse by the *Journal* descended to an inexcusable level after the assassination of Governor Goebel of Kentucky in 1901. Ambrose Bierce wrote the following quatrain in the *Journal*:

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The bullet that pierced Goebel's breast
Cannot be found in all the West;
Good reason, it is speeding here
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To stretch McKinley on his bier.

Two months later, a Journal editorial declared: "If bad institutions and bad men can be got rid of only by killing, then the killing must be done."

In September of that year, an obscure anarchist, Czolgosz, shot President McKinley, wounding him fatally. Rage flamed throughout the nation as the president lay dying. The Journal was boycotted, along with news-stands selling the paper. Hearst was hanged in effigy. The paper's circulation dropped sharply. Hearst responded by changing the name of the paper to The American and Journal, later hyphenated to the Journal-American.

Before long, most of the Hearst papers, with the exception of the Journal, had lost much of their saffron hue. But most of the methods of sensational and yellow journalism emerged later, however, in the New York war of the tabloids, 1920-30.

Jazz Journalism and the Tabloids

A new cycle of sensationalism in journalism began with the close of World War I. This was the so-called "jazz journalism" of the tabloids in the 1920's. As in yellow journalism, it was confined principally to New York papers, and specifically to three new papers, the

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62 New York Journal, February 4, 1901, Quoted in Mott's American Journalism, p. 541.

63 New York Journal, April 10, 1901, Quoted in Mott's American Journalism, p. 541.

64 The term is taken from a history of the tabloids by Simon M. Bessie, Jazz Journalism (New York: E. P. Dutton & Company, 1948).
the Daily News, the Graphic and Daily Mirror.

The term tabloid originally was applied to refer to the small page size of newspapers. As such, most of the earlier American papers were tabloids, including the penny press, due to lack of press capacity and business.

The tabloid idea was not new with American publishers, either. It had been adopted from the English press, and the modern version of the tabloid was copied from Alfred Harmsworth's London Daily Mirror. Harmsworth, later Lord Northcliffe, tried to interest Joseph Pulitzer in the tabloid idea, and, under his direction, Pulitzer's World was published for one day as a tabloid, but it returned to a standard format the next day. Harmsworth returned to England where he founded the Mirror. It was not until after the first World War that a successful modern daily newspaper in tabloid size appeared in the United States.

Two American publishers, Robert R. McCormick and Joseph M. Patterson, of the Chicago Tribune noted the success of Harmsworth's Mirror. Harmsworth urged them to start such a paper in the United States, and they agreed. The result was the New York Daily News.

The News quickly abandoned the conservative tradition of the Tribune and adopted a sensationalistic treatment of crime and sex in text and pictures. Commuters found it more easy to read the four-column half-size format of the News, and circulation climbed eventually to the second largest daily paper in the world.

The sensationalism of the News brought it into direct competition with the czar of yellow journalism, W.R. Hearst. He tried to compete by adding a tabloid section to the American, but this proved ineffective,
and so he founded the Daily Mirror. A few months later, Bernarr
MacFadden, the physical culture exponent who had amassed a fortune
by publishing a series of true confession type magazines, establish­
ed the Daily Graphic in the same form, and the war of "gutter
journalism" was on.

Conditions were ripe in the 1920's for the extreme sensation­
alism of the tabloids. America wanted to forget the troubles of the
war years and concentrate on "living." Exciting new wonders were begin­
ing to appear on the horizon: radio, airplanes, movies. Expanded
industrialization and urbanization were on the march, and the economy
appeared healthy.

It was an era of prohibition and gangsters, flappers and movie
stars, John Held, Jr. and F. Scott Fitzgerald, political scandals and
publicized immoralities, Daddy Browning and his Peaches, jazz and
speak-easies, the literary expatriates in Paris. It was the "roaring
twenties", a fictionized, pseudo-romantic period of sensation, sex,
crime and sin.

And it was made to order for the tabloids. They hungrily seized
upon every morsel of sensation, generously illustrated it with en­
larged, omnipresent photos. They exhumed old murder cases and trumpeted
new ones. They paraded showgirl flesh on page one and buried (if they
used them at all) stories of international significance. Nothing was

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65 This descriptive phrase was used by Oswald Garrison Villard
in a radio talk, March 12, 1927, and is quoted in several journalistic
histories of the "jazz" era.
immune from the searching lens of their cameras.

A little known photographer, Tom Howard, sneaked a miniature camera into the death chamber at Sing Sing prison and snapped a picture of murderess Ruth Snyder as the current surged through her body in the electric chair. The photo, published on Page One of the *Daily News*, created a nation-wide sensation and stirred considerable controversy over journalistic ethics, much as did publication by the New York *Times* of secret Pentagon papers more than 40 years later.

The best (or worst) of the tabloid editors was Emile Gauvreau of the *Graphic* which quickly became the most notorious of the tabloids. Gauvreau, formerly the respected editor of the Hartford *Courant*, devised a staged picture technique he called a "composograph", a picture of what was believed to have taken place by means of photographic faking. The technique was first used in the divorce trial of Kip Rhinelander, a wealthy socialite who charged that his bride of a few months had Negro ancestry, a fact he said he had not known at the time of the marriage. Mrs. Rhinelander was ordered to partially disrobe to prove a point of the defense, but the reporters and photographers were excluded from the courtroom.

But Gauvreau hastily posed a barebacked chorus girl among some of his reporters, pasted likenesses of court participants in place of the reporters' faces, reshoot the picture and ran it on page one. In all

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fairness, Gauvreau admitted in agate (extremely small and difficult to read) type that the picture was a composography. It was the first of many such pictures published in the Graphic when its reporters and photographers were balked in photographing persons and events.

In its accounts of the marital peccadillos of "Daddy" Browning and his child-bride, "Peaches", The Daily Graphic dipped so far into areas of tastelessness and indecency that MacFadden and Gauvreau were brought into court by the Society for the Suppression of Vice. This was the beginning of the end. The eight-column New York papers had been protesting for several years against the excesses of "tablóidism", and the protest was taken up by educational and church agencies.

The Daily News sensing the impending results of the campaign against "daily pornography" cleansed its pages of the worst elements of sensationalism. The Graphic failed to win substantial advertising support and it died unmourned in 1932. The Mirror never became a profitable Hearst newspaper.

Of the several scores of papers that adopted the tabloid format, only a minuscule number sought the sensationalism of the New York tabloids. Largely, they were conventional newspapers published in the smaller format. But the quest for, and treatment of, sensational news, although abated by a return to objectivity, has been a prime characteristic of the American press almost from its beginning.

67 This among others was an opprobrious term used at the time to describe tabloid journalism.
Summary

This chapter has examined the meaning of objectivity with its many ramifications, diversities and problems, with special emphasis on the process of human perception as one of the key factors in the reporting and interpreting of reality. It becomes clear that objectivity is not a simple, linear process of the newsman reporting what he apprehends with his own senses, but rather a complex interrelation between his sensory system, his experiential frame of reference, the event or object perceived and the circumstances and situation surrounding the perceptive act.

Tracing the origin and development of the concept in journalistic history, the chapter shows that the concept, although present in earliest American journalism, has suffered numerous regressions and interregnums during its span, as in the rise of sensationalism, yellow journalism and the jazz journalism of the tabloids. Despite frequent setbacks, though, the concept has remained one of the enduring virtues of American newspapers.

Although this chapter has demonstrated that each excursion into sensationalism was followed by a return to objectivity, the validity of the concept faced another challenge from the concept of interpretation. The following chapter will examine the complexities of the controversy of objectivity versus interpretation.
CHAPTER IV

THE RISE OF INTERPRETATIVE REPORTING

Introduction

The rise of interpretative reporting of the news was one of the most important developments in journalism in the 1930's and 1940's. Interpretation of news events certainly was not unknown before that time, just as uncritical and sensationalized treatment of news continued after that time.

Traditional objectivity, which consisted of confining the story to the facts of what had been said, done, or happened, was challenged by the newer concept of interpretation which was based upon the conviction that the "facts" should be placed in proper context if the reader and truth were to be served. Thus "why" joined the traditional four W's--who, what, when and where--and this often became the most difficult "W" of news stories, especially in the areas of human values and motivation.

One of the persistent tenets of the concept of objectivity has been the separation of fact from editorial opinion. Opinion has been construed as the converse side of objectivity. For more than a century the process to separate news (facts) from editorial opinion has been under way. The editorial page provided the mechanics for
this separation, although it did not always insure that the news columns were sterile of opinion. This separation provided no problem for broadcasting in its early years. Broadcasters were expressly forbidden to editorialize by the Federal Communications Commission's Mayflower decision, and this mandate was not rescinded until 1949.

The rise of interpretative reporting in both print and broadcast journalism can be attributed to a number of factors, summarized as follows:

1. Newsmen increasingly chafed under the constraints of the objective formula, protesting that the bare facts of a story only gave it surface and superficial meaning to readers. It was necessary to probe below the surface to discover the true meaning, and this often required explanation and interpretation on the part of the reporter.

2. The increasing complexity of democratic life under the impact of the political, social and economic revolution of the New Deal, the rise of modern scientific technology, the heightened interdependence of social and economic groups, and the contraction of terrestrial space by new transportation and communication facilities. All of these factors demanded specialization and interpretation on the part of the newsman who often was unequipped by education and training to cope with these modern miracles.


2 In the Matter of Editorializing by Broadcast Licensees. 13 F.C.C., 1246, June 1, 1949.
3. The rise of the signed columnist who served as a bridge between the editorial pages of opinion and the news pages. It soon became apparent that the columnists, who were not restricted by the stereotypes and shibboleths of objectivity, were fulfilling a deeply felt need of readers. The columnists themselves multiplied in numbers, as did their readers and influence.

4. The advent of the news magazines. Considerable evidence can be marshaled to support an argument that the rigid application of the concept of news objectivity resulted in the rise and influence of the signed columnists and the advent and popularity of the weekly news magazines, and, finally radio news commentary. Elmer Davis, one of America's great pioneer news broadcasters, put it this way:

   It was the realization that objectivity had leaned so far over backward that it had become unobjective which led to the rise of the syndicated newspaper column, and a little later of the radio news commentary.3

Thus some of the problems of objectivity gave rise to a growing sense of inadequacy with the concept to deal truthfully and honestly in the reportage of events, values and human behavior.

Problem of News Objectivity

Perhaps the foremost limitation of objectivity resides in the individual act of perception itself. In the previous chapter it was shown the individual does not apprehend reality directly, but rather indirectly through his sensory system, and this process is a complex interaction between the individual, his perception of the object or event, and circumstances surrounding the perceptive act.

These findings from psychological research of perception indicate that man can never perceive reality wholly and completely, but only mirrored surface images which themselves are sometimes distorted by the perceptual process. At best, they are only approximations of reality.

John Merrill, professor of journalism at the University of Missouri, perhaps best sums up this facet of doubt cast upon the venerable concept of total objectivity:

Let us look for a moment at the concept of 'objective reporting'. It would be reporting that is detached, unprejudiced, unopinionated, uninvolved, unbiased and omniscient. Where do we find this? The objective report would, in effect, match reality, it would tell the whole truth and nothing but the truth. Where do we find this kind of reporting? No reporter knows the truth, no reporter can write a story which matches reality, for as the general seman- ticists point out, 'the map is not the territory'.

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In addition to the general weakness of language (the symbol is not the thing), Merrill emphasizes some of the psychological barriers obtruding in the perceptive act:

He (the reporter) is conditioned by experiences, by his intelligence, by circumstances, by environment, by his physical state, by education and many other factors. He is not a blank sheet of paper soaking up the reality of the event. He may want to be unprejudiced, balanced, thorough, and completely honest in his reporting, but he simply cannot.5

Of necessity, the reporter must be selective. He cannot escape this dictum; it is forced upon him. He cannot report everything about anything, and he must select those facts which he wishes to write. The moment he puts the lead of his story on paper, he has made a selection and by this very act has become subjective.

How does he make these selections? The possibilities are virtually infinite. He may select the most interesting, the most easily available, or that which is brought to his attention most forcefully or most cleverly. Or he may select that which best fits his prejudices, biases, opinions, preferences and needs. Or he also may select that which possesses the characteristics of what he has learned or been taught is news. There are many motivations for his selection, but the fact is, he selects. And when he does, he becomes "subjective."

From the moment stimuli impinge upon the sensory organs, perception, too, becomes largely subjective.

5 Ibid.
Impersonality and detachment have long been considered integral factors in the concept of objectivity. But a crucial problem arises with these words in their numerous denotative and connotative meanings.

Merrill has raised questions:

Detached in the sense of being 'outside' the event being reported? Detached in the sense of being uncommitted to any of the 'positions' involved in the event being reported? Detached in the sense of being uninterested (or disinterested) in the event except as something to be reported? Detached in the sense of holding one's self aloof to the event?

Another area of limitation in the concept of objectivity concerns the presence of prejudices and opinions in the reporter himself. Although he is an experienced observer, the reporter possesses a commonality of prejudices, opinions, biases, preferences, and attitudes, along with other individuals in his society. The question is: can he surmount these barriers in selecting facts and writing his story? It would seem that the reporter is to some degree a victim of his own prejudices, and he actually restructures reality every time he exercises his opinion and judgment in the selection and writing of "facts."

Nearly half a century ago, an astute scholar of international journalism, Salmon, observed this dilemma:

Nor is it always possible to separate news from the personal opinions of those reporting the news. The reporter or correspondent may unduly put forward his own personal opinion; he may be

Ibid.
mistaken in thinking that this opinion represents that of others besides himself and his own circle of friends; he may send in a story based on this opinion rather than on the kernel of news about which it was developed; he may violate every commandment in the press decalogue and it would still hold true that it is as impossible to separate news from opinion as it is to pay the pound of flesh.7

She concludes that if such a state of objectivity could be achieved, it would not be desirable, and it might even doom the press itself:

The mind demands movement, friction, attrition with other minds. News, in the generally accepted sense, is passive and informational and in and of itself cannot permanently satisfy the alert, restless human mind that reaches out for cooperation with other minds; that seeks new opinions, that is dissatisfied with its own decision and endeavors to find new points of view. ... We instinctively and unconsciously seek the opinions and judgments of others, and many wish most of all the opinions of experts.8

One of the basic canons of the concept of objectivity is that the facts of the story should "speak for themselves." The newsman writes the facts from which the reader can draw a conclusion.

Time magazine has described this as a treacherous journalistic cliche:

Thoughtful newsmen know that the facts alone seldom can (speak for themselves), that they speak clearly only when they are told in the

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8 Ibid., p. 450.
proper order and perspective—and thus interpreted—by an honest journalist. Nevertheless, many a U.S. editor still damns interpretative reporting and sticks to his fetish of objectivity, though the briefest item, in his newspaper may, in fact, be interpretative reporting.9

James Reston, associate editor of the New York Times and one of journalism's great reporters, places considerable blame on wire services and news agencies for fostering the "cult of objectivity" which, he says, "has done so much in the last generation to confuse 'news' with truth." It will be recalled from the previous chapter that the formation of the great press services was a major factor in the growth of the concept throughout the United States.

Letting the facts speak for themselves has sometimes placed news into square conflict with truth. As Reston said, "If Senator Joseph McCarthy of Wisconsin said that there were over one hundred card-carrying Communists in the State Department, out it would go on the wires regardless of whether or not what the Senator said was true." The McCarthy case has often been cited as an instance where the concept of objectivity was used as a ploy by the Senator to obtain wide-spread dissemination of his often unfounded accusations. Eric Severeid wrote:

9 *Time*, May 4, 1953, p. 49.


Our rut of routine and formulae in defining, writing, and displaying the news ... were our tools and they have become all but our masters. Our rigid formulae of so-called objectivity ... have given the lie the same prominence and impact that truth is given; they have elevated the influence of fools to that of wise men; the ignorant to the level of the learned; the evil to the level of the good.12

It is interesting to note at this point that the practice of objectivity did not always result in the accuracy it sought and claimed. Several studies, principally one by Charnley, showed that only a little more than half of the stories investigated—54 per cent—were accurate. The Charnley study dealt almost exclusively with "factual" stories that were adjudged wholly objective. This ratio of accuracy was confirmed by Berry in his study of the accuracy of local news stories in three dailies. A later study of subjective inaccuracies by Lawrence and Grey showed even more serious departures from the criterion of accuracy.

The methodology of some of these studies may be open to question,

12 Quoted in Reston, Artillery, p. 17.


such as Charnley's method of using mailed questionnaires to ask persons mentioned in news stories their opinions of the articles' accuracy; but all of the studies suggest that the practice of objectivity did not automatically produce unquestioned accuracy, or even anywhere near it.

These limitations in the concept of objectivity, then, and the strictures they placed upon practitioners, led to a general disillusionment of many newsmen with the usefulness of the concept in accurately reporting reality for readers and listeners. This venerated concept was challenged at its core by the rise of interpretative reporting.

The Nature of Interpretation

In view of the foregoing discussion it would appear illogical to dichotomize the objective-interpretative controversy as has been done for so many years. Findings from perception research indicated that interpretation begins with the very act of perception itself, in a complex interrelationship between the perceiver, the perceived and circumstances surrounding the perception. Thus the absolute of objectivity becomes unobtainable.

It is necessary then in ultimate analysis to consider objectivity and interpretation not as a dichotomy, each a separate and distinct entity, but rather as points on a continuum differing in degree rather than kind. Some careful distinctions must be made, though, in dealing with objectivity, interpretation and opinion. Lester Markel, late Sunday editor of the New York Times, has done this with admirable clarity:
There are, as I see it, three approaches in dealing with news; first, the basic facts (objectivity); second, the interpretation of these facts; third, the comment on them. Thus: What Mr. Krushchev says about Mr. Kennedy is spot news (objective). Why Mr. Krushchev says these things is interpretation. Whether Mr. Krushchev should have said these things and what we should do about them is opinion. It is crucial that the difference between interpretation and opinion be fully recognized. Interpretation is an objective appraisal, based on background knowledge of a situation, and analysis of the primary and related facts. Editorial opinion, on the other hand, is a subjective judgment; it is a definite taking of sides; it is likely to be exhortation; it is always an attempt to be a Solomon—even if it turns out to be a Sheba—pronouncement. This difference is vital and it cannot have too much emphasis; opinion must be held to the editorial page; interpretation is an essential part of the news.16

Interpretation, Markel believes, fleshes out the bones of fact with meaning and significance. It gives the deeper sense of the news, and it places an event in the larger flow of events. It is the color, the atmosphere, the human elements that give meaning to fact, "It is, in short, setting, sequence, and above all, significance..." 17

Even the most adamant of the objectivists concede the admissibility of some "background" to a story, but they contend it shall be

16 Lester Markel, "Interpretation of Interpretation," Saturday Review, March 11, 1961, p. 89.

only a statement of what has gone on before and never an effort to supply meaning and to consider what is likely to come next.

The most frequently voiced objections to interpretative writing in the news focus around the dangers of its use. Some objectivists assert that interpretation leads inevitably to editorializing, rather than explanation and meaning, and they see in this process a retrogression to the old opinionated biased journalism.

Others contend that the job of interpretation is too complex and dangerous for the journalist because there are so many meanings. To perceive the truth among such a diversity of meanings and opinions requires the wisdom of gods instead of the frail intellect of man. The line of demarcation between interpretation and personal opinion is at times almost microscopic in dimension, and to discern the difference requires an acuity not often given to the average newsmen.

Elmer Davis apprehended this danger in 1951 when he wrote:

The good newspaper must walk on a tight rope between two abysses—on the one side the false objectivity which takes everything at face value. . . . on the other, the interpretative reporting which fails to draw the line between objective and subjective, between a reasonable well established fact and what the reporter or editor wishes were fact.18

Despite the dangers, Markel, one of the foremost exponents of interpretative reporting, insisted that "walking the tight rope" could

18 Davis, "Must We Mislead the Public," p. 15.
be done with fairness and accuracy, and was being done daily by some of the best reporters in journalism. He conceded, though, that "too many reporters, under the guise of interpretation, have been dishing up opinion instead of background and have thereby provided horrible examples with which the "factual" boys have been able to lambaste the cause of interpretation."

At least one experimentalist demonstrated the advantage of interpretative stories in stimulating readers' insights. T. B. Sennett reported findings that "backgrounding the news stimulates readers' insights over and above those gained from the objective news story. This finding is consistent with a vast body of research on a parallel question, that of drawing explicit conclusions from a given series of facts."

However, Sennett's data failed to confirm a hypothesis "that interpretative reporting, i.e., embedding the facts in a relatively more meaningful context, is more conducive to retention of these facts."

One thing became clear: the rigid concept of objectivity as it was being practiced in print and broadcast journalism failed to fulfill the needs of readers and listeners who wanted meaning with their facts.

19 Markel, "Interpretation of Interpretation," p. 90.


21 Ibid.
Obviously, the facts did not speak for themselves.

This need for interpretation, in a sense, was forced upon the media by the increasing complexity of modern life. Politics, labor, economics, medicine and science, and government were no longer the simple structures and processes of an earlier agricultural America. They developed depths and ramifications of their own not apparent to the average laymen, and they demanded interpretation by specialized and knowledgeable newsmen. The general reporter with his broad but generalized and often superficial background was no longer able to cope with the new complexities, and the rise of the specialist in many areas of newspapers and broadcasting was foreordained.

Some newspapers attempted to departmentalize the news as a means of calling reader attention to various areas of significant news. Others used typographical devices to indicate insertion of background information and interpretation into news stories. Radio commentary was labeled as such. But most papers preferred simply to give their experienced and knowledgeable writers greater latitude in adequately reporting the news.

One of the most extreme examples of interpretative reporting was by the New York newspaper, FM, in the 1940's. The Marshall Field publication, under the editorship of Ralph Ingersoll, consistently and as a matter of policy expressed its liberal outlook in economics, politics and foreign relations, almost to the point where it became a newspaper of opinion, rather than fact. It hoped that it could maintain its economic independence by appealing to readers through its excellent, often brilliant, writing and interpretation, typographical
and picture excellence, without resorting to the use of advertising. But this hope faded, even after advertising was accepted, and Field sold the paper in 1948. It finally perished in 1952 as a small leftist tabloid, The Compass.

Far more successful than PM as specialized papers of interpretation were the Christian Science Monitor and the Wall Street Journal, both of which became newspapers of national influence. The Monitor was founded by Mrs. Mary Baker Eddy in 1908 as a protest against the sensationalism of the Hearst and Pulitzer papers and their lurid emphasis upon news of crime, scandal and disasters. As a result, the Monitor developed perceptive Washington and foreign correspondence, as well as significant coverage in the world of art, music, and literature. Eventually, the paper became noted for its interpretative analyses of problems and trends in government, foreign affairs, and economic and social developments.

The Wall Street Journal emphasized thoughtful, provocative articles dealing with business, industry and finance, but it, too, eventually broadened the scope of its coverage to include domestic and foreign news, news of government and many other areas. Its interpretative coverage by specialists and its lucid, readable style made it a favorite of many subscribers outside the business world.

The proliferation of by-lined columnists in the 1930's and 1940's gave added impetus to increasing interpretation of the news. Many of the columnists, unrestricted by parameters of objectivity, were avowedly interpretative and speculative. They specialized in the "news behind the news". Some, such as Westbrook Pegler, were querulous and
vituperative. But they fulfilled a need of readers for deeper meaning of the facts served up in the news columns. Their success is attested to by the number of columnists, both local and syndicated, published by various newspapers, and the aggregate number of their readers, which sometimes ran into millions.

The national news magazines, another big factor in the development of the trend toward interpretation, were interpretative in their style of reporting and writing from the beginning. Henry Luce and his associates at Time openly scoffed at the concept of objectivity, declaring it: mythical and impossible of human attainment. Nor did Time want to be considered objective. Fairness was its objective. In an article published on its twenty-fifth anniversary, Time said:

What's the difference between impartiality and fairness? The responsible journalist is 'partial' to that interpretation of the facts which seems to him to fit things as they are. He is fair in not twisting the facts to support his view, in not suppressing the facts that support a different view.22

Time was criticized sharply for intermingling facts, opinion and editorial assumptions in straight news stories, for overuse of adjectives and the human interest technique, and the invention of a journalistic bastardy which came to be known as Timestyle (telescoped words, coined words, inverted sentences and reversed word order).

22 Time, March, 1948, p. 66.
Newsweek, U. S. News & World Report and other of the news magazines which followed Time were more conservative in their interpretative treatment of stories and more orthodox in the use of the journalistic language.

Radio from its earliest days was caught up in the trend toward interpretation. One of broadcasting's earliest and best commentators, H. V. Kaltenborn, said:

No news analyst worth his salt could or would be completely neutral or objective. He shows his editorial bias by every act of selection or rejection from the vast mass of news material placed before him. He often expresses his opinion by the mere matter of shading and emphasis. He selects from a speech or interview or public statement the particular sentence or paragraphs that appeal to him. Every exercise of his editorial judgment constitutes an expression of opinion.23

The news philosophy of Raymond Gram Swing offers an almost precise parallel to Kaltenborn's. Smith wrote in 1963:

The concept of objectivity in news reporting was not used in Swing's discussion of news. The facts, he said, even when they were available, were usually incomplete. Further, Swing argued, the facts were not nearly so important as the uses made of them. The decision that one was more important than another, that one source was more reliable than another, or that certain facts related or did not relate, were judgments that never

could be objective. The editorial decisions of this kind were, for Swing, more important than a concern with objectivity.

And there was no dearth of opinions on earliest radio. As many of the objectivists had warned, the interpretative trend in some instances led to excesses. Ripley has reported that during "the earliest days of radio, editorializing was a common practice and licensees of broadcast facilities used their stations as sounding boards for their opinions and ideas."

The role and function of the interpretative reporter in the news media was perhaps most cogently expressed by Marquis W. Childs in 1950 when he wrote: "The interpretative reporter expands the horizon of the news. He explains, he amplifies, he clarifies. Often he does this within a framework of opinion, trying honestly to make the reader (or listener) understand where opinion ends and interpretation and exposition begins."

Understandably interpretation is a delicate and nearly controversial task, one fraught with potential dangers of distortion, bias, slanting and loading. But as Markel has pointed out, many good reporters are doing it well, if not perfectly.


However, the need for increasing interpretation in the news did diminish the nature of the debate. The editorial and news policies of many newspapers are controlled by older executives trained in the school of objectivity, and they demand fealty to the concept by their writers and reporters. More of them, though, have recognized the limitations of absolute objectivity in practice, but still consider it an ideal to strive for. Theoretically, they want specialized, objective interpreters, also an ideal difficult of attainment.

In the 1960's, the objective-interpretative controversy was subsumed, at least temporarily, by the appearance of a new type of journalism which represented an even more startling departure from the concept of traditional objectivity.

The New Subjective Journalism

The social, political and economic climate of the United States furnished luxuriant nourishment for the growth of the new type of journalism in the 1960's. The Viet Nam war which divided the nation, student unrest and campus violence, rising crime and poverty, personification of the Establishment and status quo as the arch enemies of the young, corruption in high places, unbridled inflation—all of these factors provided fertile ground for another revolution in journalism.

Lawrence Finkham, professor at the Graduate School of Journalism of Columbia University, compiled some of the characteristics that seemed to reflect this new mood in American life, especially among the young:
The so-called Outside Reality you are generally asked to accept as true is under suspicion today. There is a general conviction we are being lied to, by politicians, by TV, by advertising, by magazines, by mothers and fathers, and by professors. All external reality as it's being presented in the multimedia of today seems less and less like reality as we individuals experience it. Now, what does one do when he finds out the world does not correspond to the world as described by authority. He is forced back on his own subjective reactions. ...

This mood manifested itself in a subjective journalism which turned into the innermost reaches of self for guidelines and truths unmarked by traditional objective-interpretative journalism.

The subjective journalists can be categorized in two broad groups, with some peripheral overlapping.

1. The parajournalists who employed essentially literary techniques, such as the stream-of-consciousness of James Joyce and William Faulkner and sub-cultural argot to describe the reality of contemporary news events and social mores.

2. The advocates and activists who were emotionally involved, committed to a point of view, prescriptive rather than descriptive, participatory rather than passive, with "truth as I see it" as their criterion of outside reality.

The new subjective, impressionistic journalism began in the early 1960's. No exact date can be fixed, but much of this journal-

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istic style seems to have appeared first in Esquire magazine and the New York Herald Tribune. The diversity of style was exemplified by such writers as Tom Wolfe, Pete Hamill, Jimmy Breslin, Gay Talese, Dick Schaap and Nicholas Von Hoffman, in newspaper and magazine articles, and by Truman Capote and Norman Mailer in books and essays.

The extremist of the group was Tom Wolfe of the late New York Herald Tribune who seemingly set out to destroy the entire traditional journalistic style in a series of assaults that left many of his colleagues and readers furiously astounded.

Wolfe's flamboyant journalistic style was spastic and unpredictable, his tone irreverent and jaunty. He combined mixed-up metaphors, broken adjectives, maverick appositives, wild interjections, pointillist exclamation points, dots and italics, comic strip words like POW! into a pot pourri of sights, sounds and color strung together into a vivid stream of consciousness.

This is essentially, Wolfe says, "the use by people writing non-fiction of techniques which heretofore had been thought of as confined to the novel or to the short story, to create in one form both the kind of objective reality of journalism and the subjective reality that people have always gone to the novel for." Capote, in describing his book, In Cold Blood, termed it a "non-fiction novel." Seymour

28 Ibid.
Krim has called it "total imaginative truth-prose."

Wolfe's critics contended he had created a monstrous form, exploiting the factual authority of journalism and the atmospheric license of fiction. He thinks this is outmoded, nineteenth century journalism, based on two false concepts: (1) anything serious has to be ponderous; (2) all journalistic writing should read as though it had been lifted off the police blotter (objective).

Wolfe has attempted to redefine the nature of news in his own image:

The idea of what is news today—what people in power are doing—is still a 19th century concept. I don't think that's news. I like to give the people news they didn't know was news. Not the 'big' subjects such as the latest war. Stock car racing, on the other hand, I find a significant subject and one that never got written about. The real story of our country has not been written. It's the automobile that's the important story today. The auto dominates society. ... We are all oriented to think about the war on poverty, civil rights, housing problems, but the changes are occurring on different levels of thinking. ... The auto is probably the most important symbol of all.31

Most of the new journalists, including Wolfe and Talese, prefer another term for their stream of consciousness technique. They describe


it as "interior monologue—crawling around in the skull of your
32
subject to find out what's going on." Actually, they adopted the
method from Virginia Wolf, James Joyce and William Faulkner, and
applied it to journalism, where it seemed strangely out of place in
a news world oriented to verifiable facts.

How accurate were the new journalists' observations of men
and events? Krim, a former Herald Tribune reporter, wrote about
Jimmy Breslin:

Jimmy didn't always tell the truth any
more than Wolfe, Hemlili or anyone else writ-
ing for the press with flags flying. I
am not that naive. I myself covered follow-
up stories after Jimmy had cut a swath
through them; people I interviewed wouldn't
speak to me because our hero Breslin had
gotten names wrong, embellished quotes,
emotionally sided with one party and not
another, given highly colored (no matter
how understated his manner) versions of
events that psychologically blanched some
of the characters involved.33

The new journalism was another effort on the part of journal-
ists to break away from the strictures of the traditional journalistic
objectivity and the stereotyped forms into which news had been cast.
Gay Talese, formerly of the New York Times, has said he found he
was "... unable with the techniques available to me or permissible

32
Robinson, Writer's Digest, pp. 33-34.

33
Krim, "Won't You Come Home", p. 2.
to the New York Times, to really tell, to really report all that I saw; to communicate through the techniques that were permitted by the archaic copy desk..."

Probably one of the reasons Wolfe's style, and to a lesser degree that of the other new journalists, has achieved considerable attention is due to its novelty. In a few semantic outbursts he swept away some of the hallowed tenets of journalism—the pallid and constricting inverted pyramid lead, the "balanced" story, the qualified and hedging phrases, the skin-deep observations.

There are many who are convinced that Wolfe is a journalistic exhibitionist whose writing is a "put-on", and whose interior monologues are adapted versions of the techniques of Joyce and Faulkner, but lack their penetration and precipice. They question whether this kind of language and aesthetic will wear.

But the style of the parajournalists has caused many print and broadcast journalists to re-examine their own styles, not with a view toward imitating them, but toward developing a fresher, more penetrating style with which to report the rapidly changing fabric of American society.

34 Robinson, Writer's Digest, p. 33.

35 Note to the writer from Dr. John J. Clarke, Professor, School of Journalism, The Ohio State University, Columbus, Ohio, May 28, 1970.
Despite the fulsome excitement, praise and wrath it engendered, the new journalism failed to create widespread impact on newspapers generally. Most of these papers had their roots too solidly anchored in the traditional objectivity and interpretation to suffer such a violent wrenching of the old values. Even some of Wolfe's colleagues on the Herald Tribune, including Walter Lippmann and Joseph Alsop, sided against him in a "profile" he did on the New Yorker magazine and its editor, William Shawn.

Radio and television were even more chary of the new journalistic techniques, and understandably so. As government licensees, stations and networks were reluctant to incur the attention and possible displeasure of the Federal Communications Commission in such a radical departure from journalistic norms. As a result, with few exceptions, most of them adhered to straight news reporting and film, with careful commentary and interpretation.

Although the new journalism as practiced by Wolfe, Talese and others produced few changes in journalistic style generally, it did presage the advent of an even more subjective and controversial type of journalism—the advocacy and activism of the late 1960's.

J. K. Hvistendahl has termed the era of advocacy and activism as the "fourth revolution" in journalism. Other revolutions, he says, were

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recorded in the freeing of the American press from the threat of control by government, growth of objectivity as a criterion of news reporting, and interpretative reporting.

The terms "advocate" and "activist" are often used synonymously and interchangeably to describe journalists of this genre. However, the nomenclature suggests some subtle distinctions which, in most cases, are more apparent than real. Both subscribe to the "truth-as-I-see-it" criterion, but advocates are prescriptive of this individual truth whereas the activists are participatory in it. Hvistendahl has described the activist journalist as one who:

...believes he has a right (indeed an obligation) to become personally and emotionally involved in the events of the day. He believes he should proclaim his beliefs if he wishes, and that it is not only permissible but desirable for him to cover the news from the viewpoint of his own intellectual commitment. He looks at traditional reporting as being sterile, and he considers reporters who refuse to commit themselves to a point of view as being cynical or hypocritical. The activist believes that attempting to describe the events of a complicated world objectively seldom results in the truth for anybody—the source, the reporter, or the reader or listener.37

The advocative and activist journalists, however, did not spring full-blown from an earth of their own. They were instead refractive shards of the more universal youth culture which Rozak has aptly termed the "counter culture", a culture so radically dis-

37 Ibid., pp. 8,9.
affiliated from the mainstream assumptions of our society that it scarcely looks to many as a culture at all, but takes on the alarming appearance of a barbaric intrusion.

An incredible amount of literature, ranging from scholarly studies to crude pamphleteering, has been devoted to an examination of this culture, and no attempt will be made in this study to enlarge this vast body of information. Suffice to say, many of the young journalists brought characteristics of this culture into the print and broadcast newsrooms of America.

Like many of their counterparts outside journalism, activists believe the media clean up and homogenize the news to make it fit the orderly world of the establishment, of which the "straight" media are a part. They contend the media omit important observations by the reporter because they are editorial in nature. Almost to an individual they reject the conduit or common carrier theory of the media, citing this theory as being responsible for many injustices committed in the name of objectivity.

Hvidtandahl has explicated the differences between the activists' point of view and that of the traditional objectivists:

The new reporters don't claim that they, or anyone else, have a corner on the truth. But they insist that the reporter

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like the scientist, has an obligation to report the truth as he sees it. In the long run, they believe, the reporter who is seeking the truth will serve the reader and listener better than the traditional reporter who attempts to describe the event accurately, reduce it to symbols which fit the conduits of the various media, and then pipe the product to the consumer who is to make of it what he will.39

The activist advocates believe that one point of view, if not necessarily more valid than another, but that there are multiple points of view in a diverse society, and more of those should appear in the media. A parallel idea can be noted in Stewart Alsop’s contention that truth in the press is served by the "self-correcting process" of the reportorial system. "The reportorial process thus produces many versions of the truth, as well as a good many half-truths, and some lies. Sometimes...the half truths and lies predominate for a while. But in time, by a self correcting process, the half truths and lies get winnowed out, mainly because reporting is such a fiercely competitive trade." Ironically, though, Alsop is an objectivist.

For the most part, advocates and activists are dedicated to social reform, based largely on their versions of the true and good. The advocates usually are more prescriptive in their reform; the


activists more participatory. A growing number of newsmen from broadcast and print media have been taking an increasingly activist position on political and social issues and they seek a share of the decision-making processes of their media.

In October, 1969, petitions were circulated in the New York offices of several major publications, including Time, Newsweek, the Wall Street Journal, and the New York Times, asking publishers to agree to Moratorium Day observances. At Time, Inc., five hundred employees attended anti-war discussions in the company auditorium. Later, the Time employees signed a petition calling for immediate and unilateral withdrawal from Viet Nam, marched to a huge mid-town anti-war rally, and collected 1500 anti-war signatures from passersby in front of the Time building.

The growing activism of journalists, however, was not limited to Moratorium Day activities. Newsmen in a number of cities, including San Francisco, Detroit, Minneapolis, met informally to discuss the possibility of founding their own critical reviews of local newspapers, with the Chicago Journalism Review as their model. The latter was established by dissident journalists on the Chicago papers and broadcast stations who felt that their media managers were too attentive to the needs and desires of the Chicago business-industry power structure. The Review has commented, often caustically, on the outside business interests of media managers, the absence of black newsmen, and it has covered in a different perspective radical activities in the city.
At several papers and magazines, including *Time*, newsmen met with management representatives to discuss the role of employees in editorial policy, minority hiring and women's rights. The activist newsmen emphasized that newsmen at the Paris newspapers, *Le Monde* and *Le Figaro*, and the German magazine *Stern*, have been granted a substantial voice in the editorial policies of their publications.

In at least one area, reporters have demanded the right to determine what is news. At the New York *Post* two women reporters were fired in October, 1969, for asking that their bylines be taken off a profile one of them was assigned to write on Mrs. Gil Hodges, manager of the New York Mets baseball team. Their request was made on the basis that women should appear in the news on their own merit and not that of their husbands. Part of the *Post*'s news staff kept their bylines off stories for three days in support of the women reporters, who were later reinstated.

Thus advocacy and activism in journalism seemed to be a natural outgrowth of the mood and configuration of the times. But it raised a host of thorny questions for the truth-as-I-see-it newsmen, especially concerning their individual concepts of truth and reality—perplexing problems that have troubled philosophers, poets, scientists and historians over the recorded span of man's history. Is one reporter's perception of truth and reality necessarily any more valid and accurate than another's? Is the reporter's perception necessarily superior to that of an intelligent educated layman? Granting the need for diversity of viewpoint in the media, and recognizing that all viewpoints do not possess equal merit, who, and by what criteria, will decide which view-
points will receive voice in the media? Will the media become the
privileged forums for the viewpoints of a relative handful of "profes­sional" truth-sayers?

The key to much of the whole issue, of course, involves the
concept of objectivity. Despairing of the attainement of traditional
objectivity because of their involvement with political and social
issues, many young journalists insist that they can be trusted to be
"fair" when they write their articles.

David Deitch, economic and financial writer for the Boston Globe
says the concept of objectivity is pernicious to the society as well
as to the institutions of journalism:

A commitment to the notion of objectivity has
in effect become a sign of manipulation,
whether newspaper (broadcast) managements
like it or not, and the way to deal with it
is to admit that the editorial function is
inherently biased, that reporters have
opinions of their own and that newspapers,
like other large institutions, are political
entities.41

Deitch believes that one of the reasons newsmen cling to the
"myth" of objectivity is because it permits a kind of psychological
anonymity. They need not reveal their biases or what kind of per­
sons they are and can evade personal responsibility for their work,
"Advocacy, on the other hand, openly admitted, requires an exposure of

41
David Deitch, "Change or Stagnation: The Case for Advocacy
self, a willingness to undergo scrutiny, and a commitment to excellence that seems very demanding."

Despite the increasing number of advocative and activist journalists, however, the concept of objectivity and interpretation remains solidly entrenched in the repositories of power in America's print and broadcast media.

No attempt has been made in this chapter to describe or assess another important segment of the new subjective journalism—the "underground" press. These newspapers are innumerable and ephemeral. Some of the better known include The Berkeley Barb, The East Village Other, the San Francisco and Southern California Oracles, the Los Angeles and New York Free Presses and the Village Voice. Together they constitute a worthy and valuable study in contemporary journalism. Rozak has perceptively characterized their weaknesses and strengths:

The vice of these papers is that they easily slide off into the bizarrely salacious or the psychedelically mushy. Worse still, some of the more militant examples seem to be fabricated out of a crude and frenetic contempt for everybody but the editorial staff. However, amid the sheer smut and windy anger one often finds some wry wit (especially in the comic art), a cry of the heart that is gentle and innocent, and even a reliable piece of reporting.

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42 Ibid., p. 531.
Summary

This chapter noted the burgeoning of dissatisfaction on the part of many newsmen with the concept of objectivity as a criterion of news reporting. The limitations of the concept, grounded in the very act of human perception, suggested a relativistic rather than an absolutistic approach—an unattainable ideal rather than an achievable absolute. This realization, together with the increasing complexity of government, business and science, demanded the use of more explanation, meaning, and interpretation in news writing. The changing social order and the advent of the youth culture led in turn on some papers to the impressionistic, stream of consciousness reporting of the new journalists and to the advocacy and activism of the young militant journalists. But the concept of objectivity still holds firm in the repositories of media power. The next chapter will consider journalistic ethics: the codes and regulations of professional print and broadcast organizations.
CHAPTER V

JOURNALISTIC ETHICS: THE CODES AND REGULATIONS

Introduction

Man has been troubled by problems of ethical behavior since his advent on earth, and the perplexity of these problems has in no way diminished by the passage of time. Indeed, with the phenomenonal acceleration of civilization's complexities, they have multiplied in an alarming ratio.

Conflicts among the various functions of the media and the interests of various groups in society have given rise to many of the ethical problems of the press. Theories and methods for handling these problems are embodied in canons and codes of ethics drawn up by national and state associations of print and broadcast media representatives, and in the rules of practice set forth, formally or informally, at each station or newspaper. These codes and ethics have been the subject of considerable discussion both within and outside the profession.

However, only a few studies have attempted analyses, comparative or quantitative, of media ethical codes and
regulations. The plethora of philosophical inquiries and discussions of ethics in general has resulted in considerably more confusion than clarification, and the problem of the researcher in journalistic ethics is no less difficult.

Actually, the position of American journalism, both print and broadcast, toward ethical behavior is an ambivalent one. This position favors on one hand the encouragement of ethical standards, but on the other hand discourages the enforcement of such standards among its members. Such a negative attitude toward the enforcement of ethical standards seems to be a characteristic of American journalism organizations.

The United States has a long tradition of freedom of the press, and many media newsmen have outspokenly criticized the ethical behavior of certain segments and individuals in the press. Yet attempts to suggest any type of enforcement which might turn this criticism, from within or without, into action are exceptions. And the few attempts to invoke action meet with hostile opposition from a large segment of the media representatives.

This chapter will concern itself with provisions in codes or rules of four principal self-regulated journalistic organizations in

1 Kingsbury, Hart and Associates, Newspapers and the News, and Vogel, "Ethical Codes".

2 Vogel, "Ethical Codes," p. 62.
both the print and broadcast media, especially in relation to staged news, deceptive news practices, accuracy, truth, balance, and fairness. Pertinent sections of the Federal Communication Act of 1934 and its amendments, the Commission on Freedom of the Press and the standards of Harold Lasswell also will be considered.

These organizations include The American Society of Newspaper Editors, the American Newspaper Guild, the Radio and Television Codes of the National Association of Broadcasters, and the code of the Radio and Television News Directors Association.

The American Society of Newspaper Editors

The code of ethics or the canons of journalism of the ASNE is the behavioral foundation of ethical guidelines in American journalism, both for print and broadcast media. Adopted by the ASNE in 1923, they served as the model, with some appropriate modifications, for all the rest of the codes, including a proliferation of ethical guidelines and codes for numerous state and regional journalism organizations. Due to their basic importance to the content of this chapter, they are reproduced here in their entirety:

Code of Ethics of the ASNE

Preamble

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

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

I

RESPONSIBILITY—The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare. The use a newspaper makes of its share of public attention it gains serves to determine its sense of responsibility, which it shares with every member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

II

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

III

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

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their sources or else substantiation of their claims to value as news, both in form and substance.

2. Partisanship, in editorial comment which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns it is subversive of a fundamental principle of the profession.
SINCERITY, TRUTHFULNESS, ACCURACY—Good faith with the reader is the foundation of all journalism worthy of the name.

1. By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control, or failure to obtain command of these essential qualities.

2. Headlines should be fully warranted by the contents of the articles which they surmount.

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

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

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

1. A newspaper should not invade private rights or feeling without sure warrant of public right as distinguished from public curiosity.

2. It is the privilege, as it is the duty, of a newspaper to make prompt and complete correction of its own serious mistakes of fact or opinion, whatever the origin.
DECENCY—A newspaper cannot escape conviction of insincerity if while professing high moral purpose it supplies incentives to base conduct, such as are to be found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons the journalism here represented can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant professional condemnation.  

Problems of the ASNE Code

The ASNE was formed in 1922 in defense against mounting attack on newspapers. It was conceived "... not in inspiration but in irritation," according to Donald J. Sterling of the Portland, Oregon Journal. The original five members of the group decided that one of the most important jobs of the new organization would be to adopt a code of ethics for newspapers. A committee headed by H. J. Wright of the New York Globe planned and wrote the code and it was presented to the 100 members of the group at its first regular meeting in Washington in 1923.

President Warren G. Harding, himself a publisher (Marion, Ohio, Star), was present at the meeting at which the code was adopted. The

3 Mott, American Journalism, pp. 726-727.

President already had written a code for his own paper.

Although adopted by vigorous membership assent, the new code soon found itself in trouble over enforcement as a result of a national scandal—the infamous Teapot Dome affair—which involved not only President Harding (indirectly) and Frederick G. Bonfils, co-publisher of the Denver Post, but numerous other prominent industrial and government officials. Bonfils was accused of withholding news of illegal oil leases until he was in a position to force the lessees to make a profitable contract with the Post.

At the ASNE's second annual meeting in Atlantic City, editors demanded that Bonfils be disciplined by the group for violation of journalistic ethics. But the crucial problem confronting angry ASNE members was: what "ethics" had Bonfils legally violated, and what disciplinary action could be taken, since the canons contained no punitive provisions?

Fierce arguments raged between those who wanted Bonfils expelled from ASNE and those who saw voluntary compliance with the canons as the only feasible action. Widely known editors became embroiled in heated disputes over the enforcement proposals for the canons. But the Commission on the Freedom of the Press charged that:

5 Crawford, The Ethics of Journalism, p. 238.

6 Gene Fowler, Timberline: A Story of Bonfils and Tammens (New York: Covici Friede Publishing Company, 1933). This is probably one of the best books written about the Denver Post publishers.
... Shortly after the code was adopted, a case of gross malpractice on the part of one of its members was reported. After the society had deliberated long and painfully, the case was dropped. This settled the function of the code.7

The Bonfils case became a cause célèbre within the ranks of the burgeoning ASNE. What actually happened? Bonfils, according to extant records, was never censured by the ASNE. Ultimately, he resigned, but he took his own good time in doing so, because the report of the 1926 convention still listed him as a member.

The Bonfils case apparently produced a lasting effect in the ASNE. The group never again attempted to discipline anyone. For more than eight years the issue was a perennial one at ASNE conventions.

The problem of enforcement of the canons continued throughout the years. Erwin D. Canham, respected editor of The Christian Science Monitor, probably expressed the conviction of American editors best when he said in 1947:

... I believe it is the conviction of most American editors, (that) organized self-control of the press must remain at the voluntary level. ... I conclude with utmost earnestness that self control is working among American newspapers, and a voluntary sense of the accepted responsibility which means

7 Commission on Freedom of the Press, A Free and Responsible Press, pp. 74-75.
ultimate, long-run survival.

From the beginning, many editors never favored any enforcement of the canons of journalism, and they adopted them as a purely voluntary set of standards. However, many others over the years fought fiercely for enforcement machinery that could impose discipline and expulsion upon erring members. Later, an amendment to the code provided a method by which a member could be suspended or expelled, although it made the procedure of expulsion so complicated as to be impractical.

Traditionally in America there has been strong sentiment against imposition of control on the freedom of speech, press, and religion. Benjamin Franklin expressed this sentiment when he wrote: "Abuses of freedom of speech ought to be repressed, but to whom dare we commit the power of doing it."

It should be emphasized that the ASNE members are not alone in this reluctance to impose controls and discipline on violating members. This same hesitance exists to about the same degree in the ethical codes of other newspaper and broadcasting groups, as will be seen throughout this chapter.

This reluctance against code enforcement is reflected even

8 Problems of Journalism, p. 76.

more strongly in the ranks of the powerful American Newspaper Publishers Association which refused to sanction the ASNE's Canons of Journalism. The ANPA has consistently refused to consider self-regulation of newspapers "because the same newspapers are represented, generally speaking, in ANPA and ASNE. Practically every daily newspaper has its own code."

Examination of the ASNE canons of journalism shows that the whole thrust of journalistic ethics is toward accurate, honest, fair, and sincere reporting. Article IV, Provision 1, of the code pinpoints this: "By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control, or failure to command these essential qualities."

This article alone forbids deceptive news practices, such as staged news, fraud, faked news, bias, distortion, slanting and other malpractices. However, as will be observed in various sections of this study, such high ideals did not necessarily preclude numerous and flagrant violations.

10 Vogel, "Ethical Codes," p. 82.
11 Mott, American Journalism, p. 727.
The American Newspaper Guild

The ASNE is composed primarily of top news executives, editors of large daily papers. The American Newspaper Guild on the other hand is composed primarily of working journalists, although this base of membership has broadened considerably over the years to include personnel who have little or no connection with the editorial function.

The formation of the Guild was largely the work of a single man, reporter and columnist Heywood Broun. A column by Broun in the New York World Telegram set the stage for the formation of the Guild.

... a number of publishers are toying with the idea of classifying their editorial staff as 'professional men'. Since NRA (National Recovery Act) regulations do not cover professionals, newspapermen, therefore, would continue in many instances to work all hours of the day and any number of hours of the week. 12

Broun's solution to this problem was to form a union, and the Guild held its first meeting in December, 1933, in Washington, D.C. In 1936 the Guild affiliated itself with the American Federation of Labor, later the AFL-CIO, clearly indicating that its future development was toward a labor union rather than a professional society. Despite an avowed economic objective, however, maintenance of high professional standards has long been one of the Guild's goals.

12 Charles A. Perlik, Jr., "Newspaper Guild Now in 26th Year," Quill, November, 1959, p. 70.
Joseph F. Collis, a former president of the Guild, has put it this way:

The Guild's primary purpose is to advance the economic interests of its members. But from the beginning, it has also concerned itself with the raising the level of newspapering or more specifically, as its constitution states, 'to guarantee, as far as it is able, constant honesty in the news, to raise the standards of journalism and the ethics of the industry.'

In 1934 the Guild adopted a code of ethics. It was approved by members at their annual convention that year. Like the code of the ASNE, however, the Guild's code did not include any provisions which would provide for the enforcement of the code.

The provisions of the Guild code that apply to this study have been extracted as follows:

(1) That the newspaper man's first duty is to give the public accurate and unbiased news reports, and that he be guided, in his contacts with the public, by a decent respect for the rights of individuals and groups.

(2) That the equality of all men before the law should be observed by men of the press; that they should not be swayed in news reporting by political, economic, social, racial or religious prejudices, but should be guided only by facts and fairness.

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(5) That newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before other judicial or investigating bodies; and that the newspaperman's duty to keep confidences shall include those he shared with one employer even after he has changed employment.

The convention condemned the following practices as being inimical to the public interest, the newspapers and newspapermen:

(2) The current practice of requiring the procuring or writing of stories which newspapermen know are false or misleading and which work oppression or wrong to persons and to groups.

(3) The acceptance of money by newspapermen for publicity which may be prejudicial to their work as fair reporters of news ... 14

It is quite obvious that the provisions of the Guild code promulgate accuracy, fairness, objectivity, balance and integrity in the news and newspapermen, and militates against false, faked, staged, and distorted news. It is also significant to note that, despite these commendable ideals, no provisions were made for their enforcement.

Lasswell's Standards

The codes of the ASNE and the Guild impose tremendous responsibilities upon newspapermen. A few years after the Guild code had been

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14 Vogel, "Ethical Codes", pp. 358-360.
adopted, Harold Lasswell, the eminent political scientist and pioneer in communication research, suggested five "achievement standards of a democratic press." In summary they are:

**Standard 1: Balanced Presentation.** Many groups, including minority and ethnic groups, often receive relatively little attention in the press. Other groups, such as politicians, are often portrayed as vile and corrupt, when this is not always true. Balanced presentation of issues and controversies are prerequisites of a reliable press.

**Standard 2: Basic Facts.** The formation of intelligent public opinion depends upon public access to the basic facts of social reality and the world around us. They deal with the important economic, social and political phenomena which affect the lives of all persons. Presentational skills can enable the public to understand and digest these facts, "tied in pretty ribbons."

**Standard 3: Basic Alternatives.** Intelligeint decisions are made in the light of future probabilities; we should know these before the decisions are called for. No question is so abstruse that it cannot be popularized. The newspapers and news services, in the face of complex problems, are failing to provide these services.

**Standard 4: Fundamental Purposes.** The larger ends of living also call for popularization. Human values should be discussed, to

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enlighten the whole man.

Standard 5: Skillful Thought and Observation. "Is it true?" "Is it good?" "Is it logical?" These are among the questions that can be added to the thinking equipment of the average reader. Our press can be free; it can also be intelligent.

The canons of the ASNE, the Guild, and even the Lasswellian standards were shaped before the true impact of electronic journalism had made itself felt. Radio was in its infancy, but pushing toward an apex, and television was still an experimental and little known speck on the broadcast horizon. But a sense of maturity (some critics of the broadcast media would vehemently deny this) finally reached into electronic journalism, and it is necessary at this point to examine their codes and regulations.

The Radio Code of the National Association of Broadcasters

In the Radio Code the following provisions or rules examined were: (1) "New Sources"; (2) "News Reporting"; (3) "Commentaries and Analyses"; (4) "Editorializing"; (5) Two sections, one and eight, in the section "General Standards" dealing with deceptive program practices.

1. NEWS SOURCES. Those responsible for news on radio should exercise constant professional care in the selection of sources—for the integrity of the news and the consequent good reputation of radio as a dominant news medium depend largely upon the reliability of such sources.

2. NEWS REPORTING. News reporting shall be factual and objective. Good taste shall prevail in the selection and handling of news. Morbid, sensational, or alarming details not essential to factual reporting should be avoided. News should be broadcast in a manner as to avoid
creation of panic and unnecessary alarm. Broadcasters shall be diligent in their supervision of content, format, and presentation of news broadcasts. Equal diligence should be exercised in the selection of editors and reporters who direct news gathering and dissemination, since the station's performance in this vital informational field depends largely upon them.

3. COMMENTARIES AND ANALYSES. Special obligations devolve upon those who analyze and/or comment upon news developments, and management should be satisfied completely that the task is to be performed in the best interest of the listening public. Programs of news analysis and commentary shall be clearly identified as such, distinguishing it from straight news reporting.

4. EDITORIALIZING. Broadcasts in which the stations express their own opinions about issues of general public interest should be clearly identified as editorials and should be clearly distinguished from news and other program material.16

Two sections in the "General Standards" of the Radio Code caution against deceptive program practices:

1. The intimacy and confidence placed in radio demand the broadcaster, the networks and other program sources that they be vigilant in protecting the audience from deceptive program practices.

8. No program shall be presented in a manner which through artifice or simulation would mislead the public as to any material fact. Each broadcaster must exercise reasonable judgment to determine whether a particular method of presentation would constitute a material deception, or would be accepted by the audience as normal theatrical illusion. (italics supplied)17

16 Kahn, Documents of American Broadcasting, pp. 312-313.

17 Ibid., p. 316.
Television Code of the National Association of Broadcasters

It is apparent that provisions in the Television Code have deep roots in the Radio Code which in turn derived its ethical assumptions, explicit and implicit, from the canons of journalism of the ASNE and the American Newspaper Guild. Both broadcast codes have enforcement sections, but these have been invoked infrequently.

Sections in "General Program Standards" of the Television Code caution broadcasters to be vigilant in avoiding deceptive program practices:

1. Program materials should enlarge the horizons of the viewer, provide him with wholesome entertainment, afford helpful stimulation, and remind him of the responsibilities which the citizen has toward his society. The intimacy and confidence placed in television demand of the broadcaster, the network and other program sources that they be vigilant in protecting the audience from deceptive program practices. (italics supplied).

23. No program shall be presented in a manner which through artifice or simulation would mislead the audience as to any material fact. Each broadcaster must exercise reasonable judgment to determine whether a particular method of presentation would constitute a material deception, or would be accepted by the audience as normal theatrical illusion. (italics supplied).
The section of the Television Code titled "Treatment of News and Public Events" and subtitled "News" contains the following provisions applicable to this study:

2. News reporting should be factual, fair and without bias.

4. At all times, pictorial and verbal material for both news and comment should conform to other sections of these standards, whenever such sections are reasonably applicable.

6. Commentary and analysis should be clearly identified as such.

7. Pictorial material should be chosen with care and not presented in a misleading manner.

9. A television broadcaster should exercise due care in his supervision of content, format, and presentation of newscasts originated by his station, and in his selection of newscasters, commentators and analysts.

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Code of Ethics of the Radio-Television News Directors Association

The Radio-Television News Directors Association is composed of the executive and operating heads of broadcast newsrooms. Most are supervisory journalists. Whereas members of the NAB are usually representatives of various segments of broadcast management, RTNDA members

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Ibid., pp. 327-328.
are concerned primarily with broadcast journalistic function.

As news executives and members of management, RTNDA members are usually ineligible for membership in unions, such as the American Federation of Radio and Television Artists, a union primarily oriented toward the representation of "air talent," although many writers, reporters and sub-editors are also represented. Other unions, such as the Writers' Guild, also represent broadcast writers and editors in contractual negotiations with management.

Unlike the NAB, the RTNDA is more narrowly concerned with such matters as radio and television news policy, news presentation techniques, ethics, and similar matters. The financial aspects of commercially sponsored news shows, as well as newsroom budgets and newsroom relationships with upper echelon broadcast management, also receive considerable attention informally at most RTNDA meetings.

The RTNDA adopted a code of broadcast news ethics on January 2, 1966. The preamble to the code stated:

The members of the Radio-Television News Directors Association agree that their prime responsibility as newsmen--and that of the broadcasting industry as the collective sponsor of news broadcasting--is to provide the public they serve a news service as accurate, full and prompt as human integrity and devotion can devise. To that end, they declare their acceptance of the standards of practice here set forth, and their solemn
intent to honor them to the limits of their ability.\textsuperscript{20}

Only four of the articles in the code are deemed pertinent to the focus of this study:

\begin{quote}
\textbf{ARTICLE TWO.} Broadcast news presentations shall be designed not only to offer timely and accurate information, but also to present it in the light of relevant circumstances that give it meaning and perspective. This standard means that news reports, when clarity demands it, will be laid against pertinent factual background; that factors such as race, creed, nationality or prior status will be reported only when they are relevant; that comment or subjective content will be properly identified and errors in fact will be promptly acknowledged and corrected.
\end{quote}

\begin{quote}
\textbf{ARTICLE THREE.} Broadcast news men shall seek to select material for newscast solely on their evaluation of its merit as news. This standard means that news will be selected on the criteria of significance, community and regional relevance, appropriate human interest, service to defined audiences. It excludes sensationalism or misleading emphasis in any form; subservience to external or "interested" efforts to influence news selection and presentation, whether from within the broadcasting industry or from without. It requires that such terms as bulletin and flash be used only when the character of the news justifies them; that bombastic or misleading descriptions of newsroom facilities and personnel be rejected, along with undue use of sound and visual effects; and that promotional
\end{quote}

or publicity material be sharply scrutinized before use and identified by source or otherwise when broadcast.

ARTICLE SIX. Broadcast newsmen shall seek actively to present all news the knowledge of which will serve the public interest, no matter what selfish, uninformed or corrupt efforts attempt to color it, withhold it or prevent its presentation. ... They acknowledge the newsmen's ethic of protection of confidential information and sources, and urge unswerving observation of it except in instances in which it would clearly and unmistakably defy the public interest.

ARTICLE SEVEN. Broadcast newsmen recognize the responsibility borne by broadcasting for informed analysis, comment and editorial opinion on public events and issues. They accept the obligation of broadcasters, for the presentation of such matters by individuals whose competence, experience, and judgment qualify them for it.21

Examination of these codes and canons in print and broadcast journalism reveals a significant common element: lack of enforcement procedure through which violators and erring members can be disciplined or punished.

That violations have occurred is only too apparent to students and critics of the media—violations ranging from "yellow journalism" to the notorious Richards' case. 22

21 Ibid.

The broadcast journalist operates under considerably more con-straint than does his counterpart in the print media. Newspapers un-regulated by government theoretically can be as unfair, non-objective and partisan as they choose, within limitations imposed by libel laws and the tolerance of their readers. They have no countervailing agencies and regulations such as the FCC, Section 315 and the "Fairness Doctrine".

In actuality, the Communications Act itself contains no prohibitions against staged, falsified or deceptive news broadcasts. Section 509 of the act prohibits deceptive practices only in connection with contests of intellectual knowledge, skill or chance. Several congressional committees have recommended that this section of the act be amended to include falsification of news. (see Chapters VI and VII).

Practically speaking, the control of such practices, is em-bedded on the "public interest" concept of American broadcasting regulations, particularly Fairness Doctrine sections dealing with controversial issues.

17. ... The basis for any fair consideration of public issues, and particularly those of a controversial nature, is the presentation of news and information concerning the basic facts of the controversy in as complete and impartial manner as possible. A licensee would be abus-ing his position as a public trustee of these

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23
Use of Broadcast Facilities by Candidates for Public Office,

24
In the Matter of Editorializing By Broadcast Licensees,
13 F.C.C. 1246, June 1, 1949.
important means of mass communication were to withhold from expression over his facilities relevant news or facts concerning a controversy or to slant or distort the presentation of such news. No discussion of the issues involved in any controversy can be fair or in the public interest where such discussion must take place in a climate of false or misleading information concerning the basic facts of the controversy.  

The public interest concept which would apply to situations involving staged news and other deceptive news practices has been criticized widely as ambiguous, vague, imprecise and subject to variant interpretation. And the FCC has long been reluctant to enter into areas involving editorial judgment of licenses. As the Commission stated in its letter to ABC:

We stress that in this area of staging or distorting the news, we believe that the critical factor making Commission inquiry or investigation appropriate is the existence of material indication in the form of extrinsic evidence, that a licensee has staged news events. Otherwise, the matter would again come down to a judgment as to what was presented, as against what should have been presented—a judgmental area for broadcast journalism which this Commission must eschew. For the Commission to investigate mere allegations, in the absence of a material indication of extrinsic evidence of staging or distortion, would clearly constitute a venture into a quagmire inappropriate for this Government agency.  

25  
Ibid.  

26  
Congressional investigating committees have been far less reluctant to enter into areas of alleged staged news practices than has the FCC. At least two investigatory committees have pointed out with singular emphasis that falsification of news programming does not enjoy any greater protection under the First Amendment than does falsification in advertising or quiz programming. And, as mentioned above, they have recommended that Section 509 of the Communications Act be amended to include this prohibition. They assert that this protection to the public may be accomplished without violation of the First Amendment, largely through affirmative requirements for disclosure on the part of television news organizations rather than by the imposition of some necessarily arbitrary standard of truthfulness. (See Chapters VI and VII for a fuller discussion of these recommendations).

Critics of the effectiveness of the self-regulatory objectives of the canons, codes, and rules of broadcast and print journalism, are legion, and it is unnecessary for the purpose of this study to enter into the voluminous literature on the subject.

Skornia, a stringent critic of the broadcasting industry, summed up the effectiveness of the codes, in his opinion, when he wrote that "... only 32 per cent of the nation's radio stations and only a little over half of the television stations subscribed to the NAB Code. The record shows that the Nation's stations have plainly flouted the NAB, its promises, and its code whenever they
And he was no less critical of the regulatory effectiveness of the FCC:

The networks and the National Association of Broadcasters fairly successfully keep the FCC too weak to hurt big firms, but strong enough to keep out newcomers and interlopers. It is capable of regulating the weak but not the strong ... the FCC has compiled a record of contradictions and inconsistency which few agencies in any nation can match.

Significantly, he pointed out that in many cases commissioners have used their appointments to the commission as stepping stones to industry appointments.

In virtual unanimity, professional print and broadcast journalists have fiercely resisted any encroachments upon the function of journalistic judgment (a position defended by the FCC) by government or government officials. The Journal of Broadcasting probably expressed this position most succinctly when it editorialized: " ... If the news media are to perform their function in a democracy, providing the citizen with information he must have in order to make valid decisions, then the media must continue to exercise independent editorial judgment."

27 Skornia, Television and Society, p. 63.

28 Ibid., pp. 80-81.

Probably the most clear and concise description of what the press, both print and broadcast, should be—its function in society, its ethical standards—has been provided by the Commission on the Freedom of the Press:

Today our society needs, first, a truthful comprehensive, and intelligent account of the day's events in a context which gives them meaning; second, a forum for the exchange of comment and criticism; third, a means of projecting the opinions and attitudes of the groups in the society to one another; fourth, a method of presenting and clarifying the goals and values of the society; and fifth, a way of reaching every member of society by the currents of information, thought, and feeling which the press supplies. The Commission has no idea that these five ideal demands can ever be completely met. All of them cannot be met by one medium; some do not apply to a particular unit; nor do all apply with equal relevance to all parts of the communications industry. 30

It should be noted that the Commission's first requirement for the media is accuracy in a meaningful context: "... It is no longer enough to report the fact truthfully. It is now necessary to report the truth about the fact." 31

With respect to staged news (a term not yet in usage), bias, distortion, slanting, the Commission concluded:


31 Ibid., p. 344.
... the information provided must be provided in such a form, and with so scrupulous a regard for the wholeness of truth and the fairness of its presentation, that the American people may make for themselves, by the exercise of reason and conscience, the fundamental decisions necessary to the direction of their government and their lives.\footnote{Vogel, "Ethical Codes," pp. 341-342.}

Despite the fact that the Commission's report, adopted from the standards and practices of the journalists themselves, it became embroiled in a storm of controversy which has lasted in diminished form to the present day.

Vogel, in a comparative study of ethical codes of the press in sixty-two countries, concluded:

1. Just as most human beings prefer as much personal freedom as possible, so most journalists will prefer not to have to submit to ethical controls on the press.

2. However, if any group of the press does suggest ethical controls, it is more likely that working journalists will be the advocates of that ethical control. ...

3. Whether the ethical controls established for the press will be kept free of government or will have government participation will probably depend upon the patterns of controls for unions and professional associations already established. ...

4. In most of the nations ... journalists--as a group--are doing little to define or assure freedom and responsibility of the press. \footnote{Ibid., p. 348}
Vogel's third and fourth conclusions have given voice to many fears of print and broadcast journalists that government eventually may impose regulations (other than those new in effect) upon the journalistic judgment, thereby negating for all practical purposes the concept of a free and responsible press in our democratic society.

Summary

This chapter has examined the self-regulatory journalistic codes and canons of the print and broadcast media, and found them lacking in enforcement provisions and procedures. It also found the federal regulatory agency of the broadcasting industry, the FCC, reluctant to interfere with the editorial judgment of licensees. Congressional committees have shown far less reluctance, even enthusiasm on occasion, to enter this sanctified area. In the next chapter, "Pot Party at a University", this study will examine in depth a case of alleged staged news where both governmental arms were accused of entering this hallowed ground.
CHAPTER VI

POT PARTY AT A UNIVERSITY

Introduction

ANNOUNCER: Now, WBBM Television News presents 'Pot Party at a University', Part I of a two-part series on marijuana smoking—why they do it and its effects. Occasionally a black mark will appear on your screen or the screen may go blank for a few seconds. This is to protect the identity of the persons involved. Now, here's reporter Jack Missett with Part I of 'Pot Party at a University.'

(MUSIC)

MISSETT: This is a party on the campus of Northwestern University in Evanston. It appears to be a typical college get-together with Northwestern students, a teacher, and two college dropouts. But this party is different, and what makes it unusual is the 'refreshments.' For instead of having just soft drinks or beer at the party, these young people are smoking marijuana; marijuana—or pot—is not just part of the party, it's the main topic of conversation. ...

(MUSIC AND BACKGROUND CONVERSATION)

In the eyes of the law you are witnessing a crime. Under Illinois law possession of marijuana is a crime punishable by imprisonment for two to ten years for first offense, and up to life imprison-
ment for repeaters. ... ¹

Thus began "Pot Party at a University", a mini-documentary that sent shock waves throughout the broadcasting industry. It was not really a documentary in the traditional acceptance of the term, but rather a filmed report inserted into the 10:00 P.M. evening news on WBBM-TV, an owned and operated station of the Columbia Broadcasting System. Both parts of the documentary totaled fourteen minutes.

Part I was broadcast at 10:00 P.M. on November 1, 1967, and repeated at 6:00 P.M., November 2, 1967. Part II was first broadcast at 10:00 P.M., November 2, 1967, and repeated at 6:00 P.M., November 3, 1967. (See Appendix D for transcript of audio portions of both parts).

Northwestern University charged in a press release that the filmed reports were staged for the benefit of the WBBM-TV cameras, and that the party did not, in fact, occur on the Northwestern campus as indicated in the film.

As a result of the seriousness of the Northwestern allegations and the widespread publicity attending them, separate investigations were conducted by the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce of the House of Representatives, and the Federal Communications Commission.

¹ Transcript of audio introduction of "Pot Party at a University", Part I, broadcast at 10:00 P.M., on November 1, 1967, on WBBM-TV, Chicago, and repeated at 6:00 P.M., November 2, 1967.
The Subcommittee held hearings on April 15, April 29, May 9, May 10 and June 17, 1968, in both Chicago and Washington. The Federal Communications Commission held a hearing before Chief Hearing Examiner James D. Cunningham in Chicago in October, 1968. The Subcommittee released its findings and recommendations on March 20, 1969. Examiner Cunningham released his findings of fact and certification of record to the FCC January 6, 1969.

CBS, pursuant to its request, was afforded an opportunity to file a response to the chief hearing examiner's findings and a brief in support of its response. CBS, through its Chicago counsel, Newton Minow, presented an oral argument before the Commission en banc on March 3, 1969. These findings and recommendations of the Subcommittee and the FCC will be discussed at a later point in this chapter.

The FCC never publicly divulged the names of the participants in the pot party, designating them as Witness "A", Witness "B", etc. The Subcommittee and the FCC granted immunity from prosecution to these witnesses who testified, although their names were disclosed in the Subcommittee report and proceedings. Anonymity of these witnesses and participants will be respected in this study of the pot party.

The Subcommittee on Investigations for the Ninetieth Congress, second session, which conducted the investigation, was composed of Representatives Harley O. Staggers, West Virginia, chairman, also chairman of the Committee on Interstate and Foreign Commerce; John E. Moss, California; John D. Dingell, Michigan; Paul G. Rogers, Florida; Lionel Van Deerlin, California; J. J. Pickle, Texas; Brock Adams,
Washington; Clarence J. Brown, Ohio; Hastings Keith, Massachusetts; Glenn Cunningham, Nebraska; Donald G. Brotzaan, Colorado; and James Harvey, Michigan.

The Subcommittee staff was composed of Robert W. Lishman, chief counsel; James R. O'Connor, special assistant; Daniel J. Manelli, attorney; William T. Druhan, special consultant; Zelig Robinson, special legal consultant; S. Arnold Smith, attorney; Terry Turner, special assistant; James P. Kelly, chief investigator; and William D. Kane, investigator.

The FCC investigation was conducted under the direction of William B. Ray, chief of the Complaints and Compliance Division of the FCC.

The Principals Involved

A large number of persons, ranging from the president of CBS to WBBM-TV reporters and technicians, in addition to Northwestern University officials, federal, state and local authorities, were involved in the case.

In an effort to clarify subsequent references, it is advantageous to establish the identities of the principals involved in pot party at the outset of this chapter. Other individuals will be identified as they appear in the text.

Persons involved in the case can be categorized into two groups: (1) those connected with WBBM-TV and CBS, and (2) those affiliated with the government. There is, of course, a third group, the actual participants in the pot party, but their identities will not be disclosed.
Persons Connected With WBBM-TV and CBS

1. John Victor Missett. Missett was a key figure in the pot party investigations. He steadfastly denied that he had staged the party for the benefit of WBBM-TV cameras. Missett was a 23-year-old reporter and desk assistant at WBBM-TV. He was an honor graduate of Northwestern University's Medill School of Journalism and had been chosen as a news intern at the station before he was employed as a full-time staff member in March, 1967. He came from a journalistic background. His father and several brothers were journalists.

2. Robert Ferrante. A veteran broadcast newsman, Ferrante was news director of WBBM-TV. A native of Massachusetts, he had served as news director of KDKA, Pittsburgh, Pa., before he was appointed news director of WBBM-TV.

3. Edward R. Kenefick. Kenefick, a former special agent for the Federal Bureau of Investigation, was vice president and general manager of WBBM-TV.

4. Lawrence Morrone, executive producer for news at WBBM-TV. Morrone was in charge of all television news presentations at the station. He was second in command to Ferrante.

5. Robert Harris, news writer for WBBM-TV.

6. Fort Guerin, cameraman for WBBM-TV.

7. John Case, sound engineer for WBBM-TV.

8. Louis Glickman, electrician for WBBM-TV. Guerin, Case and Glickman comprised the camera crew which filmed the pot party sequence.

10. Newton Minow, Chicago counsel for CBS. Minow, a former member of the FCC, was author of the widely publicized "vast wasteland" criticism of American television.

11. Thomas Morsch, counsel for WBEM-TV, Chicago.

12. John A. Schneider, president of the CBS/Broadcast Group, based in New York.


Persons Connected With the Government

Members of the Special Subcommittee on Investigations have already been mentioned. Members of the Federal Communications Commission who were involved in the case included Rosel H. Hyde, chairman, and Commissioners Robert T. Bartley, Kenneth A. Cox, Robert E. Lee, Lee Loewinger, James J. Wadsworth, and Nicholas Johnson. FCC staff members included William B. Ray, chief of the complaints and compliance division; Henry Geller, general counsel for the FCC, and A. G. Gilbert, FCC field engineer in charge of District 7, Miami, Florida.

One of the key witnesses, Malcolm B. Spector, whose testimony was a substantial cornerstone of both the FCC and Subcommittee's investigations, cannot be categorized into any group. Spector, then a teaching assistant at Northwestern, received his Ph.D. from the University and later was appointed an assistant professor of sociology at McGill University, Montreal, Quebec.

Two other persons involved in the case cannot be classified.
They are Charles G. Ward, field agent with the Federal Bureau of Narcotics and Dangerous Drugs for the Chicago area, and Dr. Jerome H. Jaffe, a psychiatrist specializing in the area of narcotics, presently on the faculty of the University of Chicago and director of the Drug Abuse Division of the Department of Mental Health of the State of Illinois. Both appeared on the pot party program as experts on the problem of marijuana smoking.

Chronological Synopsis

An overall picture of the significant aspects of the controversy can be best obtained through a chronological synopsis of the pot party case. This synoptic version was extracted from nearly 1500 pages of transcript testimony, government reports, statements, depositions, briefs, exhibits, newspapers, letters, interviews and other documents.

Events Preceding the Pot Party

WBEM-TV's news director, Robert Ferrante, apparently became interested in doing a news report on marijuana smoking in July, 1967, and this interest was intensified in August when suburban North Shore police made a number of arrests in this affluent residential area.

According to Ferrante, he and Morrone had combed the Chicago suburbs in vain for a story about marijuana use by affluent citizens.

I was interested in the suburban use of it, I think primarily because marijuana was considered to be for some reason a richer man's drug and heroin seemed to be in use in the ghetto. I felt all of these relationships
as a journalist would play in my mind
in my decision.  

In the course of a daily staff conference, Ferrante mentioned his interest in the marijuana story to Missett, who said he was not surprised because as a student at Northwestern he had had several opportunities to attend pot parties. Ferrante asked Missett to write a memorandum on the possibility of WBBM-TV doing a story on the use of marijuana. He also suggested the possibility of filming or interviewing a marijuana smoker or doing a first-person story on the purchase of marijuana or LSD.

Missett wanted to do a comprehensive report on the subject, and he proposed to concentrate his investigation at Northwestern University where he believed he could get invited to a marijuana party. Ferrante gave approval to Missett to pursue the investigation.

During the course of several visits to the Northwestern campus, Missett obtained the name of Malcolm B. Spector from a mutual friend, who said Spector might be able to help Missett. Spector testified that Missett met with him in September and suggested that Spector arrange a pot party on the Northwestern campus because CBS was "interested in coming out against the harshness of the marijuana laws." Spector testified:

Missett said they wanted to show ... that it wasn't just poor people who smoke it but rich respectable kids do, too ... that they were not orgies and that people did not do crazy weird things and lose control of themselves

\[\text{\textsuperscript{3}}\]

\[\text{Ibid., p. 247.}\]
and froth at the mouth and all of those things, and he wanted to show people calmly sitting around talking and playing the guitar, show people rolling cigarettes and such, that this would be the kind of thing that they would show to show that marijuana was not as dangerous as it is maintained.

Spector, who said he too was concerned about the harshness of marijuana laws, urged Missett to do a panel type discussion show, but that Missett insisted on doing a pot party story. Spector said that at first he thought he might have misinterpreted Missett's intentions, but Missett confirmed them in a later telephone conversation.

... And we went through it all again ... how many people he wanted ... that the people should be clean cut people, no beatniks, you know--they did not want any real freaky types. ... Are you going to pay them? He said 'no'. Are you going to supply the pot? 'No.' And he said, 'We figured you would have better connections, but we might be able to pay you back for it.'... he tried to coerce me by appealing to my sense of letting down because if I didn't do it. He said to me you are against the laws, aren't you. Why don't you do it?'

Spector then said that if CBS was intent on filming a pot party, the University of Chicago would be the best place because pot smoking was more open there. Missett's reply, in Spector's words:

That is not news. Everybody knows they smoke at the University of Chicago. ... We want to show that people on the North Shore, in Evanston, that the clean-cut Big Ten, Northwestern,
if these people smoke pot—that would be news.

It should be noted that early in WBBM-TV's marijuana investigation, Lawrence Morrone, the executive news producer, had set down guidelines for Missett's investigation. No one was to be urged to do anything he would not normally do; no money was to be offered; no encouragement was to be given the participants; and the reporter was not asked to be invited to film a marijuana party. These parameters for Missett's actions were repeated several times during the pot party filming preparations.

During testimony before the FCC, Ferrante too reiterated that such guidelines were established:

QUESTION: What guidelines did you establish in this instance?

ANSWER: That Mr. Missett was in no way to encourage the forming of a party, in no way to arrange the party ourselves. We could in no way participate except as an observer and we could in no way pay any money or encourage or induce any of the activity. ...

QUESTION: Why did you indicate these guidelines?

ANSWER: I think it is the climate of the times. For the past two years, generally, in broadcast news any responsible news executive is fully aware of the responsibility, so he constantly keeps the staff alert. In Chicago, where we have so many anti-war protest demonstrations, we are constantly alert to any type of staging or inducing, so we constantly alert our people. 

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6 Ibid., p. 52; also statement given by Spector to staff investigators of the Subcommittee in Chicago on November 22, 1967.

In a memorandum to his staff, Ferrante emphasized: "... Just as a reminder, under no circumstances will I tolerate the staging of a demonstration or an incident for our cameras."

Spector said that after Missett had proposed the organization of a marijuana party for filming that he (Spector) became so disturbed that he immediately confided it to his fiancee, later his wife, Sally, and two other couples. One of his confidants submitted an affidavit to the Subcommittee stating that Spector "was highly indignant at the callousness of WBBM-TV in seeking to expose morally innocent students to the considerable danger of discovery and prosecution for the sake of optimum television footage."

Spector said that Missett evinced some interest in an interview with him and an appointment was made for Missett to come to Spector's apartment. However, Spector said, Missett never kept the appointment.

Missett, in his search for a marijuana story, apparently contacted Witness "A" next, whose name he obtained through an editor of the Daily Northwestern, the campus newspaper, which had run several articles about drug use on the campus. Witness "A" also had helped in the preparation of a series of articles on campus drug usage for the Chicago Daily News.

8 Memorandum dated October 27, 1967. This memorandum was primarily directed at the coverage of demonstrations.

9 Affidavit submitted by Daniel H. Garrison to the Subcommittee on May 10, 1968.
According to Witness "A", Missett had read the series of articles and said he wanted to do a similar series for WBBM-TV. Witness "A" testified:

... the importance of the show was to dispell the myths of marijuana, that it wasn't the hippies in the pejorative sense who used it, but it was clean-cut college students from good families, the things we talked over--the students would have no previous criminal records, that some of the things emphasized on the show is most of the students present were dean's list, none of them had police records.10

Witness "A" said that he was to try to get a cross section of students, maybe some girls, boys, teachers. Missett told him a dozen or less were needed.

Witness "A" then contacted a friend of his, Witness "B", whom he asked for permission to use his apartment for the marijuana party filming. Witness "B" was at first reluctant, but finally agreed if Witness "A" could obtain no other location. Witness "A" said he then gathered the people for the party.

... It included one college dropout, a graduate assistant at Northwestern, a teacher, and several northwestern students, and a student from Lake Forest College. ...11

The party was set for filming on October 22, 1967, in the apartment of Witness "B" at 620 Foster Avenue, Evanston, Illinois, a location which later became the subject of considerable dispute as to whether it

10 Pot Party Hearings, p. 61.
11 Ibid., p. 62.
was on the Northwestern University campus.

**The Filming of the Pot Party**

Shortly before 7:30 that evening, the crew, consisting of Reporter Missett, Cameraman Guerin, Sound Engineer Case and Electrician Glickman, arrived at the Foster Street address. Witness "A" said that he arrived at the site early in case the crew needed help in carrying the equipment up to the third floor apartment.

Other students began arriving until there were eight in all. Witness "A" testified that marijuana, hashish, Robatusin—a non-prescriptive drug—in addition to a Pakistani hookah pipe were available for the participants.

Missett had told Witness "A" that the party would be filmed and edited in such a manner that the faces of the participants would not be identifiable. Witness "A" also said that Missett had said that their voices would be distorted to further prevent identification.

With equipment set up, Missett and the camera crew began filming the party which was now in progress. Half an hour into the session, an electrical fuse was blown, which the electrician in the crew finally repaired. The nature of the filming session was described by Witness "A" in answer to questions by Chief Subcommittee Investigator Kelly.

**MR. KELLY:** Did there come a time when he (Missett) read from a sheet of paper some questions?

**WITNESS "A":** Yes, it caused a certain freaking out of the people there.

**MR. KELLY:** It reduced the spontaneity of it?
WITNESS "A": I think he had some regular interviews. All of a sudden he starts reading questions. Nobody knows who they were directed to. Everybody was wondering was this really going on. He mentioned for the process of editing, he was getting clearer questions. They had been written out on a sheet of paper. He did not begin that way. After he started filming—I know it was after he started the recording of the sound—at more than one occasion, he asked for silence, and then just read the questions off. 'When did you use marijuana?' brief pause. 'How long have you been using marijuana, and what are the effects of it?'

MR. KELLY: From your recollection of the kinescope that we viewed here earlier in two parts, do you recall whether the questions that were asked there were the questions you are now referring to him asking from this prepared sheet?

WITNESS "A": Yes, some of the questions he said he would ask, I don't believe were asked. The things we wanted to emphasize, that we understood— with the exception of one student, none had a criminal record. That the accumulated average of the students from Northwestern was slightly over a 3.0—that is a solid high B, and things like that were not asked. ...

MR. MOSS: Do you feel that the format employed by Missett once the actual filming and interviewing commenced was in keeping with his commitments to you made prior to the time you arranged the party?

WITNESS "A": Not the actual questions, but the commitments most important to us were that none of the faces would be at all visible; they would be completely blacked out.

MR. KELLY: And that the voices would be distorted?

WITNESS "A": Yes, I believe that was said, too. ... I called Missett after the first show. I said, 'My face is completely visible.' He said, ...'I saw the show, I don't think even your mother would recognize you.' I said, 'My mother took two seconds to recognize me.' He said, 'I am busy
now, I will get back to you later.' He hung up. That was the last time I conversed with him.12

One of the most startling events of the case occurred after the party had been filmed and the crew was packing its equipment prior to departing. Reporter John Missett purchased a quantity of marijuana from Witness "A", a transaction which Missett did not disclose, even to his superiors, until much later in an additional statement. There are conflicting versions as to his motivation in the purchase of the drug. Missett testified:

... During the filming of the party, John Case, the soundman on the crew, had mentioned to me that he thought it might be wise for one of us to pick up some of the marijuana or whatever substance these individuals were smoking to determine that it indeed was marijuana, and he said I believe the statement was, 'If you don't do it, I think I will.'13

Missett said that the participants in the party had developed severe hunger pangs as a result of smoking the marijuana, which they referred to as the "blind munchies." He said one of the participants asked him for some money so they could go out and get some sandwiches.

And I said, "No I can't do that." He said, 'Well, gee, you mean after letting you film the party you won't even give us a few lousy bucks for a sandwich?' I said, 'You know I can't do that. You know I can't pay you any money.'14

12 Ibid., p. 66.
13 Ibid., p. 238.
14 Ibid., p. 239.
Missett said that he felt on the defensive, now that the party had been filmed, as the participant kept importuning him for money.

He said the participant finally issued what appeared to be an ultimatum: "I am going to give you a nickel bag ... and you give me five dollars." Missett said he gave the participant the five dollars.

The participant then poured some marijuana into a small cup and placed it on a table. Missett testified:

I walked over, picked up the cup, stuck it in my pocket and took about four steps to the door of the apartment which was a third floor apartment, and I stepped into an open porch and it was rather windy and I dumped out the marijuana that was there, and that was the extent of it, that I had it in my possession for no more than fifteen or twenty seconds.\footnote{15}

Witness "A", who admitted selling the marijuana to Missett, had a different version of the transaction.

During the party, at the party's conclusion, Jack Missett asked me if he could purchase some marijuana. I believe at the time he had told me--I know he had told me sometime he had used it before. ... We were broke. So I sold it to Missett. I should have realized it then, but at the time I was high. I realize that he probably wanted it to be able to prove later that actual marijuana had been smoked. But he did not tell me that. He asked me.\footnote{17}
Both Case and Guerin testified that they had witnessed the transaction. Case said it was he who suggested to Missett that they obtain a quantity of marijuana. Both confirmed Missett's denial that he had read questions from a paper or issued instructions to the participants in the pot party.

Once the film was brought back to the station and processed, it was edited extensively by Morrone and Harris. Out of one hour of film shot at the party, only a total of fourteen minutes was used. The remaining outtakes were destroyed prior to the broadcast.

It was at this point that Ferrante decided that the report would be presented in 2 parts and Morrone thought that the views of the experts were needed to present a balanced view of the controversial issue. Ferrante informed Kenefick, the station manager, of the content of the film and he, too, agreed that the program should be balanced with appropriate expert views.

As a result, Charles Ward, chief of the Federal Narcotics Bureau, Midwest Division, Chicago, and Dr. Jerome J. Jaffe, a psychiatrist specializing in the effects of drugs, were contacted. Missett interviewed them at the end of October, more than a week after the filming of the marijuana party.

Missett did not tell Ward that the marijuana party had been filmed, and Ward said later that had he known the nature of the film the Narcotics Bureau probably would have declined the interview.

Once the entire program was put together, Ferrante and Kenefick viewed it on closed circuit television. Kenefick suggested some re-editing to adhere to Missett's promise of anonymity, and this re-editing
was done.

Ferrante informed Bruce J. Bloom, WBBM-TV's advertising manager, of the program, and Bloom designed some newspaper layouts to advertise the program. Kenefick suggested that the title of the program, "Pot Party at Northwestern," be changed to "Pot Party at a University," so as not to single out Northwestern, since the program purported to be typical of many universities and colleges. Bloom spent a total of $3,635 on newspaper advertisements. The amount spent on advertising was Bloom’s decision, although Kenefick was kept fully informed.

In addition, spot announcements promoting the pot party film were run on WBBM-TV on October 31, November 1 and 2, and Bloom alerted the television critics of the four major Chicago newspapers of the upcoming film sequence. Bloom also invited Dean Gysel, TV critic of the Chicago Daily News, to preview the film, although at about the same time a representative of Northwestern was denied a preview request.

The request was made by Sam Saran, director of public relations for the university, who contacted Ferrante. Saran apparently was angry because a marijuana party had been filmed on the campus without WBBM-TV representatives consulting Northwestern officials. Ferrante turned down his request to view the film, and Saran reported this to Franklin M. Kreml, vice president for planning and development.

On October 31, 1967, Kreml arranged an appointment with Ferrante and Kenefick in the latter's office. Kreml asked them to delete Northwestern's name from the filmed report, pointing out that such a report could have an adverse effect on a potential donor to the university who,
"being an older man, unsophisticated and not at all in tune with young people, might ... withdraw ... his pledge for that money, "according to Kenefick's testimony. The potential donation approximated half a million dollars.

Further, he (Kreml) felt that we had been used by a Communist conspiracy. We asked him to amplify that statement. He could provide us with no tangible evidence of the fact that the students involved, or anyone else, had a Communist background. He said he could prove his allegations if he had $50,000 to conduct a full scale investigation. ... I felt conclusively he was under very forceful instructions to do everything possible to have Northwestern's name deleted because of the fund-raising effort. 19

Kenefick told Kreml that he would take the matter under advisement. Neither Kreml or Saran prior to the broadcast suggested in their conversations with Ferrante and Kenefick that the pot party had not occurred on the Northwestern campus or that the party had been staged for the WBBM-TV cameras.

After the conference with Kreml, Kenefick and Ferrante decided to recheck Missett's account of the filming of the pot party. They questioned Missett separately to determine if any encouragement or inducements had been offered the participants in the party, and to determine if the party had taken place on the Northwestern campus. Kenefick's conversation with Missett lasted two hours.

18
Ibid., p. 171.

19
Ibid.
Later Kenefick instructed Ferrante to check on Missett's record as a student at Northwestern to determine whether Missett would have any reason to try to embarrass the university. Ferrante made a check and reported that Missett's record at the University was good, and he apparently would have no reason to try to discredit the university. Both Ferrante and Kenefick were satisfied that Missett's statements about the filming of the party were accurate. It was on the basis of these conversations, held on November 1, 1967, that the WBBM-TV management decided to proceed with the broadcast of the pot party as previously planned.

**Events After the Pot Party Broadcast**

The charge that the pot party was staged was first made by Northwestern University on November 2, the day after the initial broadcast of Part I. The university's department of public relations issued the following statement to Chicago daily newspapers:

... The film report and broadcast by WBBM-TV News Wednesday which purported to show a group of former and present students of Northwestern University smoking marijuana in an Evanston apartment was staged by the participants and others for the station's filming. Since the possession of marijuana is a criminal offense under the statutes of the State of Illinois and the Criminal Code of the United States, the staging of such an activity was itself a criminal offense. ... The University has instructed its counsel to request the assistance of the State's Attorney of Cook County and the United States District Attorney in instituting such legal action as may be required to apprehend and present for prosecution those allegedly guilty of this offense, either as
Ferrante again questioned Missett, this time about the Northwestern charge of staging. Missett's answers apparently convinced him the allegations were false, but he then called Kenefick who was at a meeting with other CBS executives in Washington. Kenefick already was aware of the charge, apparently from wire service reports. He discussed it with John Schneider, president of the CBS Broadcasting Group, and Robert D. Wood, president of the CBS Television Stations Group.

Neither Schneider, Wood, Kenefick nor Ferrante discussed the possibility of not broadcasting Part II of the pot party. However, Ferrante wrote a denial of the staging charge which was read prior to the showing of Part II on the 10:00 P.M. news on November 2, 1967. Ferrante, before he wrote the disclaimer, questioned Missett again, and was satisfied the charge was without foundation.

On November 2, a telephone coincidental survey was ordered by WBBM-TV for Part II of the pot party. Kenefick at the Washington meeting approved the telephone survey in a conversation with WBBM-TV's sales manager. Kenefick was given the results of the survey the next day, and they showed that WBBM-TV achieved a higher audience rating in the 10:30-10:30 P.M. time period, a period when the CBS station had previously lagged considerably behind its NBC competitor.

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News Release from Department of Public Relations, Northwestern University, to Chicago daily newspapers, November 1, 1967.
Dr. Frank Stanton, then president and chief administrative officer of CBS, first learned of the WBBM-TV pot party on November 2, from a wire news story. He called Richard W. Jencks, head of the CBS Law Department and asked him to get the facts. He made the same request of Schneider. Aside from a general description of the program furnished by Schneider, Stanton knew virtually nothing of the events of November 2 at that time, and he subsequently left the CBS investigation to the CBS Law Department.

Representatives of CBS spoke to officials of Northwestern University, the State Attorney's office, law enforcement officers and WBBM-TV employees. Testimony showed that at no time, however, did CBS attempt to interview the participants in the pot party or to determine their identities.

As the FCC and Subcommittee have noted, CBS spoke to only one person with actual knowledge of the facts concerning the allegation of staging—John Missett. CBS defended this omission by stating that the decision to honor Missett's promise of anonymity to the participants was made by the CBS Law Department and other legal counsel. Dr. Stanton, in his testimony before the FCC, articulated CBS' general policy of protecting the CBS newsmen's sources of information. For this reason, CBS never attempted to determine the names of the participants in order to corroborate Missett's version of the facts, and, in addition, never attempted to interview any of the participants when their identities became known to CBS.

In November, 1967, the Federal Communications Commission initiated a series of inquiries concerning the broadcast, as did the special sub-
committee. Dates of these hearings already have been noted in this chapter. The FCC hearings were postponed until the Special Subcommittee could complete its investigation and hearings.

**Findings and Recommendation of the Subcommittee**

The findings and recommendations of the Special Subcommittee and the FCC concerning the pot party will be considered separately. Variations of agreement will be noted when they appear to be significant.

**The Issue of Staging**

WBBM-TV and CBS officials contended throughout the hearings that the pot party was not staged. Missett, the central figure in the investigation, consistently denied that he contrived, induced, encouraged or influenced the holding of the pot party.

The Subcommittee in its report, however, took blunt exception to these denials.

The record of the hearings before the Special Subcommittee indicates that the licensee contrived and staged the filming of Pot Party, so as to enhance its news ratings for the time periods involved and thereby increase its advertising revenues. In appraising the basic question of whether the licensee was more interested in exposing the social evils of pot than in increasing its sales of commercials, it is necessary to consider that WBBM-TV pursued the unusual course of obtaining a special audience survey from the American Research Bureau, Inc. (ARB), covering the Thursday 10 to 11 P.M. hour during which the pot party was broadcast.21

The Subcommittee report declared that this was an unusual procedure, since such surveys are usually ordered by sponsors. In addition, according to the Subcommittee, WBBM-TV had been trailing its chief competitor, WMAQ-TV, by ten points in the ratings for this particular time segment. The ARB survey disclosed that the pot party broadcast had converted this deficit into an eight-point lead, a shift of eighteen rating points.

The Subcommittee leveled sharp criticism at the FCC for permitting "a vast concentration of control of broadcast media to fall into the hands of a few networks, and industrial and publishing complexes."

... An evil of such monopoly is the serious danger that listening and viewing audiences will be subjected to a constant drumfire of news and other programs designed to serve the private interest of the broadcast licensee rather than the public interest, which is the purpose underlying the free grant of such licenses.

Accordingly, the subcommittee suggested that Congress undertake a far ranging study of the elements which now contribute "to the objectivity and reliability of news events, commentaries and other programs which may be endangered by private interests. ..."
CBS Policy Concerning the Reporting and Commission of Crimes by Broadcast Station Licensees

The Subcommittee noted that Missett and WBBM-TV may also have been implicated in the crime they were televising, although CBS counsel denied that any of its employees had violated the law. The Subcommittee pointed out that testimony showed that Missett had purchased a quantity of marijuana, a violation of both state and federal law, and that as a result of this purchase the station may also have violated Illinois law. In connection with the staging of the pot party, according to the committee, WBBM-TV could well be held responsible, also, for the following acts:

1. Encouraging others under 21 years of age to unlawfully possess, control, administer and dispense marijuana. (Two of the participants in the pot party were under 21 years of age at the time WBBM-TV filmed the program on October 22, 1967).

2. Consenting to unlawful administering, dispensing and giving of marijuana and arranging to have it unlawfully administered, dispensed and taken.

3. Defrauding the public by representing a program as bona fide news which, in fact, was not.


5. Failing to operate, as licensed, in the public interest.

6. Competing by means of unfair and deceptive acts. (italics supplied). 25

25 Ibid., p. 11.
The Subcommittee stated that despite Missett's admission of a felony—the purchase and possession of marijuana—CBS has offered no comment about his alleged misdeed. "Indeed, a CBS curtain of silence has surrounded Missett's violation of the law since it was revealed in April, 1968."

**CBS Policy and Views on Broadcasting Criminal Acts**

The Subcommittee found from testimony that the CBS station instigated a series of crimes when it asked Witness "A" to set up a pot party, so that the station could film and broadcast it as news. Testimony further showed, according to the committee report, that CBS did not have a policy with respect to investigative reporting where it has advance knowledge that the event to be covered constitutes a crime. Nor does CBS have a policy in connection with the commission of a crime by station personnel in the course of making their investigation. Such a policy, however, was later set forth by CBS. In the past, according to testimony by Ferrante, Guerin and Case, WBBM-TV always worked with law enforcement authorities and obtained clearance before proceeding to film events in which there was knowledge that a crime was to be committed.

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26 Ibid., p. 12.

27 See Chapter VII, "Project Nassau."
Dr. Stanton testified that the CBS policy with this regard "depends on the situation ... is a matter of news judgment" or a "matter of determination of what kind of act it is." The Subcommittee said that in his view the public would be denied information it has a right to know if news media had to relay prior knowledge of an impending crime to the proper authorities before covering the event.

Dr. Stanton and Edward Kenefick ... both testified that although station officials had known three weeks in advance that a crime was to be committed, the authorities were not advised because then WBBM-TV would have had no story.  

FCC Views on Broadcasters Participation in a Crime

Subcommittee members also asked members of the FCC who testified whether they felt that a broadcast licensee should participate in the commission of a crime in order to obtain a news story. Chairman Hyde expressed his opinion as follows:

I would say that what should be done in any given instance would have to depend upon the particulars of that case. I would not think that there should be a general rule that under no circumstances should a reporter be permitted to expose the crime itself rather than to notify the police and perhaps prevent a violation. ...  

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28 Pot Party Hearings, p. 166.

29 Pot Party Report, p. 13; also Pot Party Hearings, pp. 197, 301.

30 Pot Party Hearings, p. 331.
The FCC chairman added that he could "envisage the possibility" where the greatest good could be achieved by exposing a crime, knowing in advance it is going to occur, without taking steps to first notify the authorities.

Impact of Pot Party Ratings on WBBM-TV News Programming

The Subcommittee in its report pointed with considerable emphasis to WBBM-TV's competitive jump of eighteen rating points in the pot party time slot.

The Pot Party record is clear that the broadcast licensee, WBBM-TV, was at least as vitally interested in enhancing its rating posture, and thus its advertising income, as it was in its self-proclaimed mission of exposing the social evils of youthful drug addiction. The Special Subcommittee emphasizes that ratings should not be permitted to detract from a licensee's obligation to present news objectively. The staging of events in order that a station may secure higher ratings subordinates the public interest to brazen private greed. ... 32

The Subcommittee report said that it is the public duty of the broadcast licensee to present news and public affairs with complete fairness and objectivity and to guard against allowing advertising revenue to influence informational programs.

31
Ibid., p. 335.

32
Pot Party Report, p. 15.
Other General Findings

The Subcommittee criticized the delay and scope of the FCC investigation, but it acknowledged that the FCC was ill-equipped with manpower and budget resources to "oversee the multi-million dollar broadcasting industry and insure that it operate in the public interest."  

FCC members in testimony before the Subcommittee testified that only six investigators are employed by its Broadcast Bureau to look into the thousands of complaints received by the commission each year. Only three of these investigators were available for the pot party investigation.

... the lack of sanctions imposed by the FCC on broadcast licensees over the past decade clearly attests to the lack of forceful regulation. It highlights, moreover, the critical shortage of manpower and money which frustrates Commission efforts to do the job entrusted to it by Congress. ... Thus, as the broadcasting industry grows fat off the land, its public watchdog, the FCC, has become dwarfed into a state of virtual ineffectuality. 34

The Subcommittee criticized WBBM-TV for destroying the out-takes of the pot party film before the film was broadcast. They said that out-takes are the best evidence of whether the news presentation has met the public interest standards of objectivity and fairness imposed on station licensees under the Communication Act.

33Ibid., p. 18.

34Ibid., p. 19.
The Subcommittee, in a survey by its staff, found that other stations throughout the country retain out-takes for a period ranging from one week after broadcast to permanently. CBS President Stanton took issue with this, saying: "We stand by what we had on the air, and that is the thing I think we should be judged on and not what is on the cutting room floor."

FCC Chairman Hyde testified that the Commission had no rule directly relating to out-takes.

The Subcommittee in its finding also criticized WBBM-TV's permission for the TV critic of the Chicago Daily News to preview pot party while denying a similar request from two Northwestern University officials, Sam Saran and Franklin Kreml.

In its concluding finding, the Subcommittee characterized the CBS' own investigation of staging allegations as "superficial":

1. CBS did not keep a written account of their investigations. ...

2. CBS did not interview Malcolm Spector or any of the Pot Party participants and intermediaries, although the identity of most of these individuals was known to CBS at the time.

3. CBS placed heavy reliance on the statements of John Missett, to discover whether or not he staged pot party, even after he admitted withholding information from them for five months about his purchase of marijuana. ... 37

35Pot Party Hearings, p. 144.

36Pot Party Report, p. 22. 37Ibid.
FCC Chairman Hyde, in his testimony before the Subcommittee, stated that the broadcasting licensees, not the FCC, should insure the integrity of the news function.

The Subcommittee took a different view, pointing to House 38 Report Number 1258, which the Subcommittee felt warranted further consideration in light of Pot Party:

The Subcommittee feels that it is not reasonable to expect persons who have profited in the past from deceptive use of the airwaves ... to become vigorous guardians of the public interest. ...

It now becomes the duty of Congress and the Commission's concern promptly to enact and enforce measures which will insure that the public, and not private, interest is paramount in determining how licensed broadcast facilities will be used.39

Legislative and Other General Recommendations

The Subcommittee made the following legislative and other recommendations as a result of its investigation and hearings on Pot Party:

1. Section 509 of the Communications Act which prohibits deceptive practices in connection with contests of intellectual know-


39 Ibid., p. 35.
ledge, skill, or chance, should be amended to prohibit falsification in news broadcasts.

2. Section 312 of the Communications Act should be amended to make the commission of a crime by a licensee, or any willful and repeated violation of any state, federal or local law, sufficient cause for license revocation.

3. A new section should be added to the Communications Act prohibiting a television station from allowing previews of news interviews, news documentaries, special news features or news reports, which are to be broadcast subsequently, unless all interested parties, upon request, are accorded equal opportunity to preview such programs.

4. A new section should be added to the Communications Act requiring that television station licensees retain for inspection by duly constituted authorities, visual records such as film kinescopes, or tape of all programs shown on the station and all film edited out of interviews, news documentaries, special news features, which have been broadcast, for a period of at least six months.

5. The record discloses that ratings have a serious influence on news broadcasts. The Committee should determine and report what limitations, if any, should be imposed upon news programming and commercial sponsorship of such news shows.

6. The Subcommittee recommended a substantial increase in the budget of the FCC which, by current standards, is woefully inadequate to protect the public interest. It emphasized this critical need for more money and manpower if the commission is to be an effective regulatory instrument. The Subcommittee added:
... Nor has the committee overlooked the fact that informed critics assert that the FCC is an obsolete, institutional device of the '20s which should be scrapped and replaced by a regulatory apparatus more in keeping with the realities of contemporary enterprise.40

Congressman Brown, Harvey, Hastings and Ottinger expressed minority views by declaring that the "committee has over-reacted by over-recommending. The cure is worse than the illness." They pointed out the difficulty of imposing a test of truth upon news broadcasting, and there is no clear, simple, universal standard of journalistic truth.

The press does not lose its right to publish because what it may publish may be untrue. In other words the press has the right to be wrong. And that right is in the 'public interest.' To suggest that WBBM's 'pot party' may have been prearranged or staged does not, per se, indicate that it was not a reasonably accurate representation of an occurrence worthy of public attention and concern.42

The minority group expressed criticism and dissatisfaction with the other recommendations made by the majority. Separate views were written by Congressmen Van Deerlin and Adams. Congressman Keith expressed additional views, and Congressman Eckhardt expressed a dissenting opinion.

41 Ibid., p. 33.
42 Ibid., p. 35.
The FCC Findings and Recommendations

The FCC's Chief Hearing Examiner, James D. Cunningham, in his findings of fact and certification of record to the Commission, released August 30, 1968, held that the Pot Party was pre-arranged and would not have occurred except at the behest of Reporter John Missett. The Commission in its report adopted May 15, 1969, upheld the Chief Hearing Examiner's findings to the extent that they were not inconsistent with the Commission's decision. The Commission indicated it would confine its decision to the main issues.

The FCC decision delineated the main issues raised by the case as:

1. The issue of staging news events, together with the issue of investigative news reporting in situations involving the commission of a crime.

2. The issue of staging news for the purpose of "hypoing" audience ratings.

3. The issue of licensee responsibility in this type of situations.

The Commission decision pointed out some of the many difficulties in evaluating the improper staging of news events by referring to a letter written by the Commission to the networks on February 29, 1969:
... In a sense, every televised press conference may be said to be staged to some extent; depiction of scenes in a television documentary—on how the poor live on a typical day in the ghetto, for example—also necessarily involves camera direction, lights, action, instruction, etc. The term 'pseudo event' describes a whole class of such activities that constitute much of what journalists treat as news. Few would question the professional propriety of asking public officials to smile again or to repeat handshakes, while the cameras are focused upon them. In short, while there can, of course, be difficult gray areas, there are also many areas of permissible licensee judgment in this field.43

The Commission in this letter to the networks, set forth its definition of staged news: "... a purportedly significant event which did not in fact occur but rather is 'acted out' at the behest of news personnel..."

However, the Commission said that the WBBM-TV case presented a different aspect of staging. "We are not involved here with a news event which did not in fact occur but rather was acted out at the behest of the news personnel." In a sense, then, the party was, as stated by one of the participants in a subsequent interview with the Northwestern University campus radio station, authentic—it was not staged by actors or non-students who did not smoke marijuana.

43 16 F.C.C. 2nd, p. 656. 44 Ibid., p. 657.
45 18 F.C.C. 2nd, p. 132.
46 Transcript of audio tape broadcast on Northwestern University Station WNUR-FM. The interviewer was Jack Cummins of the news staff. The interviewee, a participant in the Pot Party, was not identified.
Furthermore, the Commission decision noted, "the public obviously was aware that the party was being held with the television camera as a major factor. ... In short, the public thus knew fully that this was a televised pot party--an inherently different event from a private, non-pot smoking gathering."

But the Commission concluded that there was deception of the public in one significant respect. This opinion by the Commission was based on WBBM-TV's categorical denial that the party was staged for their cameras; they insisted that they had been invited to the party.

... In short, it would appear that the station was telling the public that it had not induced the holding of the party for its cameras. As we have found, contrary to management's instruction, that is what did happen here--Missett did induce the holding of the party. Without Missett's activities, these particular persons would not have gathered to smoke marijuana at this time and place. ...

The plain fact is that had WBBM-TV known of Missett's actions in inducing the holding of the party, it clearly would not have broadcast the film of the party in the first instance. ...

The Commission in its decision emphasized that the broadcast licensee is not automatically barred from investigative journalism involving situations where there is unfolding a commission of a crime. "Of course there are situations where, rather than determining that

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18 F.C.C. 2nd, p. 133.

48
Ibid., pp. 132,133.
the investigative journalistic effort should be undertaken, the licensee would have to notify police (e.g. mugging, robbery, or other violent situations where a participant's life or safety or someone's significant property interest was at stake) ... "

The Commission compared print journalism with broadcast journalism in this respect, and noted that the former has long enjoyed such a right. Broadcast journalism, the Commission said, is equally entitled under the First Amendment to show through investigative reporting that substantial segments of society are flouting a particular law. The Commission deemed it proper that WBBM-TV could use television coverage of the pot party to graphically point out the widespread nature of drug violations on college campuses. But the station could not properly induce the holding of a pot party, that is, induce the commission of a crime.

On this first issue, the Commission held in summary:

... while the pot party was authentic in many respects and thus cannot be deemed a flagrantly staged event or outright fraud on the public, it would appear that it was misleading in that the public was given the impression that WBBM-TV had been invited to film a student pot gathering which was in any event being held, whereas in fact, its agent had induced the holding of the party ... the film should not have been made because inducement of the commission of the crime involved, as the licensee recognizes, is improper and inconsistent with the public interest. ...

49 Ibid., p. 134.
50 Ibid.
The Issue of Staging News Events for the Purpose of Hypoing Audience Ratings

The FCC decision on this issue departed sharply from the conclusion reached by the Special Subcommittee. The Commission pointed out that the question presented by the pot party was not whether a larger than usual audience was sought and attracted, but rather whether WBBM-TV staged, as opposed to reported, news in order to increase its audience ratings.

The Commission held that the persons responsible for presenting the program, placing the newspaper advertisements and ordering the telephone coincidental survey had no knowledge of any improper conduct by Missett concerning the arrangements for the party. "It follows logically that WBBM-TV's management cannot be found to have staged or induced the party in order to hypo the ratings of its news program."

The Commission also said there was other independent evidence that the program was not presented to hypo the audience ratings: the telephone coincidental survey was ordered at the last minute on the day of the first broadcast; and during more than fifteen minutes of the half hour surveyed, WBBM-TV was presenting an academy award movie which would have been expected to attract a larger than usual audience.

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Ibid., p. 138.
The Commissioner added that the survey would have been unproductive if the aim had been to determine the audience attraction of the pot party film because it would have been impossible to determine whether the 10:00 to 10:30 P.M. WBBM-TV audience watched the end of the movie or watched the news program which followed at 10:17 P.M.

The mere fact that WBBM-TV's audience ratings for this time period for the month of November, 1967, improved vis-a-vis those of its competitors does not, in our view, demonstrate that the marijuana party was presented for the purpose of hypoing WBBM-TV's ratings.52

The Commission said that it was an entirely different question if WBBM-TV presented a sensational news program in order to increase its audience ratings. But the Commission emphasized that this involved a matter of journalistic judgment by the licensee and is subject to review by media critics and students, but not by the FCC.

Licensee Responsibility
In This Situation

Although the Commission decision held that WBBM-TV was not aware of Missett's activities to encourage or induce the party, and that these activities were contrary to management instruction, it emphasized that WBBM-TV was responsible for the conduct of its employees.

The FCC decision took CBS to task for failing to have any written policies in the sensitive area of investigative reporting. This policy was left to the judgment of the station manager. The Commission recommended that CBS and other licensees set out the basic policy.

52 Ibid., p. 139.
Top management should make clear the general guidelines for all of its stations. Furthermore, the Commission said, top management should also set out the general guidelines for the implementation of these policies.

In the WBBM-TV case, however, the Commission found no lack of policy direction to Missett, and this policy against staging news events, mainly in connection with demonstrations, was reduced to writing in Ferrante's memo to the news staff on October 27, 1967:

"...The key at all times to whether the station was proceeding properly was Missett's activities in making arrangements with the participants. But as to this factor, it placed its entire reliance on Missett, a young ambitious reporter. ... It never sought to have any check by Ferrante or Morrone on the crucial activities or arrangements of Missett with the participants. ... In short, in view of the sensitive difficult nature of the assignment, we cannot find that WBBM-TV acted responsibly in replying solely upon a very young, new reporter. ..."

More importantly, the Commission criticized WBBM-TV's denial of staging charges by Northwestern University without first checking the critical factor of arrangements made by Missett with the participants. The Commission felt it was incumbent upon the station management to check with one or more of the participants in the party to determine the nature of the arrangements made by Missett. In addition, the Commission stated, the promised anonymity of the participants could have been respected, too.

53 Ibid., p. 136.
Even after the station had been called upon to investigate the matter and submit a report to the Commission, WBBM-TV officials did not contact any of the participants in the party, according to the Commission. "... Its investigation--and its conclusion that there was no misconduct--was fatally defective so long as it continued to avoid the one vital action--inquiry of the participants as to what Missett's activities had been."

Conclusion and Recommendation

In the concluding paragraph of its decision, the Commission recognized the gravity of governmental action:

... We are in the sensitive news field and fully recognize that we must tailor our actions to serve the public interest in the most robust, wide-open debate--the underpinning of the First Amendment. Here there has been a serious mistake and an inadequate investigative report to the Commission, which occurred because of deficient policies in the field of investigative journalism. The license of WBBM-TV is not in jeopardy because of these mistakes. But ... CBS should set forth promptly and to the extent appropriate and feasible, for the guidance of its personnel, its policies (including especially those with respect to its supervisory responsibilities), in order to make every reasonable effort to prevent occurrence of this type of mistake.

Such a policy from CBS was not forthcoming, however, until its documentary unit was involved in the Project Nassau investigation, and the Special Subcommittee on Investigation found this policy inadequate.

54 Ibid., p. 137.  55 Ibid., p. 139.
The FCC decision on the pot party broadcast was not unanimous, and its implications sent repercussions of shock throughout the broadcasting world.

Broadcasting Magazine, a trade publication uncharacterized by penetrating analyses of the faults of the industry, delivered a diatribe against the pot party investigations, particularly the one conducted by the Subcommittee:

... To judge by their sanctimonious statements, some sub-committee members were shocked to learn that WBBM-TV filmed the criminal act of marijuana smoking without calling in the police. It is left for us to wonder whether those congressmen can possibly be aware that investigative reporting in any journalistic medium frequently requires newsmen to protect unsavory sources. Or is it possible that these same congressmen—and perhaps others in government—have in mind the suppression of aggressive reporting on radio and television. Federal harassment such as WBBM-TV is now enduring can lead only to the neutralization of broadcasting as a journalistic force.\(^5^6\)

Commissioner Kenneth Cox, while in general agreement with the majority decision, issued a separate statement in which he commended WBBM-TV "for its effort to illuminate an important and pervasive problem." He added that while WBBM-TV might have handled the matter differently, he did not think it induced a crime in the real sense of the word, and he said that the station should feel free to continue such


\(^{57}\) 18 F.C.C. 2nd, p. 142.
investigative reporting. He stressed the need for clearer policies
by licensees in this area, and for their full and complete investi-
gation of alleged violations in response to inquiry by the FCC.

Commissioner James J. Wadsworth issued a concurring state-
ment in which he expressed shock at the evidence disclosed by the
investigation. "I do not think the majority opinion is strong enough.
I agree that it is not our purpose to discourage or inhibit legitimate
investigative reporting, but I think it should be made clear that the
licensee here, as well as all other licensees, must have a specific
policy for the guidance of their personnel ... that they may in no
way stimulate the commission of a crime under the aegis of investi-
gative reporting."

Commissioner Nicholas H. Johnson, ironically an outspoken
critic of "Media Barons", attacked the majority decision in a lengthy
and strongly-worded dissenting opinion. Johnson viewed the important
role of the FCC as one of evolving rules and standards for proper lic-
ensee behavior in the field of investigative reporting. He charged
that the FCC has largely disposed of allegations of improper broadcaster
behavior in a haphazard way. He proposed a three-fold approach to the
broad range of news staging problems:

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Ibid.
1. The Commission must evolve, clearly and rationally, precise standards that all can understand.

2. It must apply these standards fairly and consistently to all licensees, regardless of their size, importance, or economic power.

3. It must assume the responsibility of providing public understanding of its decisions.

Johnson said the FCC has failed each of these responsibilities.

In his dissenting opinion, Johnson attacked the majority’s guidelines for investigative reporting of illegal acts. He interpreted these guidelines, in essence, as prohibiting broadcast licensees from investigating, filming, broadcasting, or inquiring into certain newsworthy events if three conditions are present:

(1) The event in question was illegal; and either (2) the licensee induced (i.e., encouraged, solicited or prearranged) the occurrence of the event in question; or (3) the licensee was obliged not to film or report the event, but rather to disclose its impending occurrence to the police in advance.

He stated that the guidelines clearly warned all licensees not to engage in investigative reporting which exceeds the guidelines contained in the majority’s decision. "In any event, it is clear to me that the majority's decision will effectively chill or deter broadcast stations from engaging to the fullest extent in broadcast investigation and journalism. For these reasons it may well be unconstitution-

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 Ibid., p. 148.
Johnson enlisted the support of a large body of legal precedent to support his contention of constitutional deficiencies in the majority decision. It is not within the focus, scope or legal competency of this chapter to evaluate his allegations of unconstitutionality, since this properly lies within the domain of the courts and students of jurisprudence.

Johnson accused the majority decision with failing to grapple with the entire field of broadcast news staging by defining and distinguishing all of the separate and diverse elements that pervade the area.

In his dissenting opinion, Johnson offered a framework for the analysis of the complicated issue of news staging under three topic headings: (1) impact of the media on the occurrence of newsworthy events; (2) the illegality of the event; and (3) disclosure to police.

**Impact of the Media on the Occurrence of Newsworthy Events**

Johnson suggested some distinctions between the ways in which the presence or conduct of television influences events:

1. Hard news events, such as fires, floods, traffic accidents, which would occur without (or despite) the presence of the media.

2. Events which would occur without the presence of the media, but which are altered through their presentation simply because they must be reproduced through an electronic journalistic medium.
Johnson pointed out that television lights change the shadows and skin tones of the face, and microphones amplify voices.

3. Events which would occur without the presence of the media but are distorted, edited, slanted, or censored by the media in the process of presentation. No two film editors will delete the same material or select precisely the same material for presentation. Thus the final product is the result of the tastes and attitudes of several persons. Johnson said that the essential point is that the presence of the media does not cause the events to occur, but that the media may depict them more or less accurately.

4. Events that would have occurred without the media, but which are altered by those planning the events to suit the convenience of the media. Johnson enumerated press conferences, demonstrations and the like as examples. Boorstin has described these as "pseudo events."

5. There are events which would have occurred anyway, but representatives of the media take the initiative in arranging the time, place, participants, etc. of these events.

6. Events which are planned by others, but would not occur without (but for) the presence of the media. Many news conferences undoubtedly would be cancelled if media representatives failed to show up, or if there was little possibility that they would appear.

60 Boorstin, The Image, p. 9.
7. Events caused exclusively by television, such as panel discussion shows in television studios, the results of which are reported by wire services and newspapers.

8. And, finally, there are events, according to Johnson, that indirectly result from the sheer presence of mass media in our culture. He cited as an example a riot which is "in an important sense a form of communication--someone crying out for attention and the opportunity to be heard." He added that it "Might not happen if ghetto residents had access to the media."

The Illegality Of the Event

Johnson acknowledged the majority’s distinction between types of conduct relating to the duty of licensees to disclose an impending crime, but he felt that it failed to make a similar distinction in the type of conduct broadcast newsmen can legitimately influence.

Apparently, therefore, so long as the newsmen induced or encouraged the occurrence of the illegal event in question to some extent, it does not matter whether the event involved a crime of violence ... or not--the broadcast of either is equally proscribed.63

Johnson said that he felt this approach failed to acknowledge the relatively common distinction between crimes with and without victims--those who suffer from the criminal acts. In other areas, he said, there may be crimes without victims, in the conventional sense,

61 18 F.C.C. 2nd, p. 158.  
62 Ibid.  
63 Ibid., pp. 158-159.
such as gambling, prostitution, sexual conduct between consenting adults, etc. "In all of these cases, the individuals consent to the occurrence of the crime, and therefore are not injured against their will."

Johnson suggested that "... in the areas of staging illegal events which involve important social problems, we might consider giving the media greater latitude where those events involve criminal offenses without victims."

Disclosure to The Police

Johnson further suggested that where the offense is a crime without a victim, the obligation society places on the reporter to disclose the crime in advance may be substantially lessened. He noted that the tort and criminal law generally do not require individual citizens to warn others of impending danger, and he asks why the majority decision is willing to impose this duty on newsmen without discussion. He admits that this obligation may be contained in the broadcast media's statutory obligation to operate in the public interest. He also admits he has no answer to this problem.

64 Ibid., p. 159.
65 Ibid.
Johnson points out that causation, illegality and disclosure are certainly not the only elements relevant to news staging. He suggests that another might be the extent to which some staging is permissible so long as the fact is disclosed to the public. In some cases, of course, it is obvious to the public that the media arranged an event, and no public disclosure is necessary.

... The media, however, at least have the duty not to inform the public they are seeing a spontaneous event when in fact it was pre-arranged by the media. ... I can only hope that public scrutiny will eventually lead to the evolution of what is and is not acceptable journalistic behavior. Once established, standards of news reporting will help remove the widespread current cynicism that greets the present product of the networks and the establishment press. ... I believe the guidelines adopted by the majority are excessively vague and imprecise--and therefore will trench upon the freedoms of speech and press to an impermissible extent. ... This Commission should bend over backwards to encourage courageous investigative journalism--not to reach out to stifle it. I dissent.66

Summary

This chapter has outlined in chronological, synoptic form the significant events preceding and occurring after the pot party broadcasts, as well as the principals involved in this widely publicized case of alleged news staging of an illegal event. The investigations, findings, conclusions and recommendations of the Subcommittee and the FCC have been detailed in considerable length.

66 Ibid., p. 160-161.
The next chapter will deal in depth with one of the strangest annals in the history of television news documentaries, "Project Nassau," a program that never reached the air, but was the subject of a wide-ranging and exhaustive investigation.
CHAPTER VII

PROJECT NASSAU

Introduction

On January 2, 1967, a motley band of Cuban and Haitian expatriates, together with a sprinkling of American adventurers, was arrested by United States authorities as they prepared to embark from Marathon, Florida for an invasion of Haiti.

Their objective was to depose the government of Haitian President Francois (Papa Doc) Duvalier, and to assassinate him. United States agents seized the group, together with a large supply of arms, ammunition and explosives, just as the expedition was preparing to get under way.

The leadership of the expedition was ultimately tried and convicted of a conspiracy to violate both the Neutrality Act and the Munitions Control Act on November 16, 1967. These convictions were upheld by the U. S. Court of Appeals for the Fifth Circuit on July 8,

1 Title 18, United States Code, Section 960.
2 Title 22, United States Code, Section 1934.
1969, and a petition for certiorari was denied by the U. S. Supreme Court on April 6, 1970.

Thus ended (with the exception of a subsequent Congressional investigation) one of the strangest chapters in the history of television news investigative reporting. It involved international intrigue and espionage, plots and counterplots, gun-running and firearms accidents, deception and anivete. Indeed, at times it appeared to be the misadventures of a serio-comic band of amateur conspirators straight from the pages of a badly written cloak and dagger spy thriller.

More importantly, it raised serious allegations concerning the nature and extent of the Columbia Broadcast System's News Division's involvement in this matter. In general, these allegations charged that CBS News was a party--either by design or negligence-- to the staging of artificial events which were to be presented on national television as bona fide news events, and that the network news division itself engaged in illegal activities which furthered the purposes of the conspirators. CBS denied all of these allegations.

"Project Nassau", the code name given to the preparation of this proposed documentary, was terminated after eight months of work and the expenditure of more than $200,000. It was never broadcast.

Investigation of the incident and CBS' involvement in it was

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3 Casey, et al vs United States, 413 F. 2d. 1303 (5th Cir. 1969).

4 319 U. S. 1029.
undertaken by the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives. Representative Harley O. Staggers of West Virginia was and is chairman of both committees. Members of the Subcommittee included Representatives Samuel N. Friedel, Maryland; Torbert H. MacDonald, Massachusetts; John Jarman, Oklahoma; John E. Moss, California; John D. Dingell, Michigan; Paul G. Rogers, Florida; Lionel Van Deerlin, California; J. J. Pickle, Texas; William L. Springer, Illinois; Samuel L. Devine, Ohio; Ancher Nelsen, Minnesota; Hastings Keith, Massachusetts; Glenn Cunningham, Nebraska; James T. Broyhill, North Carolina; and James Harvey, Michigan. Robert W. Lishman was chief counsel for the committee, assisted by Attorney Daniel J. Manelli, who later became chief counsel, and James P. Kelley, chief investigator.

The investigation was conducted through confidential staff investigations and evidence received in both executive and public hearings. Executive hearings were held on July 17, July 24, July 30, September 11, September 17, and November 7, 1969, and February 10, 1970. A public hearing was held April 16, 1970. All hearings were conducted in Room 2322, Rayburn House Office Building, U.S. House of Representatives, Washington, D.C.

The Subcommittee, in its final report, stated the purpose of its investigation into the Haitian incident:

Because of its obvious bearing on the adequacy of present laws and policies governing broadcasting—and the administration of those laws and policies—the Subcommittee undertook to
acquaint itself with the facts. 5

The Subcommittee pointed out that although the matter might be presumed to be of considerable interest to the FCC, no official action or inquiry was taken by the agency. A spokesman for the Federal Communications Commission, William B. Ray, chief of the Complaints and Compliance Division, told this writer that after consultation with the Justice Department no such investigation was undertaken for "good reasons". The reasons were never publicly disclosed.

It was apparent at the outset that the Subcommittee would have to address itself to some relevant and sensitive questions raised by the investigation:

1. Since there was no actual broadcast of Project Nassau, was it appropriate for the Subcommittee or Congress to undertake such an investigation?

2. Would the investigation violate the letter or spirit of the First Amendment by calling into question the news judgment of CBS documentary personnel?

3. Finally, assuming allegations concerning CBS' activities were substantiated, would there be any way of formulating a legislative or administrative remedy which would not violate the First Amendment?

5 Project Nassau Report, p. 2.

The Subcommittee took the following positions on these questions:

1. Thus the circumstances behind Project Nassau call into question not only that particular news documentary project but also the standards and practices for the preparation of such programs. Furthermore, while there was no actual broadcast, the activities of CBS were nevertheless significant and substantial. They extended well into the editing process and the preparation of a work print. Moreover, the decision not to broadcast the program was apparently based on considerations which did not address the issue of improper conduct on the part of network personnel or the issues of falsity and misrepresentation. ... These issues, which have been raised with respect to other news reports as well, are of the greatest importance since they go to the question of accuracy and genuineness of news programs transmitted to the American people, and to the question of news media involvement in illegal activities. ... 7

2. ... The problems which arise in this area cannot, unfortunately, be dissolved by the invocation of such nomenclature as 'news judgment' or 'investigative reporting'. To do so would be to ignore the possibility that news organizations or their employees might engage in activities which have nothing to do with legitimate reporting. The falsification or staging of events for presentation of bona fide news presents one possible example of such activity. Such deception presents no difficulties which cannot be rather simply overcome by a newsman who is inclined to engage in it or by the skill of a competent film editor. ... An event or story which is presented as genuine and immediately takes on an interest of its own which would be totally absent if it were not so presented. ... Nor can a principle be accepted which would categorically deny the public, through its collective representative, the right to protect itself against such deception. 8

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7 Project Nassau Report, p. 3.
8 Ibid., p. 5.
3. ... Should it be determined that the public interest requires protection against falsification or staging of news, such legislation could be formulated within the letter and spirit of the First Amendment to the Constitution. In fact, Constitutionally valid legislation has been in existence since 1915 which imposes a similar legal restraint upon false and misleading advertising, including that carried via broadcasting. ... Section 509 of the Federal Communications Act prohibits the broadcast of fraudulent quiz programs. Fraud and deception in the presentation of purportedly bona fide news events is no more protected by the First Amendment than is the presentation of fraud and deception in the context of commercial advertising or quiz programs. 9

**Participants in Project Nassau**

Due to the large number of persons and their sometimes complicated roles involved in Project Nassau, it would appear expeditious to identify and categorize them at the outset. They can be categorized generally into three groups: (1) persons connected directly with the conspiracy to invade Haiti; (2) government personnel engaged in surveillance of the conspiratorial activities and working to frustrate the success of the expedition; (3) persons employed or retained in some capacity by the Columbia Broadcasting System.

**Persons Connected with the Conspiracy**

1. Rolando Masferrer Rojas, known sometimes as "Poncho", who will be identified in this chapter as Rolando Masferrer. Masferrer was the organizer and operational leader of the invasion attempt. He had been a senator in the Cuban legislature when Fidel Castro's
revolutionary movement swept the Batista regime from power. Masferrer, described by one witness as a man with a "dark reputation," fled to Miami before Castro's troops arrived in Havana from their stronghold in the Oriente hills. He was active in Cuban exile affairs, and he published a newspaper for the exiles, The Libertad. He was one of the six defendants convicted of violating U. S. laws.

2. Father Jean Baptiste Georges. Father Georges was an exiled Catholic priest who had once served as Minister of Education under Duvalier in 1962. He was granted safe conduct out of Haiti in 1963, and reportedly had been involved in previous invasion plots against Duvalier. He too was convicted as one of the ring leaders of the Project Nassau plot. Although his role in the invasion was less active than that of Masferrer, Father Georges appeared to be the group's political philosopher-in-residence and also chief fund raiser. Father Georges hoped to become president of a new government which the expatriates planned to establish once they had deposed Duvalier.

3. Julio Cesar Hormilla. Hormilla was a Cuban expatriate who enlisted to serve in the invasion attempt, but his service was cut short by a serious eye injury he suffered when a rifle exploded during a training sequence being filmed by the CBS crew. As a result, he filed a

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suit for damages against CBS, alleging he was an employee of the network at the time of the accident. CBS settled the suit out of court for $15,000. Hormilla was listed as a co-conspirator in the invasion conspiracy trial but was not named a defendant.

4. Julio Aton Constanzo-Pelau. Pelau served as a marine mechanic, servicing boats used in preparations for the invasion. He was identified as a Cuban expatriate, and was named a defendant and convicted of conspiracy.

5. Donald Miller. Miller was a former U.S. Marine, an American who had been active in training Cuban exiles in military procedures, but he had no connection with the invasion itself. He was filmed training a group of expatriate recruits during which Hormilla was injured. This apparently was the only connection he had with the invasion conspiracy, and he did this without remuneration as a favor to a Cuban friend.

6. Anselmo Alliegro. He was the son of a former President of Congress in Cuba during the Batista regime. At the time he enlisted in the invasion plot he was a student at the University of Miami.

7. Ralph Serrano (alias Bob Blair, Ralph Almonte). His role in the military expedition was never clearly defined. He possessed a long criminal record dating back to 1935, and was subsequently deported to the Dominican Republic. He also was involved in an attempt to extort money from Eugene Maximillian, Haitian Consul in Miami.

Persons Employed or Retained by CBS

1. Jay McMullen. McMullen is one of the television's outstanding investigative reporters. He was the CBS producer who originally pro-
posed Project Nassau and was the operational supervisor of the entire project. His investigative documentaries have been accorded many honors by the broadcasting industry. One of his outstanding productions was "Biography of a Bookie Joint", which won numerous awards. He joined CBS in 1949 and served in various news and documentary capacities. He was considered one of CBS' most trusted, skillful and painstaking producers. He, along with his superior, William Leonard, vice President, CBS News, developed his skills as an investigative reporter under the aegis of Fred Friendly in the CBS Reports series. McMullen, as operating head of the project, was, of course, one of the key figures in the Subcommittee's investigation.

2. William Leonard. Leonard was vice president of CBS News, in charge of the preparation of all news documentaries at CBS.

3. Perry Wolff. Wolff was executive producer at CBS. He was McMullen's immediate superior during the production of Project Nassau.

4. James Wilson. He was the cameraman assigned by CBS News to film the documentary. Wilson, without the knowledge of his CBS superiors, informed U. S. Authorities of the activities of CBS and the invasion group, and he maintained continued contacts with the Bureau of Customs until the termination of the documentary.

5. Robert Funk. He was the sound man assigned by CBS to Project Nassau.

6. Thomas Dunkin. A former Atlanta Journal reporter, he was hired as a free-lance reporter-cameraman by McMullen to work on the project.
7. Andrew St. George, another key figure in the investigation. St. George was a free-lance writer with previous involvement in coverage of Latin-American adventures. It was in consultation with St. George that McMullen conceived the Haitian project. St. George was hired as a consultant and associate producer. He had worked with McMullen before in radio documentaries, and had been a photographer-writer for several national magazines, including the Time-Life group.

8. Mitchell Wer Bell. Wer Bell, who lived on an estate at Powder Springs, Georgia, has been variously described as a public relations man and a munitions dealer. He had been involved in previous Latin-American ventures and had many contacts in the Caribbean area, including the Dominican Republic. Wer Bell apparently played a dual role in the invasion plans. Evidence compiled by the Subcommittee indicated that he was initially hired as a consultant in the preparation of the documentary, although McMullen contended that Wer Bell did not become a CBS employee until November, 1966. He was originally indicted by the Justice Department as a co-defendant in the conspiracy trial. However, prior to trial he was dropped as a defendant. The reason has never been publicly divulged, although the Justice Department did convey the reason to the Subcommittee chairman. One of the overt acts listed in the indictment under which the other defendants were tried included the lease of a vessel by Wer Bell for use in furtherance of the invasion. Wer Bell also used the name "Eric Straff" on several occasions.
Government Personnel

1. Stanley Schacter, assistant Customs Agent in charge of enforcement, Bureau of Customs, Miami, Florida. He was the principal U.S. law enforcement agent engaged in attempts to frustrate the invasion. He was the official to whom James Wilson, the CBS cameraman, made periodic reports concerning the developments in the conspiracy.

Project Nassau involved numerous other persons, including several from government, CBS and the conspiracy itself, but these will be identified and described as they appear in the course of events concerned with the project.

Although the focus of this chapter is on alleged staged news events in the filming of Project Nassau, these allegations must be viewed in the contextual pattern of other events in the project. Therefore, it is advisable to consider events in the project in a chronological synopsis, extracted from voluminous materials connected with the case. Since most of the events occurred in 1966, this summary will cover only the eight months in which significant activities were noted.

Chronological Synopsis

January-May, 1966. This was a period of intense activity on the part of Cuban and Haitian exiles. Rumors of plots, invasions, and arms smuggling were rife in the Miami Area, and several news stories concerning these activities had appeared in the Spanish press as well as the Miami News and Herald. It was during this period that Masferrer, Father Georges and others of their group formulated plans for an invasion of Haiti. Their original plan called for arms, ammunition, explosives and
a task force to be moved from Florida to a base in the Dominican Republic (not yet secured) from which the Haitian invasion would be launched. It was generally acknowledged in the Cuban community, that Cuban participation in the invasion would be rewarded with a base in Haiti from which an attack could be mounted against Castro in Cuba. CBS News had already had an interest as far back as 1964 in doing a documentary on illegal gun running.

May, 1966. St. George, as a specialist in Latin American journalism, had many acquaintances and friends among the Cuban and Haitian exiles. Reports of the invasion plot soon reached him, and he also was aware that CBS had been interested in a documentary concerning illegal gun-running. St. George approached McMullen with a suggestion that he be retained by CBS to assist McMullen with a documentary dealing with the conspiracy to invade Haiti. There is a discrepancy between the nature of the documentary originally discussed and evidence introduced in other testimony before the Subcommittee. Both St. George and McMullen asserted that the original discussion centered around arms-smuggling as the central theme of the documentary, with the invasion itself as a peripheral vehicle around which the story-line could be built. The Subcommittee reported, however:

The subsequent actions of the CBS News organization, however, do not bear this out. Rather, a review

Project Nassau Hearings, p. 371.
of film sequences and interviews conducted, and the overall treatment of the subject matter, and other available evidence suggest just the reverse; that is, the primary focus was on the documentation of an armed invasion with only cursory attention being given to the fact that illicit arms traffic also was involved.  

In his testimony, McMullen indicated that the focus on the documentary did change sometime in October, 1966, from illicit gunrunning to the actual invasion.

It is probable that the focus had changed even earlier as suggested by a memorandum from Leonard, McMullen's superior, to CBS News President Salant and Administrative Vice-President Klinger.

As a response to Mr. Klinger's note of August 27, 1966, concerning the $31,500 cost of Jay McMullen's southern project, the penultimate sequence is under way. ... If this phase goes well, we will move a crew into the country under question. Considering the possible story which may result, I can only say if the government is changed by violence, and we are the exclusive means by which the American public learns of this change, $31,500 or even $131,500 seems to be a reasonable sum. If the event does not take place as scheduled, perhaps some of the footage can be used in other ways or perhaps it is a total loss.  

Regardless of the original concept of the documentary, McMullen expressed considerable interest in filming the documentary. St. George then asked him to meet with a friend of his, Mitchell Wer Bell, at the

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13 Project Nassau Hearings, pp. 190, 213.

14 Memorandum dated September 12, 1966.
latter's home in Powder Springs, Georgia.

**June, 1966.** This meeting occurred in June, but the circumstan-
ces surrounding the meeting and its nature is a matter of conflicting
testimony on the part of McMullen and Wer Bell. McMullen said that he
was told by St. George that Wer Bell was a central figure in the invas-
ion conspiracy and also that he was working with or for the Central
Intelligence Agency. McMullen also indicated that Wer Bell, during
their meeting, confirmed this description, and indicated that the
invasion was going ahead with the knowledge and approval of the U.S.
Government, specifically the CIA. It should be stated at this point that
no evidence of government approval or sanction of the invasion was ever
introduced, and the CIA stated categorically that Wer Bell had no con-
nection whatsoever with the agency.

Wer Bell presented a different picture of the meeting. He said
McMullen asked him to serve as a consultant on the project, and that
he denied that he was a CIA operative or that he was reporting to the
CIA. Wer Bell, a former Office of Strategic Services agent in World
War II, agreed to perform certain activities in connection with the pro-
ject, and a $1500 fee was paid him. McMullen later testified that this
fee was for transportation, housing and food for the CBS crew on its way
to the proposed jump-off base in the Dominican Republic. McMullen's super-
ior, Perry Wolff, recalled that McMullen told him he had hired Wer Bell
for his expertise.

St. George was placed on salary sometime during the first part
of June. He received $500 a week plus liberal expense allowances, all
in cash. In addition to his other duties, St. George served as a fin-
financial liaison man between CBS, Wer Bell and some of the conspirators.

McMullen got the green light to proceed with the documentary from his superiors, Leonard and Wolff, and he engaged, through Marshall Davidson, in charge of assigning CBS film crews, a crew composed of James Wilson, cameraman, and Robert Funk, soundman. Both were veteran free-lance crewmen, having covered many news assignments for the network throughout the years. Wilson and Funk both said McMullen described the project to them as a proposed invasion of Haiti, and said he needed young, rugged crewmen. They accepted the assignment.

The first filming on Project Nassau took place on June 27 in Miami. Rolando Masferrer and a group of his followers were filmed in two private homes as they purportedly assembled, examined and wrapped a variety of weapons and ammunition. These filmed sequences later were included into the CBS "cut work print".

Both McMullen and St. George determined from the beginning that information and "film rights" could be purchased from individuals involved in the invasion preparations. This policy apparently was in effect throughout the project. These payments almost always were made in cash, usually by St. George rather than McMullen.

On June 28, the day after the initial filming, a cash payment of $500 was made by St. George to Masferrer "to take care of costs of making a film covering the Haitian revolutionary movement."

Receipt signed by Rolando Masferrer.
July, 1966. Little or no filming was done on Project Nassau during July, one reason being that Wilson and Funk were assigned to Houston, Texas to cover another story. However, two significant developments were recorded during this month:

(a) Wer Bell sent a representative to the Dominican Republic to inquire from the government there about setting up a base of operations from which to launch an invasion of Haiti. He returned to the United States and reported to Wer Bell that the Dominican government had turned down the request. McMullen later said that he understood the base already had been secured. Wer Bell and McMullen offered conflicting testimony on this point. Wer Bell's role in the affair came to be one of the strangest in a venture characterized by bizarre developments. Despite the fact that CBS paid him substantial fees and expenses, he was identified on the project work print as a "leader of the group." Although there is no direct evidence to clearly establish such a premise, there is reason to believe that Wer Bell's interest in the invasion was derived at least in part from the fact that he owned military equipment in the Dominican Republic which he hoped to sell to the invasion leaders once they had established their base of operations there.

(b) James Wilson, cameraman assigned to the project, began to entertain considerable doubt about the wisdom of CBS' participation in

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16 See Appendix E for a complete audio transcript of the cut work print.
the venture, and also as to whether the U. S. Government was aware that such activities were taking place. Accordingly, Wilson, without the knowledge of superiors at CBS, including McMullen, contacted the Federal Bureau of Investigation and the Customs Bureau. He remained in continuous contact with Customs until CBS finally terminated the project. These contacts, which were made at the request of the government, were not known to CBS until after the end of the project.

**August, 1966.** A schism apparently developed during this month between Wer Bell and some members of the invasion group. The reason for ill feelings against Wer Bell cannot be documented by evidence, but it appears reasonable to assume that it arose from Wer Bell's failure to obtain a base for the invasion force in the Dominican Republic.

During the same month, Masferrer, in Miami, telephoned McMullen in New York and requested a meeting with the producer. McMullen agreed, at Masferrer's request, to pay his expenses to New York. McMullen said Masferrer wanted to form a new leadership group and proceed with the invasion plans. Masferrer, according to McMullen, requested a large sum of money to finance the venture. McMullen refused, saying CBS could not be placed in the position of financing the group's invasion activities.

However, no new leadership group developed, and plans for the invasion proceeded as before. Whether Masferrer's overtures to McMullen came as a result of his displeasure with Wer Bell cannot be determined from any evidence brought to light in the case.

**September, 1966.** The tempo of activity on the part of CBS personnel stepped up considerably during this month. On September 6, St. George visited William Bowdler at the White House. Bowdler, an officer
in the State Department, was at that time on special assignment as Presidential advisor for hemispheric affairs for Latin America. He and St. George had met when Bowdler was assigned to the American Embassy in Havana several years before. St. George considered Bowdler an old friend.

McMullen considered this visit and a similar one made by St. George to a FBI agent who was a personal friend of St. George as establishing liaison with the government to advise them of CBS activities. St. George, however, indicated his visits were more in the nature of seeking information—"a fishing expedition"—as to furnish information. He admitted that he did not mention that CBS was making payments of money to the conspirators.

St. George explained to Bowdler that he thought the government should be aware of the gun smuggling activities and the fact that CBS was filming a documentary about it. Bowdler replied that the proper government agencies were aware of Masferrer's past and present activities, and would take necessary steps to prevent any violations of U.S. laws. Bowdler questioned the wisdom of making such a film. Finally, Bowdler clearly stated that any attempt to launch such an invasion from U. S. shores would be prevented.

According to McMullen, the original intention of the documentary was to show guns and arms being smuggled to Miami, where they were to

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17 *Project Nassau Hearings*, p. 61.
be prepared for shipment. Then CBS cameras would film the guns and military equipment as they were being taken out in small boats to a "mother" ship lying at anchor beyond the limits of the Floridian coast. The entire operation was scheduled to be completed within two or three weeks.

But after the initial filming sequence in Miami, none of the other phases of the plan materialized. In September, it was decided to attempt to film the shipment of weapons from New York to the Miami area. Accordingly, the CBS crew filmed a small group of individuals engaged in military training exercises at a remote hunting lodge in New Jersey. At the end of the exercises, the weapons were shown being loaded into the trunk of an automobile. The CBS crew apparently intended to film this automobile as it was being driven south to Miami.

However, in a serio-comic mix-up, the weapons-loaded car took one fork in the highway south and the camera car another fork. The camera car lost the weapons car and was forced to return. There was conjecture that Masferrer deliberately lost the camera car because he was angry over what he thought were inadequate CBS payments for film rights.

The Subcommittee alleged that this was the first of several staged news events which "would not have taken place as it did, and might not have taken place at all, had it not been for the inducement of financial reimbursement supplied by CBS News." Masferrer was paid approxi-
mately $260 for his cooperation in permitting CBS to film the operation.

St. George said he felt it was not fair to say that CBS took the initiative in getting Masferrer to ship the weapons, "but we did take the initiative in letting him understand that if he went along, he could count on having his expenses paid." This allegedly staged event, along with the others, will be discussed in greater detail later in this chapter.

McMullen was greatly disappointed that the continuity of the filming sequence from New York to Miami was broken by the mix-up. However, he was informed by St. George that another supply of arms was being shipped from Wer Bell's estate, and this could be filmed to serve in place of the sequence that had been interrupted.

St. George and Wer Bell, in an effort to provide the continuity McMullen sought, decided to stage a sequence illustrating illegal arms being shipped into Florida. McMullen was unaware that the sequence at Wer Bell's farm had been staged, and learned of this only much later.

The Subcommittee commented:

Nevertheless, the fact that such fraudulent filming activities, which extended over a period of 3 or 4 days could be conducted (some of it in the presence of Mr. McMullen) without the responsible CBS News official verifying the accuracy of what was taking place does not constitute a reassuring commentary on the bona fide nature of broadcast news documentaries presently being seen in this country.20


20 Project Nassau Report, p. 23.
On September 25, the Subcommittee alleged that the Project Nassau crew became involved in another staged incident. This involved a purported "training camp" for the expatriates at a desolate location in South Miami known as Kendall Park. It was during this filming session that a rifle exploded injuring the eye of Hormilla. The Subcommittee alleged that the entire training camp incident was set up and staged for the benefit of CBS cameras.

A strange incident involving two surreptitious tape recordings occurred during September. Wer Bell was involved in both, although he was not aware of his own involvement in one of the tapes. Wer Bell told Wilson and Funk that he was scheduled to have an interview with Maximillian, the Haitian Consul in Miami, and requested that he be equipped with secret recording equipment so that he could get the interview on tape, pointing out that it might be of interest to CBS News.

As a result, Wer Bell was fitted out with a wireless microphone and a recording device concealed in a brief case. Wer Bell subsequently displayed two recorded tapes, but he did not permit Funk and Wilson to hear them. Their contents have never been revealed publicly.

The apparent purpose of these recordings was to goad Maximillian into compromising himself with President Duvalier through disloyal statements, which could be used as the basis for extorting the cooperation of Maximillian in the invasion attempt. Maximillian also was asked to tell Duvalier that the invasion would be called off upon payment of $200,000 to the conspiracy leadership. Maximillian refused and informed both U.S. authorities and President Duvalier. The tapes are believed to have been given to Ralph Serrano who has been deported to the Dominican
Republic.

McMullen testified that he had not authorized the tape recordings or did not know what they contained. He said that Serrano had offered him the tapes, but he declined to accept them.

Wer Bell himself was the unwitting victim of a recording made by Wilson and Funk. As pointed out previously, Wilson and Funk had become concerned over the extent and nature of CBS' involvement in the invasion conspiracy. They felt that Wer Bell in a relaxed conversation might disclose his knowledge of CBS' involvement in the conspiracy.

The tape revealed that Wer Bell was trying to have a creditors' lien lifted from a vessel, Poor Richard, which apparently was to serve as the "mother" ship in the invasion. As to CBS' involvement in the conspiracy activities, Wer Bell said:

> The minute CBS pays one penny on anything ... whether it's the boat, whether it's me—no, they can pay my expenses, which they're doing; they can pay my telephone bill. They can pay anything that involves—my assisting CBS but only within the sphere of my personal activities. They can't pay one***nickel for that boat or one ***penny for nothing else. ... 23 (asterisks indicate deletion of profanities).

Wer Bell also revealed that pressures toward consummation of the project were mounting steadily.

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21  Project Nassau Hearings, p. 196.

22  Ibid., pp. 343, 351, 356.

... Poor Andy (Andrew St. George) puts the *** pressure on me and I can't do a***thing. I mean McMullen puts the pressure on Andy, Andy puts the *** pressure on me. ... And I'm in the middle. I'm the end character and who the hell else can I go and bite?24

Also in September, the CBS crew filmed a weapons assembly point on a farm twelve miles from Miami. Many weapons were filmed, including M-3 machine guns, Thompson submachine guns, .50 calibre machine guns, a bazooka, rocket launcher, mortar and a 20-millimeter cannon.

McMullen testified before the Subcommittee that he came to a decision to terminate Project Nassau in September. He testified:

... I had decided to scrap this project. I thought that many things about it smelled. I wasn't certain of what I was getting. I announced to my crew that I was going back to New York City and that I was going into management and that I was going to terminate it and, as I got off the plane at Kennedy Airport, I was paged and on the other end of the phone was Mr. Wilson who said, 'Customs has come in to see me and they want to talk to you and they know all about it and they want you to come back down here.'

I said, 'Well, if customs wants to talk to me, I think they will probably call me.'

About 15 minutes before that meeting with management was scheduled, I got a phone call from Mr. Shanley (a U. S. Customs agent) and Mr. Schacter. The essence of it was this: We understand you are pulling out of this operation, that you are somewhat disillusioned; you just think this is a ragtag group going around and nothing is going to happen; is that right?

Yes, sir; I do, and I think a lot of wool has been pulled over my eyes.

Yes. Some wool has been pulled over your eyes but let me tell you something. This isn't just a ragtag operation. This has a lot of money behind it. It is heavily financed. They really are going to have an invasion. You are not going to get the kind of story you

24 Ibid., p. 27
thought you were going to get because, of course, we are not going to let it go in ... you thought we were going to let it go ... but it is important and it would be a good story for you to do and we definitely don't want you to leave and we would rather you not go into that meeting with management and don't mention anything about pulling out; stay in. 25

There is considerable conflict in McMullen's and Schacter's testimony regarding this initial contact. Schacter testified to the incident as follows:

I told him that we were well aware of what had transpired over the previous months. Of course, I did not then, and never did actually, tell him that Jim Wilson was talking to me all this time. However, Jay indicated to me, or, as a matter of fact, told me, that he had the feeling for some time that someone in his organization was keeping me informed as to what was going on, but he couldn't put his finger on him. I told Jay at that time that there would be no invasion, that we would abort whatever attempt would be made to launch this invasion. In talking to him I realized that his interest, of course, was in producing a documentary for CBS which Wilson had previously told me would include an invasion of Haiti. My advice to him then was to forget it because it wasn't going to happen. He told me CBS had expended a large sum of money in attempting to produce this documentary, and he was going to have to discuss with his superiors the feasibility of spending any more money on it. 26

McMullen said that the agents asked him on three occasions to remain in the project, and that he replied that if he did, he would not serve as an informer for the government. There is some question as to whether this initial conversation occurred in the latter part of Sept-

25 Project Nassau Hearings, p. 206

26 Ibid., p. 19.
October, 1966. During this month, Alexander St. George was seriously injured when gasoline fumes exploded on a boat he was piloting. He suspected that the explosion was an attempt on his life. He said that he was transferring the boat from one location to another, at the request of Masferrer, when the explosion occurred. The boat was a small motor launch which apparently was to be used in the invasion attempt.

St. George said that Masferrer came to feel that he (St. George) was "the obstacle, the bottleneck, the tightwad, who was reluctant to go the whole way, to go all the way, to make a really big payment."

McMullen—CBS was told that if I attempted to go along with this invasion with the rest of the CBS crew, I personally would be taken care of, would be killed. Specific murder threats were made repeatedly. I didn't take them very seriously. I don't think that Masferrer, who had enough trouble, was looking to kill me. But I was involved in this small boat accident in which I could have well been killed had the luck gone against me. This was a boat that Masferrer's people put at the disposition of the project. It was a suspicious accident that was never cleared up.

St. George was hospitalized for some time as a result of the accident, and his active participation in the project apparently ended.

Wer Bell was hired by CBS News for two non-consecutive weeks at $500 a week, apparently to take St. George's place in the project.

November, 1966. The failure of the invasion leaders to secure a staging base in the Dominican Republic, together with the fact that the

27 Ibid., p. 35.  28 Ibid.
"mother" ship, Poor Richard, was under a creditors' lien, forced them to seek a new avenue into Haiti. As a result, the leaders considered launching an invasion by air. They made attempts to lease two C-54 aircraft to transport men and equipment to a remote landing strip in the Dominican Republic near the Haitian border. The leaders apparently felt that the remoteness of the strip would enable them to escape detection by the Dominican Republic government. The take-off date was scheduled tentatively for November 21 or 22. A physician came to the hotel where the CBS crew was staying and gave them innoculations for the trip.

On November 17, St. George, released from the hospital, called Bowdler at the State Department in Washington. He told Bowdler that Masferrer had recruited 300 men and arranged for the use of one B-25, two C-46's and a large boat. He told Bowdler that these preparatory operations were being conducted openly, and that they apparently had a green light from the government. Bowdler replied that the operation did not have the approval of the government, and that it would not be permitted. He told St. George to make this clear to all CBS people.

One of the questions as to who would lead the military invasion of Haiti was solved--at least for a short time--in November. A man named Napoleon Vilaboa was engaged to act as military commander of the invasion force. In a CBS interview later incorporated into the project work print, Vilaboa expressed considerable satisfaction with the quality of men and equipment at his disposal. A short time later, however, he publicly disassociated himself with the venture.
On the evening of November 20, the invasion plans were shattered by a CBS broadcast. CBS Correspondent Burt Quint, who had been sent to Port au Prince by CBS News to cover the anticipated invasion, broadcast that the invasion was under way and a battle was raging between the invasion force and government troops. This broadcast brought a quick halt to the invasion plans.

There has been considerable speculation, although no evidence exists to support this, that the premature announcement was leaked to Quint by Duvalier's aides in an effort to forestall the invasion. Haitian government representatives were aware of invasion plans from contacts the conspirators had made with Consul Maximillian in Miami. In addition, security surrounding the plans was so lax that scores of persons besides the conspirators were aware of the invasion plans.

Quint's premature broadcast brought an abrupt halt to the conspirator's plans, and the CBS crew left Miami on November 28 and returned to New York. About this same time, St. George appeared at the Miami Customs Bureau office and told Agents Schacter and Stanley about the invasion plans. These were already known to the agents through information provided them by Wilson. Schacter testified that he thought St. George's visit was a "skirt-cleaning" attempt by St. George in an effort to escape potential government prosecution for his part in the project.

December, 1966. St. George, on December 9, made a second visit to the White House to see Bowdler. He informed Bowdler that he had been fired by CBS, and that Masferrer had used CBS to obtain money from Father George's Haitian exile group and the network news division itself.
St. George also explained to Bowdler that McMullen sought Bowdler's advice on the disposition of the film already shot on the project. Bowdler refused St. George's request.

The film in question, referred to by the committee as a "work print" (a designation disputed by McMullen), was shown to Leonard, vice president in charge of documentaries, sometime in early December. He released his decision in a memorandum to Wolff and McMullen, which follows:

I do not want to broadcast the Haiti film. It is a decision that I make reluctantly, for I am aware of the work and risk that has gone into it, the skill with which it has been fashioned, and the considerable dramatic impact of the material as it is now stitched together. But as journalism, it suffers badly by the unfinished nature of the enterprise. Had it simply failed on the beaches there would have been a real point of putting it on. Or had it not gotten off the ground because of positive action of the U. S. government, we would have been able to relate in some fashion the U. S. dilemma, vis-a-vis the Caribbean. As it is, we see simply the non-adventures of a rag tag crew next to whom Duvalier looks good, a gang openly flouting the U. S. law, in the end to no purpose.29

On January 2, 1967, the invasion force reassembled itself and attempted to embark by ship from Marathon, Florida. Seventy-seven persons were arrested, including Masferrer and Father Georges. A large supply of arms, ammunition and explosives were confiscated. Wer Bell was not at the scene and was not arrested.

Early in 1967, the facts of the case were presented to the Grand Jury for the Southern District of Florida. Indictments were returned

29 Memorandum from William Leonard to Perry Wolff and Jay McMullen, dated December 13, 1966.
against the following persons:

1. Rolando Masferrer Rojas
2. Jean Baptiste Georges
3. Antonio Leon Rojas
4. Rene Juares Leon
5. Julio Aton Constanzo-Pelau
6. Martin Francis Xavier Casey
7. Mitchell Livingston Wer Bell III

Prior to trial, the Justice Department dropped Wer Bell as a defendant. The other defendants were convicted. During the early stages of the trial, defense attorneys attempted to infer that the CIA was involved in the conspiracy. Government attorneys objected that no foundation had been laid for such inferences. The trial judge invited defense counsel to lay such a foundation outside the presence of the jury. Upon their failure to accomplish this, the judge ruled that the defendants' counsel would not be permitted to ask questions implying or suggesting CIA involvement in the conspiracy.

Events Allegedly Staged

It is necessary at this point to examine the filmed events the Subcommittee alleges were staged for the benefit of CBS cameras.

... it is clear that a significant number of the sequences depicted in the work print were either filmed in connection with substantial payments by CBS to a leader of the conspiracy group, and/or were completely staged for the camera. The disturbing possibility here is that the news documentary which was in preparation would, if actually carried to completion and broadcast, have amounted to a fraud upon the American public.30

30Project Nassau Report, p. 35.
McMullen emphatically denied that this was his intention, and he denied that the filmed sequences could even be accurately described as a work print. His testimony on these points was substantiated by other top CBS news executives, Leonard and Wolff.

Basically, the Subcommittee considered at least six events in the filmed sequences to have been staged. The evidence and testimony in these events will be considered at some length.

1. The first event involved the attempts to film the transportation of weapons from New Jersey to Florida, which was frustrated when Masferrer, who deliberately or otherwise, "lost" the camera car.

The Subcommittee concluded that this event would not have occurred as it did, and might not have occurred at all, had it not been for financial inducements of CBS.

MR. DINGELL: Who solicited Masferrer to take the rifles to Florida? Did CBS solicit him or did he intend to carry the weapons to Florida anyhow?

MR. ST. GEORGE: It would not be accurate to say, sir, that we solicited him to carry the rifles to Florida. What we attempted to do was to pinpoint the time and occasion to obtain his cooperation in filming and to offer him the facilities for doing so in return ... we ended up paying all of the expenses of the event ...

MR. DINGELL: How much was paid?

MR. ST. GEORGE: In New Jersey by me $265 in cash unless my memory--I am fairly sure I am accurate, but I handed the original receipt on the spot to Jay McMullen, who was on this occasion within sight of this. ...

MR. MOSS: I think the question really is who took the initiative?
MR. ST. GEORGE: In the sense of shipping the weapons or in the sense of paying the expenses?

MR. MOSS: In either or both the initiative had to be taken and it had to lie with one party or the other. Which party took the initiative?

MR. ST. GEORGE: I don't think, sir, it would be fair to say that CBS took the initiative in inducing Maferrer to ship the weapons, but we did take the initiative in letting him understand that if he went along, he could count on having his expenses paid.

MR. MOSS: Would he have shipped the weapons if CBS had not paid the expenses?

MR. ST. GEORGE: That is our assumption.

MR. MOSS: That he would have or would not?

MR. ST. GEORGE: It is our assumption that he would have anyhow.31

Both St. George and Wilson agreed that the basic concept of this sequence was, as St. George testified, "to pick up these illegal, black market weapons here in New York and to follow them all the way down to Florida. That is to say definitely to follow the chain of illicit, illegitimate matter of interstate transportation, and then if possible follow them out of the country." 32

Wilson confirmed this basic version in his testimony:

MR. MANELLI: The original idea was you would film the weapons being loaded in New Jersey, you would follow the car down to Wer Bell's house.

MR. WILSON: Yes. ...
MR. MANELLI: So if this had gone off as planned you would have had a shot of the stuff being loaded in New Jersey, the trip down, and then that material combined with extra material, other guns, at Wer Bell's farm, and then the whole bunch taken down to Miami?

MR. WILSON: Right.

MR. MANELLI: But it didn't work because you lost the car in New Jersey?

MR. Wilson: Right. 33

McMullen disputed this concept:

MCMULLEN: What is correct is that after this Keystone cop operation with the cars going in separate directions and people running around looking for people, that Andrew St. George announced that, 'Well, don't worry about it because there is another shipment of arms that is going down from Powder Springs, Georgia, to Miami, so if we catch a fast plane, we might be able to film that one.' ... We went down there and were told by Mr. Wer Bell that he was in fact sending out a shipment of arms and it turned out that he had a few old rifles and a couple of strange looking pistols, and he said he was going to load these on, a car was going to take these down, he was taking a boat down there also, and if you wanted to film that, fine. We didn't pay him anything for that to my knowledge. 34

2. The second event occurred at Wer Bell's farm. From evidence and testimony, the Subcommittee concluded that the entire event was staged for the benefit of CBS cameras, without the knowledge of McMullen, who was present during some of the filming.

St. George said that McMullen seemed to feel that the break in continuity (caused by the loss of the weapons car) was catastrophic

33 Ibid., p. 131. 34 Ibid., p. 189.
"... McMullen was despondent. He said maybe the project is dead; it is useless."

St. George said he went to Wer Bell's house in Powder Springs and "asked him what he could do to help us shoot some film there that would establish some sort of continuity for the weapons that Masferrer had loaded in New Jersey."

... We were obviously on shaky ground here. I pushed very hard. I blame myself for this in retrospect. I did not stop to think, but I was being pushed by McMullen and I pushed Wer Bell in turn. Wer Bell said we should find some rifles and throw them into the boat and we can film that. I seized on that. New Jersey, Atlanta, maybe we have the continuity McMullen is after. ... Anyhow, I think we got film that was really not film we were looking for and that was a forced staged scene.37

Wer Bell perceived the pressure St. George was laboring under. He testified:

So when Mr. St. George came to me and desperately pleaded we do something about this and apparently he was under tremendous pressure from CBS because St. George at this point was literally a slave to whatever CBS was desiring and asking for, and I went out and we staged this part of the performance.38

Wer Bell related how he borrowed 20 or 25 old Enfield rifles, put them in one of the houses on his farm and towed the boat up there. While the CBS camera caught the scene, they loaded the weapons into a boat, covered them, and drove the boat away. He testified that CBS was not

35 Ibid., p. 94. 36 Ibid.
37 Ibid., pp. 94-95. 38 Ibid., p. 91.
aware of the staging "because they were quite sure that we were loading weapons at the farm and these weapons were going to be transferred to Florida. ... He added:

... Well, I am real possibly a little crazy, but not stupid. The first thing we did was unload the weapons and return them to their owner and the boat went down to Florida in the custody of another CBS-hired photographer, Mr. Dunkin, Tom Dunkin, and he drove the boat down to Florida. ..."

McMullen later learned from Dunkin that the entire scene had been staged for the benefit of CBS cameras. He testified:

... Now, it turned out, of course, much later, something I didn't know about and found out from Mr. Dunkin who also worked for me, that no guns went at all. They apparently went around the corner, took the guns out of the boat, stashed them off somewhere, drove down and faked a tape. I was presented with a sequence which supposedly showed, Here were are loading the weapons here in Georgia, and now we are going down passing the State lines, and we are looking through the windshield, and there is the driver there, and he is talking and here is the tape and he is telling the whole bit. I discovered the whole thing was faked, so that's what happened."

3. and 4. The third and fourth incidents which the Subcommittee alleged were staged actually were a continuation of the second. As Ver Bell related, he returned the rifles to their owner, replaced the empty crate in the boat which was towed to Florida by automobile.

A sequence in the work print shows a purported interview with the driver of the car-boat en route to Miami. The camera was positioned in the back seat of the small automobile, and during the interview

39 Ibid. 40 Ibid., p. 189.
only the back of the head of the driver was shown.

MCMULLEN: By 5:30 P.M. this shipment was on its way. We were permitted to follow it on its journey south. By midnight we were approaching the Florida border and the toll gate to the Sunshine highway.

RADIO PLAYING: Good morning, Bill Myley here with music, Thursday morning, September 15, 1966. (Music plays 'On a Clear Day').

MCMULLEN: The driver of the car, a former Captain in the Cuban Army, said he had carried weapons to Florida many times.

DRIVER: Many different times I make the trip. I'm working for the Cuban company and they know, they take into consideration when I no go to the job.

MCMULLEN: He said he would participate in the invasion of Haiti. We asked him why?

DRIVER: I'm with an army for reaching Haiti. The government of Haiti are like Communist, too. They kill babies, sacrifice, no respect the law, no respect nothing. It's the same like the Communists.41

Actually this short interview was recorded several days after the car had arrived in Miami, and it did not involve the actual driver of the car, an 18-year-old friend of Wer Bell's family, according to statement by Thomas Dunkin.

The youth was given $60 for his travel expenses. Dunkin said that the actual interview took place a few days later in Miami and "was simulated to make it sound like it took place during the actual

41 Transcript Prepared by Subcommittee Staff of Film Furnished by CBS and Identified As "Cut Work Print."
transportation of the car and boat from Powder Springs, Georgia to Miami." The recorded interview was conducted in an automobile to provide appropriate background sounds, and the recording was then spliced into the work print film in such a way as to indicate that it was being conducted as the car was being driven south. Commented the Subcommittee: "The resulting deception would be absolutely undetectable to a person not familiar with the background facts."

Dunkin stated that the man for the interview was provided by Masferrer, who identified him as an experienced gunrunner. He said he never learned the identity of the man he interviewed, although the car in which the recording was made was driven by Anton Rojas, later convicted in the conspiracy. "The interview was staged by me without Jay McMullen's knowledge but the assistant producer, Andrew St. George was aware of the staging."

The fourth staged incident, a continuation of the arms "shipment" to Miami, involved the arrival of the boat and car at the Ocean Reef Club in Key Largo, Florida, which was headquarters for the CBS group at that time. Dunkin said that the car and boat actually arrived at the club during the night, but its arrival was simulated and the film

42 Deposition of John Thomas Dunkin, Witnessed by James F. Broder, Special Assistant, Subcommittee on Investigations, August 29, 1969, Atlanta, Georgia.

43 Project Nassau Report, p. 50.

44 Deposition of John Thomas Dunkin.
sequence was shot the next day.

Wilson confirmed that the arrival of the car and boat had been simulated, that it was driven back onto the highway the next day and filmed as it arrived at the club.

Dunkin also said that he filmed a sequence of aviation activities at the Tamiami, Florida, Airport which "included shots of a B-25 sitting in a field which had nothing to do with the invasion but looked good." This apparently was about the time that the invasion force leaders were considering an air-lifted invasion of the Dominican Republic. Dunkin also said that he was present when Wilson shot some scenes of boats docked in the Miami Harbor, "none of which had anything to do with the invasion so far as I was able to determine. ... All of these activities were directed by Jay McMullen."

5. Probably the most serious staging allegation of all involved the "training camp" sequence filmed in a desolate location south of Miami known as Kendall Park. This was the sequence in which a rifle exploded, injuring Hormilla's eye. Evidence from several sources indicated that this entire sequence, with the exception of Hormilla's injury, was staged for the CBS cameras.

Anselmo L. Alliegro, whose father was President of the Cuban Congress during the Batista regime, said that the CBS people were especially anxious to film the actual training base of the invasion force. He stated in his deposition:

45 Ibid.  
46 Ibid.
... McMullen finally personally asked Masferrer for permission to visit and film the training base. As there was no actual training camp, we had to fake one to keep the CBS people happy. Jay McMullen was told, by Masferrer, that because of the activities of the Federal authorities in Florida, it would be too insecure to take a camera crew to the actual training base. However, he (Masferrer) would arrange to have a group of his people gather at a location in South Miami where the CBS crew could film a simulated training session in a relatively secure location.47

Alliegro said it was his idea to use Kendall Park at 117th Street and Kendall Avenue as the site for the simulated training camp exercise. He said he had used the areas several times in the past to zero in his hunting rifles, and, because the group had never before used it for training, he felt that it was relatively secure.

The night before the filming actually took place, he said, members of the group telephoned 15-20 other members of the invasion force and made arrangements to transport the men and weapons to the Kendall Park site. One of the group also arranged for Donald Miller, a former U. S. Marine Corps sergeant, to appear at the training site "to serve as window dressing for the CBS cameras." 48

In connection with a program sponsored by a Miami Post of the Veterans of Foreign Wars, Miller had been giving military drill and tactics to Cuban and Haitian exiles for the past six years. During one of these drills he became acquainted with a young Cuban exile named

47 Deposition of Anselmo L. Alliegro.
48 Ibid.
Ellicio Arquelles, who later asked him to drill the invasion force members at Kendall Park for the CBS cameras. Arquelles told Miller that CBS was footing the bill for the operation in return for exclusive film of the invasion. Miller said he received no money from CBS or the exiles for his efforts.

At Kendall Park, he said, he was asked to try to put some order and discipline into the group before the CBS cameras arrived. After the crew arrived, Miller said he spent about two hours working with the film crew.

... The CBS people directed all of the action. They (CBS) would tell me what they wanted, then I would line up the men and go through the motions, issuing instructions, giving orders, while the camera and sound recorded the action. All of the incidents filmed at this time were directed. The CBS people would set the stage, tell us what they wanted us to do, and we would carry out the directions. We ran through the action several times until the CBS people were satisfied, then we would go on to something new.49

Miller said that someone from CBS suggested a live firing exercise, and some of the exiles produced M-1 rifles from the trunks of their automobiles. Miller said he was not familiar with this type of weapon and had no chance to examine them to see if they were in safe condition for firing.

St. George gave this description of the accident which injured 49

injured Hormilla's eye:

... On the occasion of the first salvo, one of the rifles exploded and injured one of the men firing it. As a matter of fact, the man injured was not firing the rifle, but the man kneeling next to him. The explosion of the rifle carried to the left. ... Sgt. Miller then took the rifle, held it up and in a few brief words explained what had happened. He apparently felt this was important to the morale of the others. ... Filming continued through and after the accident.50

Hormilla was taken to a hospital where his injury was treated. He did not lose the sight of his eye, and he later brought suit against CBS which was settled out of court for $15,000.

According to Alliegro, the only incident which was not staged during this filming sequence was the accident. It was during this sequence that Alliegro was interviewed in front of the CBS camera, and he said "most of my comments were not sincere or genuine. ..."

However, I had no script. I did not memorize anything I said during the interview, and I was not told what to say, by anyone, I did and said what I did because I was loyal to Masferrer, and I felt that this show that we were putting on for the benefit of CBS was in Masferrer's best interests.51

Alliegro said he later lost faith in Masferrer because he felt that he was not genuine or sincere in his efforts to cause an invasion of Haiti. Alliegro believed that McMullen, in his attempt to document the arms smuggling and potential invasion, was extremely gullible.


51 Deposition of Anselmo L. Alliegro.
I cannot even now conceive that a man with as much experience as Jay McMullen could have been so easily fooled. It is my opinion he was allowing himself to be fooled, because he did not want to face the truth. We, the Cuban group, and particularly Masferrer, were all putting on a show for the CBS people. It is my opinion that Jay McMullen did not know that the training sequence was all being faked for the benefit of CBS cameras. My only criticism was that McMullen allowed himself to be so easily led into situations which were not real, and then filmed them as though they were the real thing. It almost seemed to me like McMullen did not want to know the truth.52

McMullen, however, apparently became suspicious that the training camp sequence was not all it purported to be. Dunkin, in his deposition, related:

It was also about this time when I had a conversation with McMullen about staging. McMullen told me he felt that the training sequence where the boy was injured by the exploding rifle was faked. When I told him I had the same information he said, 'I wonder how much more of this production has been faked?' I then told him about the staging of the sequence in Powder Springs at Wer Bell's home when the 30 calibre Enfield rifles were loaded, then unloaded prior to the trip south and the fake interview with the 'Haitian driver.' McMullen was very upset on learning this because he said that he intended to use that sequence as part of his documentary. ... In his parting conversation ... he told St. George in my presence that he had spent half his life trying to put together good reliable true productions and documentaries. ... (he) said he was aware that the whole operation was a fraud and accordingly he was closing down the production.53

52 Ibid.

53 Deposition of John Thomas Dunkin.
However, as has been noted, work on the project did not cease immediately, despite McMullen's statement to St. George.

The Subcommittee, in its report, said that the training camp sequence, although it comprised only one segment of the workprint, furnished a "... classic example of how an incident can be prearranged and staged for the camera in such a way that the resulting film footage gives every indication of recording a spontaneous news event."

The Subcommittee also questioned the ethics of a $350 cash payment to Masferrer for his cooperation in setting up the filming of the training camp sequence. This payment apparently was made at a meeting of the CBS crew, including McMullen, in a restaurant just prior to the filming of the sequence. Said the committee:

... The very fact that a sizeable cash payment was demanded in advance by Mr. Masferrer, the group's leader, should certainly have put a prudent person on notice that the events which were to follow could hardly be genuine.55

6. The final incident involving alleged staging in Project Nassau actually was the first filming done on the proposed documentary. The scene depicted a panel truck being driven down a residential street. It arrived at a residence and was backed into the garage. McMullen's voice over film provided the narrative:

In Coral Gables, Florida, on the afternoon of June 27, we kept a rendezvous with this truck which we were told would pick up weapons for shipment out of the country later in this day.

54 Project Nassau Report, p. 53. 55 Ibid.
At our first stop, the home of a Cuban exile, a leader of the group told us ...

Simultaneously, the film cut to a scene depicting the interior of a residence, where a group of persons were wrapping, packing and examining a variety of weapons including machine guns. The narrator for this scene, described by McMullen as "a leader of the group," proved to be Mitchell Wer Bell. Although his face was not shown, his voice was easily recognizable on the sound track. He began:

This is one of our primary safe areas which we use for collection. (a description of the weapons and ammunition follows) ... The equipment in this house has been here about 36 hours, which is probably 12 hours longer than it normally is in any single area. From here this equipment will be moved to our safe base area where it will be packed for complete shipment.

Wer Bell said that he was asked by McMullen and St. George to provide some of the narration for the film. "By this time I was carried away by the ham instinct in me, which apparently developed ..."

Wer Bell's testimony concerning his attitude toward the project showed startling conflict. In his initial testimony, he indicated that he took the whole thing as entertaining comedy. "I felt that this was a very amateurish attempt at something which I really didn't know what was going on and it was an interlude of entertainment as far as I'm concerned." Later, however, he described his reason for entering into the

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56 Transcript of "Cut Work Print." 57 Ibid.

58 Project Nassau Hearings, p. 90. 59 Ibid.
project as an attempt to "kill the boil and cancer of communism in the Western Hemisphere. ... "

On still another occasion, Wer Bell testified that he told McMullen: "... This is the time to put it in the can. You have the best comedy of the year here. ... All you have to dois have Charlie Chaplin come in with a long ladder and bucket of paint and turn around and knock everybody out the window and spill paint all over the place and you have a great show."

Wer Bell said that McMullen did not seem to think this remark was very humorous.

The above events comprise the Subcommittee's principal allegations of staging in Project Nassau. During the course of the hearings, CBS introduced a written policy statement as a practical guide to CBS personnel in investigative reporting. This statement was requested by the Federal Communications Commission as a result of its investigation of "Pot Party at a University," in a decision and order released on May 16, 1969. However, the policy statement was not issued by CBS until the following October, after the Subcommittee had begun its investigation into Project Nassau.

The lengthy policy statement dealt mainly with setting forth guidelines for investigative reporters in their coverage and reporting

60 Ibid., p. 111. 61 Ibid., p. 124.
of illegal acts. Only one paragraph was devoted to the staging of news:

... There is to be no improper staging of the news. CBS News personnel are prohibited to arrange for, induce or encourage people to do things or say things which they would not otherwise have done or said. Furthermore, anything which gives the viewer an impression of time, place, event or person other than the actual fact as it is being recorded and broadcast, cannot be tolerated.63

The Subcommittee described this section of policy as totally inadequate, saying that the use of the qualifying word "improper" leaves the "unfortunate impression that CBS considers that there may be such a thing as legitimate staging of news." The Subcommittee added that this statement also provides a loophole whereby inducements and encouragement may be offered to people to act in a certain way under the rationale that they would have done so anyway.

... The obvious fallacy here is that, once people have acted in a certain way in response of inducements supplied by a news organization there is no way of knowing how they would have acted absent such inducements. ... If the inducements are sufficient, the event filmed will itself have been contaminated so as to disqualify it as a bona fide news event. ... 65

However, it should be noted that CBS policy concerning staged news extended as far back as 1959. Details of this policy will be included in the final chapter of this study.

63 Project Nassau Hearings, pp. 397-398.

64 Project Nassau Report, p. 77. 65 Ibid.
Subcommittee Conclusions

The Subcommittee from evidence obtained by its investigators and during the executive and public hearings arrived at a number of conclusions concerning Project Nassau. It should be emphasized that these are the conclusions of the Subcommittee and not necessarily those of the writer whose conclusions will be considered in the conclusion of this study. The Subcommittee's conclusions will be considered briefly under the following headings:

CBS Financing of Project Nassau. The Subcommittee concluded that CBS spent in excess of $200,000 on the uncompleted documentary and alleged that this amount is only an approximation because of inadequate records kept by CBS.

But the injection of money by a news gathering organization into what is supposed to be a bona fide news event can easily amount to a contaminating process. ... Therefore, the public has a right to expect that adequate controls will be exercised to assure that the considerable resources of the broadcast news industry are not directed to manufacturing news rather than reporting the news upon which the public must reach its decisions and, ultimately, cast its votes.66

The Subcommittee in its report called attention to the fact that the CBS Business Affairs Office was "under express instruction not to 67 impede or control the project in anyway." A business affairs executive, 66

66 Ibid., p. 67.
Arnold Zenker, said his office was under specific orders from management neither to draw up a budget for the project nor to question any bills which McMullen asked to be paid. "As a matter of fact I was not even aware of the nature of the project until approximately six weeks before it terminated."

Contacts Between CBS and U. S. Officials. The Subcommittee reviewed the various actual and purported contacts between CBS representatives and various federal authorities, including an FBI agent, U. S. Custom agents and the Central Intelligence Agency. As was previously noted, attempts by counsel for the conspirators to establish connections between the CIA and the conspiracy were disallowed by the trial judge. The Subcommittee concluded:

... it is clear that no responsible person in authority in the CBS News organization took it upon himself to initiate any contacts with responsible U. S. authorities. It is also clear that, during the course of Project Nassau, the CBS producer was made aware of the fact that U. S. authorities knew of the activities that were in progress and would not permit an invasion to depart.69

However, the Subcommittee also noted that U. S. Customs agents would be reluctant to see the project terminate in view of information being supplied by Wilson. Therefore, said the committee, it was quite possible that Customs agents contacted McMullen with information which they may have hoped would influence him to continue filming the project.

68 Ibid.
69 Project Nassau Report, p. 74.
McMullen said the agents asked him to remain in the project.

Involvement of TV Reporters in Illegal Acts. The Subcommittee took an even more serious view of CBS involvement in its efforts to document the invasion. "Underlying the whole activity was the earnest endeavor by a group of dangerous individuals to subvert the laws of the United States. Had it been successful, the conspiracy would have produced a crisis for American foreign policy in the sensitive Caribbean area."

The Subcommittee asserted that various acts of CBS personnel brought the network itself close to a violation of the U.S. Neutrality Act. Specifically mentioned were CBS funds provided for the leasing of the schooner Poor Richard, expense reimbursements for the transportation of weapons, payments to Rolando Masferrer, and the use of CBS equipment in an extortion attempt upon Consul Maximillian.

The Subcommittee charged that the CBS policy statement equivocated on the question as to whether CBS personnel themselves will violate the law:

CBS personnel will not knowingly engage in criminal activity in gathering and reporting news, nor will they encourage or induce any person to commit a crime. Obviously, there may be exceptions which ought to be made on an ad hoc basis even to so absolute a rule. ...  

70  
Ibid., p. 78.

71  
Project Nassau Hearings, p. 398.
In its most strongly worded conclusion, the Subcommittee summed up its investigation in the following paragraph:

... the CBS News organization, having become elated at the prospect of a sensational news first—a complete documentary of the forcible overthrow of a foreign government—proceeded in a reckless attempt to capture the hoped-for film, and that it did so with no great regard for either accuracy or legality. The massive technical and financial resources which CBS so readily and uncritically committed to the pursuit of this news exclusive further accentuates the seriousness of the questions which have been raised.\(^2\)

In a letter to Subcommittee Chairman Staggers, Richard Salant, president of CBS News, denied each and every allegation raised by the Subcommittee investigation.

Recommendations

In its final report, the Subcommittee made several recommendations, based on its investigation of Pot Party at a University and Project Nassau. The Subcommittee stated that the facts revealed in these cases clearly indicated the need for new legislation in the communications field which would accomplish two objectives:

1. Protect the public against falsification and deception in the preparation and presentation of purportedly bona fide news programming.

\(^2\) Project Nassau Report, p. 81.

\(^3\) Letter dated May 8, 1970.
2. Prohibit the practice of news media involvement in criminal activities.

Protection Against Falsification. The Subcommittee noted that the present Section 509 of the Communications Act prohibits deceptive practices in connection with televised quiz programs. It recommended that this section be amended to prohibit falsification in news broadcasts. The Subcommittee, in a widely quoted and discussed statement, said that it did not "feel that falsification of news programming enjoys any greater protection under the First Amendment than does falsification in advertising or quiz programming."

The Subcommittee felt that this protection could be accomplished through what it called "affirmative requirements for disclosure on the part of television news organizations rather than by the imposition of some necessarily arbitrary standard of 'truthfulness.'"

As an example, the Subcommittee suggested that when a payment or other inducement has been made by the news organization to obtain an interview, or to secure permission to film some scene, a disclosure to the viewing public as to the circumstances and the amount in question could be required.

Similarly, when a scene has been simulated or is a reinactment the public should be clearly advised of this fact, the committee advised.

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74 Project Nassau Report, p. 83.

75 Ibid.
An affirmative requirement to this effect written into the law would not appear to be offensive to the First Amendment, according to the committee's view.

Recognizing the fact that the tape and film editing process can easily be abused to distort reality, the Subcommittee suggested a legal requirement that the public be informed through a superimposed legend on the television screen to the effect that the material had been edited. The transposition of events so as to reverse the time sequence in which they actually occurred should be circumscribed with stringent disclosure regulations, if not actually prohibited, according to committee recommendations. Strict disclosure requirements also should pertain to the manipulation of sound tracks, and the addition of sound effects.

The above approaches would have the effect of placing at the disposal of the individual viewer information which he needs if he is to realistically evaluate the reliability of what he is being told via television news programs. As also indicated, however, there may be some techniques which may be so inherently deceptive that they should be given no place in a television news program. ...

Participation in Criminal Activities. The Subcommittee directed severe criticism at the CBS policy statement which the group interpreted as advancing the proposition that there is one law for the public at large and another for representatives of the news media. "The laws

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Ibid.
of this nation apply to every person and to every organization. ... In view of the great technical and financial resources of the television news organizations, their participation or involvement in criminal activities cannot be tolerated."

The Subcommittee suggested that legislation should be considered which would preclude the news organization from engaging in the very criminal activity which it purports to expose.

Addendum

Nine members of the Committee and Subcommittee couched their additional views in an addendum to the Subcommittee's report:

We feel strongly that Congress should promptly enact legislation to regulate the activities of broadcast networks.

We recommend that the Federal Communications Commission carefully consider the conduct of CBS as reflected in this report and in an earlier report on the activities of one of its wholly-owned stations, WBBM-TV, Chicago, Ill. (H. Rept. No. 91-108; "Deceptive Programming Practices, Staging of a Marijuana Broadcast, "Pot Party at a University"). These matters should be given careful review and attention when CBS applies for renewal of any of the licenses of its wholly-owned stations, either television or radio.

We are particularly concerned about a network philosophy, as reflected in the CBS policy statement on investigative reporting ... which would equivocate on so basic a question as to whether network personnel will directly engage in criminal activity or incite others to do so. ...
As the report states ... we do not accept the proposition that there is one law for the public at large and another for representatives of the news media. For all of the above reasons, we feel the issues are pressing and should be dealt with as quickly as possible.

John E. Moss
John D. Dingell
Paul G. Rogers
J. J. Pickle
Ray Blanton
Robert O. Tiernan
James T. Broyhill
Tim Lee Carter
Dan Kuykendall

Summary

This chapter has treated in depth the staged news aspects of the controversial documentary "Project Nassau," using the same methodology and form employed in the previous chapter, "Pot Party at a University." It has examined the project from its inception to its ultimate rejection by CBS officials before it reached the air. The chapter has explored some of the contradictions and inconsistencies in testimony and evidence presented during Subcommittee hearings, and it has detailed the major findings and recommendations of the Subcommittee.

The final chapter of this study will draw some specific conclusions about each of these two cases, and some inferential general conclusions about staged news, all derived from research data explicated in this study.

78

Ibid., p. 151.
CHAPTER VIII

CONCLUSION

This study has sought to evaluate two landmark cases of alleged staged news practices within the broad historical context of American journalism, especially in the traditional concepts of objectivity, interpretation, and ethics.

The concept of objectivity, as applied in the rigorous scientific methodology of the physical sciences, can be adapted only to a limited degree in broadcast and print journalism. Eyewitness accounts and filmed reports do provide data which are verifiable by other observers. However, reporters, editors, cameramen, film editors and news directors are continually making judgmental decisions about time, space, placement of stories and reader-listener-viewer interest for which they can supply only ambiguous reasons, aside from personal and professional criteria which in many instances are derivative from the particular newsroom in which they are working.

Objectivity in journalism frequently has been equated with so-called "factual" data. But factual data have no more logic of their own that results in the same perceptions and cognitions for all people than any other kinds of data. The process of human perception, with its attendant limitations, exercises a restrictive discipline over data--
they must be perceived, interpreted and/or interpolated and then assembled. And human sensoria and frames of reference differ uniquely from individual to individual.

The numerous and varied attitudes toward interpretation in journalism only reflect and intensify the confusion surrounding objectivity. Interpretation is viewed by some as essential to objectivity and by others as antithetical to it. Between these polar attitudes exist a host of variations. It can be said, though, that interpretation is ancillary to the complex of abstractions which is objectivity in journalism. Probably most broadcast and print newsmen view the two as integral components of the process of reporting reality to their audiences, despite the obvious fallibilities of each.

Journalistic ethics constitute an equally delicate problem, not only for individual newsmen and their employers, but also for their formal professional organizations. Examination of the professional codes and regulations dealing with journalistic ethics reveals a particularly significant factor: none of them provides for adequate punishment, even for grave violations.

Conclusions based upon research evidence obtained in this study will be considered under three headings: "Specific Conclusions: 'Pot Party at a University'", "Specific Conclusions: 'Project Nassau'", and "General Conclusions and Social Implications."

Specific Conclusions: Pot Party

Research data contained in this study have resulted in the following conclusions:
1. **WBBM-TV's "Pot Party at a University" was staged in the sense of the definition framed in this study.** The pot party and subsequent filming would not have occurred at the time and place it did, except for the pre-arrangement and at the behest of reporter John Missett. The pot party did not in fact involve an event which did not occur, but rather an event which was "acted out" by the participants at the behest of Missett.

The pot party also was authentic in the sense that the participants were not non-students and all had previously smoked marijuana with varying degrees of regularity. However, the major journalistic deception perpetrated by this documentary was the fact that WBBM-TV represented to its audience that its personnel had been invited to attend and film the party, whereas the major portion of testimony in the case suggested the contrary. The fact that Missett purchased a quantity of marijuana from Witness "A"—a felony under Illinois law—at the conclusion of the filming did not tend to provide supportive credence to his testimony regarding the staged aspects of the party. Missett and Witness "A" presented conflicting versions of the circumstances surrounding the purchase. The fact remains, however, that Missett did not disclose this purchase to his superiors at WBBM-TV until much later in the investigation.

2. **Pot Party was not staged for the purpose of hypoing or increasing audience ratings.** This conclusion is in opposition to the conclusion arrived at by the Subcommittee, although it is essentially congruent with the conclusion reached by the FCC investigation. The evid-
ence for this conclusion is based on the following facts brought out in the hearings:

(a) None of the persons involved in the advertising and promotion of the pot party film segments, including WBBM-TV's advertising manager, Bruce Bloom, was aware of Missett's pre-arrangement of the party. They realized, quite simply, that the pot party segments constituted film footage of a rather sensational nature that possessed significant potential audience attraction and they advertised and promoted it accordingly. The Subcommittee based a majority of its findings in this area on the basis of an ARB telephone coincidental survey which was ordered by WBBM-TV officials for the 10:00 P.M. to 10:30 P.M. time period on the day of the first pot party broadcast. However, the Subcommittee took little heed of the fact that the survey was ordered late on the day of the first part of the pot party broadcast, and that it apparently represented a last minute decision on the part of WBBM-TV management.

(b) The Subcommittee in its findings emphasized a phenomenal eighteen-point rating jump in the time slot surveyed on WBBM-TV, and attributed this increase to the advertising and promotion of the pot party film. The Subcommittee neglected, however, to account for the fact that the first 17 minutes of the 10:00-10:30 time slot surveyed consisted of the climax and ending of an Academy-Award winning movie, which was immediately followed by the news, including the pot party segment. The "halo effect" of "adjacencies" (programs which follow each other) is widely known in broadcasting. The carry-over of audience from an especially popular program to the one which follows is an im-
portant factor in programming in certain time-slots in the broadcast schedule. In the case of the pot party, the survey would have been virtually useless if its aim had been to measure the audience attracted by the pot party film. It would have been impossible to determine whether the audience in the 10:00-10:30 time period watched the end of the movie or watched the news program which followed at 10:17 P.M.

3. **WBBM-TV officials, including news executives, failed to exercise adequate supervisory responsibility with regard to the staged elements of the pot party.** These officials, ranging from Kenefick, the station manager, to Ferrante, the news director, were unaware that Missett, despite numerous policy directions concerning staged news, had pre-arranged the pot party, and that it was not a spontaneous event to which WBBM-TV newsmen had been invited. Their failure of responsibility lies in the fact that they made no serious attempts to pierce the shield of anonymity with which Missett protected the identities of the party participants. The protection of identities of news sources in investigative reporting is a traditional credo of American journalism, and rightfully so (although several courts have held to the contrary). However, this anonymity applies to public exposure of the sources, not to journalists vitally involved in coverage of a delicate, sensitive and controversial story. News officials, particularly Ferrante, Morrone and Kenefick, had they been aware of Missett's sources, could have preserved the anonymity of the participants in the pot party within the confines of the WBBM-TV newsroom. Instead, WBBM-TV officials repeatedly questioned
Missett about his activities in the pot party, and apparently accepted in good faith his assurances that he and the camera crew had been invited to the scheduled party. Nor did WBBM-TV officials attempt to verify these activities with the party participants, beyond questioning Missett, even after allegations of staging were originally made by Northwestern University. WBBM-TV failed in its supervisory responsibility in placing too great a reliance on the statements and words of a relatively new, young and ambitious reporter. It must be emphasized that broadcast management is responsible for the conduct of its employees. It is highly doubtful that WBBM-TV would have presented the pot party segments had news executives been aware of Missett's actions in the party.

4. Out-takes of film footage shot on news stories and documentaries of a sensitive, delicate and controversial nature should be retained for a reasonable length of time. Testimony showed that the out-takes on the pot party were destroyed shortly after the final editing of the segments. Out-takes may or may not provide a more comprehensive perspective of the accuracy, balance and fairness of the on-air film presentation. In this conclusion the writer recognizes the storage limitations that exist at most networks and stations. Obviously, it is impossible to retain all footage of all film shot, but then not all stories are of a sensitive and controversial nature. News directors, news editors and film editors would have to decide if the nature of the story warranted preservation of film. Station and network practices concerning the retention of out-takes vary considerably throughout the country. Some retain them only a few days, a week, a month, while others
retain them indefinitely. Perhaps some kind of "statute limitations" on the retention of news and documentary film footage could be adopted by the broadcasting industry as a guide for networks and stations, especially on stories of a controversial nature. Such retention, in the writer's opinion, would serve not only as a protection to individual stations, but also to the public interest in general. The question of subpoena of out-takes by legislative, judicial and federal bodies is a legal one which these conclusions do not consider. As pointed out in the introduction to this study, the House of Representatives, in rejecting Representative Staggers' request for a contempt citation in *The Selling of the Pentagon*, already has established some initiatory precedence in this area.

This chapter makes no effort to arrive at conclusions dealing with numerous legal aspects of the pot party case and investigative reporting involving illegal activities. Questions such as the legal responsibility of a newsmen or photographer to report an impending crime, the extent of his participation in an illegal act, and any potential constitutional deficiencies of the FCC decision in the pot party case are beyond the ken, scope and competency of this writer. These issues are best left to lawyers and students of specialized mass communications law.

**Specific Conclusions: Project Nassau**

Several conclusions on Project Nassau are obtainable from data presented in this study:
At least six incidents of news staging are substantiated by testimony of witnesses before the House Special Subcommittee. Some of these are interrelated, and some are more serious in nature than others. These already have been detailed in the text and will not be repeated in the conclusion. The most serious staging incident, from the viewpoint of journalistic ethics, was the invasion force's "training camp" sequence filmed in Kendall Park, south of Miami. Testimony from several witnesses (see Chapter VII) indicated that the entire sequence was staged for the benefit of CBS cameras, with the exception of the rifle explosion which injured Julio Hormilla's eye. As one witness, former U. S. Marine Sgt. Donald Miller, pointed out: "... the CBS people directed all of the action ... tell us what they wanted us to do, and we would carry out the action. ..." Obviously, this was not a regularly scheduled training camp exercise which the CBS crew filmed in a non-participatory manner.

Other staged incidents in the Project Nassau film footage were less serious in ethical nature, and at least one of these, the filming of the simulated arrival of the weapons car and boat at the Ocean Reef Club in Key Largo, Florida, probably would be classified acceptable broadcast journalistic practice.

1 Deposition of Donald A. Miller.
2. The payment of funds to some of the principals in the Haitian expeditionary force influenced the staging of some of the incidents. CBS placed itself in a vulnerable and questionable position in the payment of money to some of the conspiratorial principals, even though these payments were made under the nomenclature of "film rights", services, expenses and information. This conclusion does not deal with the legal or moral aspects of such payments, but only from the viewpoint of the influence they had upon staged incidents in the film. Some of these incidents, including the simulated training camp exercise, probably would not have occurred at all if some financial remuneration had not been involved.

3. CBS officials, including Jay McMullen, producer of Project Nassau, were not initially aware of staged incidents in the film footage, but McMullen was aware that payment of funds was made to some of the invasion group principals. The filming of the training camp sequence at Kendall Park was done in McMullen's presence, but according to all testimony he was not aware that the session was being staged for his and the cameras' benefit. Shortly afterward, though, he began to entertain some doubts that the sequence was not what it was purported to be, and he voiced his suspicion to Thomas Dunkin, the free lance photographer and reporter. Dunkin confirmed his suspicions, and reported that McMullen commented: "... I wonder how much more of this production has been faked. ..." Dunkin then informed him of the other staged incidents.

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2 Deposition of John Thomas Dunkin.
in the film and McMullen was greatly upset. Dunkin said McMullen told Alexander St. George in his (Dunkin's) presence that he had spent half his life trying to put together good, reliable and true productions and documentaries, and that he was now aware that the whole operation was a fraud and, accordingly, he was closing down the production.

The statement of Anselmo Alliegro, son of a former president of the Congress in Cuba, who had enlisted in the invasion plot but later became disillusioned with it, partially reflects the reason for McMullen's unawareness of the staged incidents:

I cannot even now conceive that a man with as much experience as Jay McMullen could have been so easily fooled. It is my opinion that he was allowing himself to be fooled, because he did not want to face the truth. ... My only criticism was that McMullen allowed himself to be so easily led into situations which were not real, and then filmed them as though they were the real thing. ...3

Daniel J. Manelli, chief counsel for the Subcommittee, in an interview with the writer, provided essentially the same reason for McMullen's unawareness of the staged events, although in more sophisticated phraseology. He analogized McMullen's lack of knowledge of the staged events to Coleridge's "willing suspension of disbelief." 4

Journalistically, the explanation seems even simpler. The possibility of a sensational "first" on American television—the filmic documentation of the invasion of a foreign country from American shores and its culmination in the assassination of a dictator—probably be-

3Deposition of Anselmo L. Alliegro.
4Interview with writer, August 24, 1971, in the offices of the House Special Subcommittee on Investigations, Washington, D.C.
clouded and over-rode McMullen's usual realistic caution. Enormous psychological pressures were generated in the planning and development of the project.

It should be noted, however, that McMullen, according to testimony, was aware that cash payments were being made to some of the invasion leaders, particularly Masferrer. Evidence showed that Masferrer was given one payment of $350 at a meeting of the CBS crew, including McMullen, just prior to the filming of the staged training camp sequence. Both McMullen and St. George agreed from the beginning that "film rights" and information could be purchased from individuals involved in the invasion. These payments were always made in cash, usually by St. George rather than McMullen. The ethical and legal questions of these payments are irrelevant to the focus of this study, except as they affected the staging of film sequences. It has never been determined how much money involved in these payments, if any, ever funneled down into actual financial support of the invasion preparations.

It is significant that the final decision to scrap Project Nassau, made by William Leonard, CBS vice-president in charge of documentaries, was not made on the basis that it contained several segments of staged news events, but rather on the basis that "... as journalism it suffers badly by the unfinished nature of the enterprise."^5

In a memorandum to Wolff and McMullen, Leonard provided this rationale for jettisoning the project:

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^5 Memorandum from William Leonard to Perry Wolff and Jay McMullen, dated December 13, 1966.
... Had it simply failed on the beaches there would have been a real point to putting it on. Or had it not gotten off the ground because of positive action of the U. S. government, we would have been able to relate it in some fashion to the U. S. Dilemma, vis-a-vis the Caribbean. As it is, we see simply the non-adventures of a rag-tag crew next to whom Duvalier looks good, a gang openly flouting the law, in the end to no purpose. 6

In summary, CBS officials, as in Pot Party, failed to exercise adequate supervisory control over the planning, development and filming of Project Nassau. Too much responsible detail was left to subordinates without adequate checks on their activities.

4. CBS did not fail to provide adequate policy for news personnel on the question of news staging. Both the FCC and the Subcommittee pointed with considerable emphasis to an alleged lack of such policy. The FCC requested CBS to provide such a policy which, when delivered during the Project Nassau hearings, was described as inadequate by the Subcommittee. Contrary to this allegation, such a policy existed at CBS as far back as 1959 when Sig Mickelson was then president of CBS News. The writer has in his files a copy of a memorandum from Mickelson to the Columbia News Division staff, dated November 30, 1959, which clearly set forth the network's policy on staged news. It stated that CND broadcasts must be:

... exactly what they purport to be. ... It should be emphasized that while the program schedule of the CTN (Columbia Television Network) includes both fiction, permitting theatrical license, and

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6 Ibid.
reality, often side by side, CND programs deal exclusively with reality rather than fiction (except where there is a dramatization used as a basis for discussion). In CND programs, therefore, special vigilance is necessary to avoid any inter-position of fiction into reality. CND's major role as a purveyor of information to the public imposes upon us a special responsibility to avoid any kind of fiction or dramatic license when dealing with reality and facts. Whenever an event of either a news or documentary nature is re-created for filming or taping, rather than recorded as it takes place, this fact must be disclosed. Generally, however, this practice of recreation should be avoided.\(^7\)

Numerous other memoranda dealing with the portrayal of reality in news and documentaries were sent to the CBS News staff during the intervening years. In 1963, Richard Salant, president of CBS News, reiterated Mickelson's original policy statement:

... This means exactly what it says. There should be no exceptions no matter what the apparently compelling reasons of economy or showmanship may be. The policy is not flexible enough to accommodate considerations of convenience, of lack of time, of cost or for making the broadcast 'more interesting'. ... there shall be no re-creation, no staging, no production technique which would give the viewer an impression of any fact other than the actual fact, no matter how minor or seemingly inconsequential. The only way there can be certainty is not to let the bars down at all. Anything which gives the viewer an impression of time, place, event or person other than the actual fact as it is being recorded and broadcast cannot be tolerated.\(^8\)

These two memos alone, both dated long before the Pot Party and Project Nassau incidents, would tend to substantiate that a body of policy

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\(^7\) Memorandum from Sig Mickelson to the CND Staff, dated November 30, 1959.

\(^8\) Memorandum from Richard S. Salant to CBS News organization, dated June 3, 1963.
precedence relative to staged news existed within the CBS News organization. The network's later policy referred to in the Project Nassau hearings dealt principally with the role of investigative reporters in illegal events.

**General Conclusions and Social Implications**

A number of general conclusions and social implications have emerged from the data contained in this study. These will be considered under separate topic headings:

1. Staged news as defined in this study is an atypical, even rare, practice at the network level, and generally at the local station level. The majority of nationally recognized authorities in the field of both print and broadcast journalism believe that extreme practices of news staging occur rarely at the network level, but that when it does occur it represents a serious breach of journalistic ethics. The consensus among these authorities is that it might occur more frequently at the local station level, although it is relatively infrequent at both levels. It would appear on the basis of these opinions, including the writer's own experience in the media, that the two landmark cases of alleged staged news are in a sense unique and atypical, representing a departure from journalistic norms. There are other factors that militate against the violation of these norms. Newsmen, like all human beings, seek the respect of their fellow men and professional colleagues. Violations of accuracy, fairness and balance tend to thrust them into disrespect in the eyes of their colleagues whose respect they cherish most. Professional ostracism and discharge from employment are not unknown in cases of flagrant violations. However,
none of these factors precludes individual violations, especially under the stressful and dynamic forces operating in highly competitive print and broadcast journalism.

2. The inherent dangers as well as the benefits of legislative investigating committees, including the Special House Subcommittee on Investigations, must be clearly recognized, especially in their probes into media practices. Irrefutably, legislative investigating committees have brought to light many evils and malpractices in the American social and business systems that have resulted in substantial reform. However, it should be noted that attendant publicity accorded these legislative committee investigations has increased their frequency many-fold in recent years. Rourke has perceptively pointed out one of the major dangers:

While acting as auxiliary and ad hoc instruments of law enforcement, legislative committees have no power to impose punitive legal sanctions, except indirectly for refusal to answer questions. Nevertheless, their direct power to punish is considerable. The core of this power is the ability to inflict the penalty of adverse publicity upon those called before it. This sanction has been used with telling effect in many widely diverse areas. ...

In calling witnesses to public hearings for the purpose of exposing what is considered to be either illegal or unethical, a legislative committee has the visible and usually justifiable expectation

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that such exposure will at the very least bring unfavorable public exposure to the individuals or groups concerned. Thus, as Rourke has pointed out, publicity may operate as a sanction in and of itself, or it may initiate the application of other informal penalties. For Congressional blocs, whether organized on party or factional lines, this technique of sanction by publicity has a number of practical uses, including the perpetuation of the committee members' names in the mass media. The manipulation of such publicity has become a strategic fact in party as well as factional warfare in our political system, according to Rourke. It also should be noted that Congressmen are granted immunity from libel suits under the Constitution.

3. Any staging, simulation, pre-arrangement or re-creation of the original news event, or any portion thereof, if employed at all for whatever reason, should be publicly acknowledged. This, in effect, is a recommendation of the House Special Subcommittee on Investigations in its report of the Committee's investigation into "Project Nassau." However, the writer disagrees that it should be written into law, as suggested by the Subcommittee in its recommended amendment to Section 509 of the Communications Act. The Subcommittee has described this as "affirmative disclosure," through such means as superimposed legends on the television screen. This should be incorporated into network and station news policy, rather than encoded in law with concomitant dangers of inhibitory interpretations. Practically, this already is being done in various degrees by the networks and a number of local stations. Codifying this into law would serve
only to accentuate what FCC Commissioner Johnson has called the "chilling" effect of governmental inquiries into broadcast journalism's investigatory reporting techniques and practices.

4. More media advisory councils should be established to help the media interpret and fulfill their social responsibilities. Begun in Europe where they have been relatively successful, the media council concept has been adopted rather slowly in the United States, despite the efforts of several nationally influential publishers, editors and broadcast executives. All of the councils have a similar function: to meet periodically—usually monthly or quarterly—to assess the performance of the media and to advise responsible executives of local newspapers and broadcasting stations how council members think the media could improve their performance. The council in a sense can be considered a protector of the freedom of the media and as a conduit for dialogue between the media and their readers, listeners and viewers. J. Edward Gerald of the University of Minnesota has characterized the effective overseas press council:

(1) It is a private body designed to ward off government pressures upon the press.
(2) It operates as a buffer between the press and the public and between the press and government.
(3) Its membership is composed of balanced representation of the community and the media.
(4) It has no statutory power and relies on public support after reporting its deliberations to the public.
(5) It appears to function best in nations
where newspapermen avoid all forms of extremism.\textsuperscript{10}

At the present time there are more than a dozen press and media councils functioning in the United States with varying degrees of success. One of the chief objections of the professional representatives on these councils is that they must spend a great deal of time providing education of community representatives in the problems and intricacies of the media. This is probably true, but the resulting value to the media appear to be well worth the effort and time expended by its representatives.

5. Print and broadcast media should employ the ombudsman concept to track down complaints about their judgment and performance. This concept has been even slower in developing in the media than the press-broadcast councils. Actually, they could serve as cooperative and conjunctive functions. Although the ombudsman concept has been adopted in some universities, business, industry and government, relatively few of the media, either print or broadcast, have shown much enthusiasm for the idea. Probably the greatest barrier to its acceptance is the nature of the job itself. The ombudsman listens to complaints about the newspaper or station's accuracy, fairness, balance, political coverage, etc., and he then investigates the validity

of these complaints. His findings often times are revelatory to media executives and working newsmen themselves. One of the first major newspapers to establish a fulltime ombudsman was the Louisville Courier-Journal and Times. A veteran city editor was named to the position and he used all of his expertise in tracking down the facts involved in complaints against the newspaper. Needless to say, he did not become popular with his former city room colleagues for exposing some of their professional shortcomings of omission and commission. However, editors and publishers of the paper reported a noticeable improvement in the newspapers' news coverage. The ombudsman also discovered that many of the complaints possessed little merit, but the individuals involved obtained a measure of satisfaction by getting someone to listen to their complaints. The ombudsman concept could be adopted with effective results at nearly any station or newspaper.

6. More publications critical of journalistic practices, standards and performance should be established. Newspapermen have proceeded farther toward this objective than have broadcast journalists. The Columbia Journalism Review, the best of the organs critical of journalism, regularly contains critical appraisals of both print and broadcast media, although the emphasis appears to be on the former. The Chicago Journalism Review, founded by a group of working newsmen in the wake of bitterness following the 1968 Democratic National Convention, has been acidly critical of the communications industry in Chicago. Several lesser known publications of a similar vein have been attempted in other cities, but some have run into
financial difficulties. Broadcast journalists, whose professional problems are both similar and different from their colleagues in the print media, should establish their own publications devoted to thoughtful, critical appraisals of their craft. Broadcasting Magazine, the most widely read periodical of the electronic media, cannot be considered by any criteria as highly critical of broadcast practices. The Journal of Broadcasting and a number of other periodicals occasionally run penetrating articles dealing with problems and malpractices of the industry. It would seem that what is needed is more publications operated and written by working broadcast journalists whose perceptions of the craft's ills are more acute than those outside the profession. There are several obstacles to such publications: (1) lack of adequate financing; (2) fear of reprisals from employers (although none has been reported as a result of the establishment of the Chicago Journalism Review); (3) the possibility that such publications might turn into organs of invective, gripes and complaints about employers and practices which have little validity. Such publications, however, would provide working journalists with a voice in the discussion of the problems and practices of broadcast journalism, and serve to some extent as a voluntary ethical and professional guide for their professional conduct.

7. A continuing re-examination of the voluntary professional media codes is needed, with especial attention directed toward punitive provisions for flagrant and persistent violators. Most critics of the
codes agree that they have been largely ineffective due to the lack of adequate punitive provisions which have been too infrequently invoked. A great deal of lip-service has been paid the lofty ideals of these codes, but in actual practice they have largely gone unheeded. As Vogel has pointed out, journalists, as most human beings, prefer not to have to submit to ethic controls on the media. A continuing re-examination of these codes, including the possibility of more stringent punitive provisions for member-violators, would appear to be feasible if the media are to ward off the imposition of governmental regulations (other than those now in effect) upon the journalistic judgment. These patterns of voluntary control may eventually become an important factor in deciding the freedom and responsibility of media. A major problem of voluntary and professional controls, aside from the lack of enthusiasm on the part of members, is the fact that many newspapers and broadcast stations are not members of the professional associations which promulgate these codes, and therefore remain outside the jurisdiction of these groups. The writer does not mean to suggest that membership in these associations should be mandatory, but members subscribing to the codes would certainly exercise considerable influence upon non-members.

8. A permanent National Center for the Study of the Media should be established. This conclusion is congruent with the task

force report of the Commission on the Causes and Prevention of Violence. As was noted earlier in this study, the harsh response of the media to the recommendations of the Commission on Freedom of the Press were based on a perceived threat to the freedom of the press, which many journalists see as inherent in any external observation of media performances, standards and practices. A National Center for the Study of the Media should be an independent, non-profit agency conceived and articulated as an alternative to increased governmental surveillance. It should be independent of any political influence and devoid of any regulatory authority. The center would be independently maintained, administered and financed to insure the utmost objectivity, and should be accorded nationally recognized stature so that its findings and recommendations would exert considerable impact upon the media. Control of the center should be vested in a tripartite structure: (1) an overall supervisory group with an executive director; (2) a research section staffed with social and behavioral scientists, mass communication researchers, professional journalists who are employees of the center and not of the media, and representatives of other disciplines who are concerned directly or indirectly with the mass media; (3) a center advisory board. The overall supervisory board should include significant social and economic minorities representation. The center advisory board should be selected from nominees submitted directly by the media themselves. One of the obvious obstacles to the establishment of such a center would be the problem of funding. The financial foundation necessary for the center to
execute its duties and responsibilities would have to come from some form of taxes, either direct or indirect, or contributions from universities, corporations or foundations, or a combination of some or all of these. It is quite possible that such a center would face similar stringent media opposition accorded the Hutchins' Commission many years ago, although this is probably less likely today in view of changing social, political and economic conditions, including public attitudes toward the credibility of the media.

**Recommendations for Further Research**

A number of recommendations for further research have emerged from data contained in this study:

1. **Studies of the emerging autonomy of working journalists in both print and broadcast media.** These studies should attempt to provide some answers to a crucial question in American journalism: Is freedom of the press only the freedom of network executives, publishers and newspaper owners, and broadcast station managers? What about the journalists' freedom--their freedom to write and edit news and opinion according to their view of truth and the dictates of their own conscience, rather than according to the beliefs, attitudes, whims, political convictions and biases of their employers? The idea of journalists' autonomy had its origin in Europe and is only now emerging in the United States. Some editors in Scandinavian countries have worked for many years on long-term contracts that provide them with complete autonomy in the writing and editing of their newspapers, free from any re-
straints exercised by publisher and/or owner beliefs. Reporters and editors of two leading French newspapers, *Le Figaro* and *Le Monde* have won complete editorial control of their papers. In addition, several leading West German newspapers have achieved contracts with publishers assuring that they will not be forced to write stories that countermand their consciences. Newsmen in the United States, although they have been working toward this objective for many years, have failed to achieve substantial progress. One substantial exception should be noted. In 1970, the Denver Chapter of the American Newspaper Guild signed a contract with the Denver *Post* which provides for the appointment of a committee of working journalists and management to insure constant integrity in the news and to raise the standards of journalistic ethics. This contract has stimulated considerable interest among other Guild chapters, and it may burgeon into a lever whereby the working journalists can achieve a significant degree of control over the editorial content of their papers.

2. In-depth studies of press and broadcasting advisory councils, their organization, functions and effectiveness, together with model pilot designs for such councils at the local, regional and national level. Although there have been numerous articles written about the benefits and deficiencies of media councils, there has been little done in the way of solid research. These studies should examine successful councils, explore the reasons for their effectiveness and their deficiencies, examine the balance of lay and media representation on the councils, and the influence of council findings upon the public and the media.
Consideration also should be given to media objections that too much time must be spent in educating non-professional members of the councils with the problems and intricacies of the journalistic process. Above all, a research project should be developed to obtain a pilot design of a model council, either at the local, regional or national levels, which could serve as a pattern for the formation of future councils. This study would be primarily a qualitative one, although quantitative and experimental designs could be used, especially in the area of public and media attitudes.

3. Studies of the "new" journalism. This represents a broad area for research, encompassing the impressionistic journalists, such as Tom Wolfe, the militant and participatory journalists, and the "underground press." All of these represent, in a sense, challenges to the conventional and orthodox journalism that has prevailed in American media for so many years. Certainly the new journalism represents a response to the inadequacies of conventional journalism, and its strengths and weaknesses should be the subject matter for serious research. Despite numerous and vocal criticisms of the new journalism, it has provided a forum for ideas that were not considered—or considered adequately—by the conventional media. It also has provided a view of different life styles and different perspectives. It should be accorded serious research by students of the mass media, rather than invective, scorn and disdain given it by conventional media and audiences. The need for this recommendation is emphasized by the recent A. J. Liebling counter-convention of two thousand young journal-
istic Turks, including Tom Wolfe, who held a convention in New York City to coincide with that of the American Newspaper Publishers Association. "The non-stop critique underscored journalism's variety and energy—plus a widespread disenchantment with conventional practices. It was, in a way, journalism's Woodstock."

4. Case studies of other alleged deceptive news practices on the part of the networks, local stations and newspapers. These studies would examine, in addition to staged news, bias, distortion and slanting of news in the reporting, editing and presentation processes, whether in broadcast or print media. Probably the most publicized recent example of this is CBS' The Selling of the Pentagon, a controversial television news documentary in which it was alleged that network newsmen edited film interviews in such a manner that it distorted the meaning of the interviewees' replies. This case alone would provide the subject matter for a detailed research project. In addition, it would provide students of mass communication law with subject matter for study of an issue raised, the significance of which has not yet developed. As previously noted, the U. S. House of Representatives rejected a contempt citation for CBS President Frank Stanton sought by Rep. Staggers and his House Special Subcommittee on Investigation because Stanton refused to produce out-takes of the news documentary. This has established, in a sense, a precedent which possesses many ramifications. Still another subject of significant research is the

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12 *Time*, May 8, 1972, p. 70.
television and press coverage of the 1968 Democratic Convention in Chicago, in which all three networks were accused of news staging and other malpractices. The validity of these accusations has not been clearly established. The mass communication researcher will find many similar but less publicized cases in a search of the literature of broadcast and print media.

5. Studies of the changing perspectives of the First Amendment. Thoughtful specialists in mass communication law who have viewed the First Amendment from a variety of perspectives have suggested that the traditional interpretation of the First Amendment fails to take into account the realities of the media. Jerome Barron, professor of law at George Washington University, has argued that the amendment guarantee of a free press in America is meant to assure that every voice shall be heard. But he contends that the interpretation of the amendment has granted real freedom only to the owners and operators of the mass media. He alleges that many voices are being denied access to the only channels that will penetrate America's complex, urban society. He thinks the First Amendment must be reinterpreted to provide full access to the media for all—thus a "new" First Amendment. Clifton Daniel, associate editor of the New York Times, and other news executives, have rejected this proposal, asserting that it simply wouldn't work. He has pointed out that the Times receives nearly 40,000 letters a year from readers. If the paper were to print all of them, they would fill more than 165 issues, leaving room for nothing else, Just as newspapers are faced with a space problem in the access issue
broadcasting is faced with a time problem.

... Broadcasters—who have never enjoyed the freedom of the print media—have already seen the First Amendment reinterpreted in a way that dismays many of them. In 1969 they argued before the United States Supreme Court in Red Lion Broadcasting Co. v. Federal Communications Commission that the First Amendment protects their desire to use their frequencies continuously to broadcast whatever they choose and to exclude whomever they choose from using their facilities.¹³

The high court ruled against this argument, leaving unsettled such thorny questions as: What constitutes full access to the media? What is discrimination? What constitutes a representative group? Are proposed legal remedies, such as some suggested by Professor Barron, improper and impractical? Will a decision like Red Lion eventually embrace the print media? There is no answer to this question until the Supreme Court turns its attention to an access issue that involves the print media. Quite obviously, studies in the area of this recommendation should be conducted by specialized students of mass communication and constitutional law. These are crucial issues facing mass media, government and courts. Ultimately they must be resolved because one of our most cherished freedoms—freedom of the press—is at stake.

Mr. Walter Cronkite  
Managing Editor  
CBS News  
524 West 57 Street  
New York, New York 10019

Dear Mr. Cronkite:

I am a former print and broadcast journalist who is now an assistant professor of communication theory and journalism at Xavier University, Cincinnati, Ohio.

Currently I am a Ph.D. candidate in mass communication at the Ohio State University, Columbus, Ohio. I am writing my doctoral dissertation on "staged" news in broadcast journalism. As you are aware, very few studies have been done in this area.

One of the key chapters of my study will deal with the definition of staged news. Daniel Boorstin has described staged news as "pseudo-events" staged for reproduction by the media. This concept emphasizes staging for the media, rather than by the media. I am principally concerned in this study with the latter.

The Federal Communications Commission (in its letter to the networks re complaints about coverage of the 1968 Democratic National Convention) defined staged news as an event "which did not in fact occur but rather is 'acted out' at the behest of news personnel."

As FCC Commissioner Nicholas Johnson pointed out in his dissenting opinion in the CBS-WBBM-TV case ("Pot Party at a University"), there are many gray areas in any such definitions.

Obviously, a valid and reliable definition is crucial to my study. The proposed methodology in attaining such a definition consists of obtaining definitions of staged news from widely known authorities in print and broadcast journalism, extracting and comparing commonly occurring factors and terms and synthesizing them into a viable definition.

Would you be so kind and helpful as to provide me with your replies to the following questions:

1. What is your definition of staged news as you understand the term?

2. How do you differentiate between staged news and bias, distortion, slanting, etc.?
3. Do you think news staged by the media is published and/or broadcast a) frequently b) occasionally c) rarely?

4. Do you feel staged news poses a serious ethical problem in contemporary print and broadcast journalism?

I would be deeply appreciative of any advice, suggestions or criticism you might offer me in connection with this study. Please accept my sincere gratitude for your assistance and cooperation.

Sincerely,

Paul C. Lunsford
APPENDIX B

Walter Cronkite  
Managing Editor  
Anchorman  
CBS News

Howard K. Smith  
Co-Anchorman  
ABC News

Reuven Frank  
President  
NBC News

Frank Stanton  
Chairman  
CBS

Elmer H. Lower  
President  
ABC News

Wilbur Schramm  
Department of Communication  
Stanford University

Tom Wolfe  
New York Review

Curtis MacDougall  
Medill School of Journalism  
Northwestern University

Fred W. Friendly  
Graduate School of Journalism  
Columbia University

Ralph Renick  
Vice President for News  
WTJV-TV  
Miami, Florida

Richard Salant  
President  
NBC News

Richard L. Tobin  
Associate Publisher  
Vice President  
Saturday Review

Newton N. Minow  
Chicago Counsel  
CBS

J. W. Roberts  
Washington Bureau Chief  
Time-Life Broadcast, Inc.

William Rivers  
Department of Communication  
Stanford University

William Small  
Washington Bureau Manager  
CBS News

Robert Shayon  
Radio-Television Editor  
Saturday Review

Eric Sevareid  
CBS News

Julian Goodman  
President  
NBC

Harry Skornia  
School of Journalism  
University of Illinois

John Patterson  
Graduate School of Journalism  
Columbia University

Edwin Emery  
School of Journalism  
University of Minnesota
Dear Mr. Lunsford:

In response to your July 12th letter:

(1) There isn't any such thing as "staged news." An event that is staged is not news. A staged event in the terms of your inquiry is any performance produced and directed by professional broadcast personnel with the purpose of representing it as a spontaneous happening. (This is different from a rehearsal or reconstruction of an event, so identified.)

(2) This may or may not have anything to do with other sins of news reporting — bias, distortion, slanting, etcetera. These latter problems can manifest themselves in any phase of reporting or broadcasting, as well as in "staged events." Events, on the other hand, might be staged purely for pictorial or reportorial effect without regard to any ideological bias on the part of the producers. They may even prove not to be distortion in that they may represent an accurate portrayal of a particular situation. (The distortion would come if the reconstruction were represented as an actual happening.)

(3) Television news cameramen inherited an old trick of newspaper and newsreel photographers in "staging" events, almost never for ideological reasons but solely for pictorial ones with scarcely a thought for consequences. I believe the practice is passing today, at least in network television news presentations, (we certainly oppose the practice here at CBS), and on the rare occasion when it does take place I am certain, again, that in almost all cases it is purely for pictorial purposes.

(4) If it were a widespread practice it would pose a very serious ethical problem. Since I do not believe it to be a frequent practice, I do not find it a matter of great concern.

Sincerely yours,

Walter Cronkite

Mr. Paul C. Lunsford
21 River Drive
Maineville, Ohio 45039

July 16, 1971

WC/cd
Professor Paul C. Lunsford
21 River Drive
Maineville, Ohio 45039

Dear Professor Lunsford:

My answer is personal and not official.

It had seemed to me that in the faddish world of the social sciences quoting Boorstin had become passé.

His definition of a "pseudo-event" would apply to the State of the Union message, which comes immediately to mind among many examples which could, and which we continue to cover knowing how he feels about it.

Answers: 1) To me a staged event is an event staged by us which we allow only when approved in advance, only when it is the recreation of an event which could not otherwise be understood, only when it is clearly identified. When any of these three conditions is not met, however, whoever is responsible will certainly be reprimanded and may be fired. On the other hand, if you were the CBS local news director in Chicago back then when the suburban middle class was not yet aware that its children were taking to marijuana, and you thought it might be your responsibility to break the news, how else would you have done it? I have no answer to that one.

2) The answer is contained in the previous.

3) As I define it, it happens extremely rarely.

4) Not to the pure in heart.

Very sincerely yours,
Dear Paul:

Let me try to help with your definition and other questions.

1. What is your definition of staged news?

I have no difficulty agreeing with the FCC definition in defining staged news as an event "which did not in fact occur but rather is 'acted out' at the behest of news personnel." Where I differ is in believing (with Nick Johnson) that there is much more to be said about the matter. The FCC definition covers one aspect. It's also important to define what I call re-staged news: repeating those actions that occurred at an earlier time so that the media can report them. There are two categories: (1) events that occurred once (during a race riot a boy throws a rock through a car window; the photographer asks him to do it again so he can picture it), and (2) events that occur over and over again (a group often has pot parties and invites a TV news team to visit Wednesday night and report what they're like). I'm sure you can see that these distinctions are important.

2. All kinds of staged news are distortions. Staged news is not reality. Re-staged news is less reprehensible, of course, because it is an effort to get at reality and present it. Clearly, though, in both cases the newsmakers are conscious that their actions are being reported. They cannot behave as they would in a real situation.

3. Staged news is published and/or broadcast rarely. Re-staged news is published rarely in the first definition presented above, occasionally in the second definition.

4. I think staged news presents a serious ethical problem. I think re-staged news of the first type is a serious problem. I think that in many cases—not all—re-staged news of the second type is about as close to reality as we can get about a great many matters.

I'm really quite strongly opposed to artificiality. See the second edition of Responsibility in Mass Communication for my comments on staged photographs.

I wish I had more time to answer your questions. The gist of my belief is on this page, but I'm in a hurry to catch a plane and have phrased everything badly. My apologies.

I certainly hope you're able to explore this important subject fully. It should be a major contribution.

All the best,

Bill Rivers
August 26, 1971

Mr. Paul C. Lunsford
21 River Drive
Maineville, Ohio 45039

Dear Mr. Lunsford,

Forgive the delay, but much is going on to keep a reporter occupied.

Staged news is an event that would not have happened but for the presence and instigation of the reporter.

Bias, Distortion and Slanting involve a reporter setting his mind before the event, as it were, applying preconceptions of his own, or unfairly selecting from several statements an interviewee has made. Inevitably this is subjective. Staging is not.

I think staged news occurs very rarely indeed.

No, I do not think staged news presents a problem. But what does present a problem is the tendency of people to put on an act just because cameras are present, i.e. many of the demonstrations in all countries. We have to report about them. But it is possible some might not have happened but for our presence.

I have no remedy.

Sincerely,

Howard K. Smith

American Broadcasting Company
1224 Connecticut Avenue, N.W. Washington, D.C. 20036
330-7700
July 13, 1971

Mr. Paul C. Lunsford
21 River Drive
Maineville, Ohio 45039

Dear Mr. Lunsford:

I shall try to answer briefly each of your four questions:

1. I think staged news is simply information announced with a purpose in mind. Sometimes this news is legitimate, sometimes not. More often, though, staged news is simply another way of describing the function of public relations. The perfect example of staged news is the wartime communiqué. Seldom if ever does a communiqué actually lie, but seldom if ever does it tell the whole truth, either.

2. Staged news will be just as biased, distorted, slanted, or downright dishonest as the stager. From the beginning of time, human beings have wanted to show themselves and their projects to the best advantage. They have told the world around them only those things that would be of advantage to themselves. This is the basic difference between staged news and objectively reported news.

3. News that is staged is occasionally published or broadcast but usually it doesn't take long to unmask any distortions or falsehoods. Editors come to smell out staged news, somehow. Intuitively, perhaps with regard to the source or prior experience, an editor can tell pretty well whether something is phony or not. In any case, he soon learns.

4. I don't believe staged news is any more of an ethical problem now than it ever was except that, as the techniques of public relations continue to improve, the editors will have to be sharper and sharper, which is likely to happen in any case since, according to Newton, for every action there is a reaction.

Sincerely,

Richard L. Tobin
July 15, 1971

Mr. Paul C. Lunsford
21 River Drive
Maineville, Ohio 45039

Dear Mr. Lunsford:

Your letter to James C. Hagerty, Vice President for Corporate Relations, ABC, Inc., has been passed to ABC News for a reply.

The project you are undertaking sounds quite interesting and I am happy to answer your four questions.

1. Our definition of staged news is identical to that of the FCC's -- an event "which did not in fact occur but rather is 'acted out' at the behest of news personnel." At ABC News we do not permit the use of staged footage. Our rule is: if we miss something, our personnel are forbidden to request, "Do that one more time." This is an iron-clad, unbending, unyielding, no-exceptions-at-any-time rule.

2. Bias, distortion and slanting seem to me to be in the manner in which a story is presented and have nothing to do with staging. An event which is staged can be -- while unethical -- unbiased and unslanted. (Presenting it as a spontaneous event, however, is a distortion). You can have bias, distortion and slanting without staging. Our policy demands objectivity on the part of our newsmen, as well as honest film footage (i.e., unstaged footage).

3. The third question is impossible for me to answer because I don't read and see all the newspapers, magazines and television news programs in the country. It is my impression that on the network level instances of staged news are extremely rare. I have seen few television reports in cities I have visited with have the earmarks of staging. But I cannot speak with absolute authority for "the media" as your question demands.

- more -
4. Yes. The most basic of ethical problems. Staged news is false. News is supposed to be fact. Something which is staged and presented as fact is a lie. The first commandment for the journalist is, "Thou Shalt Not Lie." It is one thing to be wrong. Error is understandable, although undesirable. It is not unethical to be in error, it is merely unfortunate (and frequently indicative of sloppy reporting). But lying is unethical and is inexcusable. And staging is visual lying.

Sincerely yours,

EWL/pas
Dear Professor Lunsford:

In regard to the four questions you pose concerning staged news, let me say that we find the phrase offensive and a practice we do not engage in, indeed one that is banned by CBS News policy. I simply look upon staged news as events arranged by the newsman rather than simply happening or being arranged by news sources or events (the kind of things Boorstein refers to as "pseudo events"). In answer to your second question, while staged news might include bias, distortion, etc. it is often simply a reporter or cameraman trying to get what he considers the best picture and obviously oblivious to the implications of staging. It is an extension of the old newspaper still photographer asking the movie queen to cross her legs before he took her picture. This could reflect the bias of the newsman or it could be done in innocence but in either case I consider it improper.

In answer to question three, if you accept my definition of staging, I think you will find that broadcasting is rarely guilty of it. As to question four, obviously I feel there is a serious ethical problem involved in staging.

I don't know if you have seen a book that I wrote last year (To Kill A Messenger, Hastings House, 1970) but it deals with some of these matters and I think it might be worth your examining. If I can help in any other way, feel free to call upon me.

With warm regards,

Bill Small

Mr. Paul G. Lunsford
21 River Drive
Mainsville, Ohio 45039

July 15, 1971
Dear Professor Lunsford:

I have your letter of October 25. Perhaps the best way to get at some of your questions is for me to attach certain statements which I or others at CBS have made on the subject of staging. The first attachment is a statement I prepared not long ago attempting to define staging. In addition, I am attaching various policy statements issued over the years forbidding staging. I have marked the relevant sections.

Turning to your specific questions insofar as they are not answered by the attachments—staged news is one thing; "bias, distortion and slanting" may be another. Of course, all of these are intolerable. But "staging" may be entirely unrelated to bias or slanting—it may rather be a misguided attempt to portray reality. Indeed this is the contention of the new wave of film makers who justify staging on the ground that it is a better portrayal of reality.

I cannot answer your question about the frequency of staging "by the media" in general. I am confident that it rarely occurs at CBS News and whenever it does occur, and we learn about it, disciplinary action is taken immediately. There has been one such case in recent years.

As the attached papers make clear, I most certainly do believe that staging in journalism raises a grave ethical problem and is intolerable.

Yours sincerely,

[Signature]

Professor Paul C. Lunsford
21 River Drive
Maineville, Ohio 45039

November 1, 1971
Mr. Paul C. Lunsford  
21 River Drive  
Maineville, Ohio 45039

Dear Mr. Lunsford:

Perhaps these answers will help with your dissertation:

1. I almost cannot connect the word "staged" with the word "news", in the sense that "news" to me is pure actuality, occurring without outside inducement, persuasion, or interference. Obviously, this definition of mine falls apart when one considers the number of "pseudo events" -- news conferences, for example -- where only formal statements are read which have been staged for the benefit of the media. In the literal sense, even staged events have to be considered as some form of "news" since they occurred. The key question is whether one broadcasts coverage of them. I try to avoid it whenever possible.

As I understand the term, "staged news" involves the creation of an event that otherwise would not have taken place. There has to be an expectation on the part of the "stagers" that some media will cover them so that their point of view can receive wider attention than it would ordinarily get.

2. I'm not certain I understand the thrust of this question, since "bias, distortion, and slanting" are not part of a staged news event, but rather are potential parts of the reportage of that event. Allow me then to define for you my feeling about bias, distortion, and slanting, and then try to connect it vaguely to "staged news." To me, fairness and balance should be uppermost in the minds of every professional broadcast journalist or producer. I try to achieve balance between points of view within a "broadcast week" on the ABC Evening News. That means I try to make sure each side of a controversial issue is reported within any seven-day period. There are times when one evening's broadcast will be overloaded with one point of view on an issue. For example, when the President makes a statement, and we cover it, the impact is considerable from his viewpoint, and viewers accuse us of
bias in favor of the Administration. The next day, the other side may put forward its reply, and we cover it. Viewers then accuse us of being biased against the Administration. (One man's bias is another's objectivity.) But on balance, we have given both sides their due, and we have been fair to both sides. Hence, "fairness and balance."

Distortion and slanting have no place in journalism, as I'm sure you know. If a correspondent or editor or producer allows such a situation to develop, he should be fired as incompetent. Obviously, there have been cases where a reporter has deliberately slanted his report, or a producer has deliberately distorted film in order to make a point. If that happened in my shop at ABC News, and I discovered it, that person would be out of his position of trust very quickly.

Now to tie this to "staged news" -- perhaps an editor with a particular bias would assign coverage of a staged event in order to give that bias the tangible form of pictures. I guess that happens. I can only say we try to avoid it by judging our assignments on their intrinsic merit, and not on their potential for the spectacular.

3. I think news staged by the media is rarely broadcast now. The "Pot Party" case is well-known to all executives and producers and such situations are avoided like the plague. Again, I'm afraid exceptions probably can be found, particularly in documentaries where situations may be set-up to illustrate a particular point. These are, or should be, carefully explained, however, in the narration of the documentary, so that the audience knows precisely the circumstances involved in obtaining the visual material they are looking at.

4. If you mean by this question, "Does the broadcasting of staged news pose a serious ethical problem?" -- I think it does. The judgement has to be made whether the pseudo-event, though staged, has somehow achieved importance worthy of reporting. I believe that when this occurs, the narration must make clear how the event came to pass, and why it now merits attention. As far as the ethics of staging an event (which may be the thrust of your question), I find nothing unethical about a group of people presenting their point of view in any way they see fit.

I hope these rather brief replies will be useful to you. I must confess to enjoying the intellectual exercise of formulating them for you.

Sincerely,

AW:scb
APPENDIX D

Transcript of Audio Portion of Part One and Part Two of WBBM-TV's "Pot Party at a University"

Part One

Now WBBM Television News presents "Pot Party at a University", part one of a two-part series on marijuana smoking—why they do it and its effects. Occasionally a black mark will appear on your screen or the screen may go blank for a few seconds. This is to protect the identity of the persons involved. Now here's reporter, Jack Missett, with part one of "Pot Party at a University".

(Music and talking)

JACK MISSETT. This is a party on the campus of Northwestern University in Evanston. It appears to be a typical college get-together with Northwestern students, a teacher, and two college dropouts, but this party is different, and what makes it unusual is the refreshments. For instead of just having soft drinks or beer at the party, these young people are smoking marijuana. Marijuana, or pot, is not just part of the party, it's the main topic of conversation.

(Music and talking)

Spoken by a young man who seems to be in the room, but camera does not show him speaking:

Oh my goodness, that's a funny thing. I hear they busted a guy with so many hundred marijuana worth on the market about $250,000. You get about seventy joints to the ounce, times (unintelligible), that's 1800 joints at a dollar apiece ... (unintelligible)

JACK MISSETT. In the eyes of the law you are witnessing a crime.

Under Illinois law, possession of marijuana is a crime, punishable by imprisonment for two to ten years for the first offense and up to life in prison for repeaters. Marijuana is smoked in a pipe or cigarette passed quickly from person to person so as not to waste any of
the smoke. Cut marijuana is sold by weight, the price depending on the trouble and risk taken to make the sale. When rolled into a cigarette called a "joint", the marijuana becomes community property. Usually two or three joints are in circulation at one time, going around and around until everyone becomes intoxicated. The burning marijuana produces thick, sweet-smelling smoke much coarser than that from a regular cigarette. Marijuana, or pot as it is better known, has been smoked in America for years, but recently marijuana has become the focal point for controversy and not just on the college campus. For the police, parents and even the Armed Forces, the controversy has become a dilemma.

(Talking)

FIRST PERSON. You know, everybody's turning on in Viet Nam.

SECOND PERSON. Yes. No that is fantastic. I talked to some guy who just came back from there and he said, before anybody goes out in battle--they just all light up a joint--otherwise they can't take it.

FIRST PERSON. The whole world is turning into one immense pot bust. (Several unintelligible sentences.) ... Turn on the narcs.

JACK MISSETT. For a spicier and more potent smoke, a piece of hashish is added to the marijuana. One of those at the party said he brought this ball of hashish back from a European trip. Hashish too is illegal, considered a dangerous narcotic. But despite the laws, the chances of getting caught and going to jail, these people continue to buy and use marijuana and other narcotics and each has his own particular reason.

STUDENT 1. It's better than booze 'cause the high is just as good and you can maintain more coherence and thought and you're not as apt to get belligerent as you are drunk or to make the siege, you know, get sick. It's much less physically debilitating than booze.

JACK MISSETT. Have you ever had any bad experiences with it?

STUDENT 1. No.
JACK MISSETT. Are you afraid of getting busted, as you say?

STUDENT 1. Yeah, everybody's afraid of getting busted. They're cracking down, especially this year. There's feds on campus. People have seen them. They've denounced themselves. What's bad is that the Evanston police have this theory that there's a Mr. Big behind all the drug addiction, pornography and cheating at Northwestern, you know, one man, and they keep trying to bust kids and then they turn narc. They tell the kids, you know, we'll hang you up unless you turn informer on us. So the kids do it to get off from, you know, going before the court and they keep busting more and more people trying to get--hoping to work a ladder up to this Mr. Big, but obviously so they're just spreading literally--they're picking up all the kids.

STUDENT 2. I need to smoke it.

MISSETT. Why?

STUDENT 2. Because I like it now. It tastes good.

MISSETT. And what does it do for you?

STUDENT 2. Ah, it changes things. It makes everything real soft, you know, it makes jokes are funnier and food is better and music is fantastically better. Everything just feels better.

MISSETT. How does it affect you physically?

STUDENT 2. Physically? I feel real soft. You feel like you could melt into the wall.

MISSETT. Why do you smoke?

STUDENT 3. I enjoy it sometimes. Ah, mainly when there's people over that want to smoke, then I'll smoke with them. I don't do it as much as I used to so it's not like, you know, like I don't just smoke all the time, you know.

MISSETT. How long have you been smoking?

STUDENT 3. About two years--a year and a half--two years.

JACK MISSETT. What are some your experiences with is?

STUDENT 3. No special experiences, no Ihaven't, I just, you know, get high and its mainly the same every time.
I mean unless it changes with whatever I'm doing but no really strange experiences on it.

MISSETT. These people are risking more than just a jail sentence by smoking marijuana. Conviction on a narcotics charge can mean the end to a career, expulsion from college or high school. In our next segment, we take a look at the legal and medical aspects of smoking marijuana. I'm Jack Missett.

WBBM-TV Television News would like to make it clear that in fairness to Northwestern University, our investigation has revealed that similar parties have taken place on almost every other college and university campus in the Chicago area. Part two of our report will be presented tomorrow night.

Part Two

Last night WBBM Television News presented the first part of a two-part series on the use of marijuana on university and college campuses. Following that telecast, Northwestern University accused us of staging the party for our news cameras. This WBBM-TV categorically denies. We were invited to film the party for use within our news broadcast. It is the intention of this station to inform the public of any and all newsworthy events. There was no intention to embarrass Northwestern or any other university. We feel it is simply a social problem that must necessarily be brought to the attention of thousands of Chicago area viewers. We now present part two in the two-part series, "Pot Party at a University". Now occasionally a black mark will appear on your screen or the screen may go blank for a few seconds. This is to protect the identity of the person involved. Now here's reporter, Jack Missett, with the concluding portion of "POT PARTY AT A UNIVERSITY".

JACK MISSETT. In the eyes of the law you are witnessing a crime. Under Illinois law possession of marijuana is a crime, punishable by imprisonment for two to ten years for the first offense and up to life in prison for repeaters.

(Same music and conversation footage as used in the beginning of part one.)
MISSETT. We have visited a marijuana party on the Northwestern University campus and talked with people who smoked marijuana regularly though they are breaking the law and can go to jail for it. They meet in small groups sharing their marijuana and rolled cigarettes or an exotic pipe. Each individual has his own reasons for smoking marijuana, but they do agree on two things. They think the laws against smoking marijuana are wrong and they consider marijuana smoking a harmless habit.

Dr. Jerome Jaffee, a psychiatrist at Chicago's Billings Hospital, and one of the foremost experts in the nation on the use of marijuana isn't sure marijuana is harmless.

DR. JAFFEE. In the course of this, you know, disturbed state, the individual might be a danger to himself or to other people so in one sense any drug that produces—that is capable—is a potent hallucinogenic agent, can produce a toxic psychosis, carries with it a certain risk both to the user and to the people around him. Now is it dangerous physically to use it from time to time in the form it is used in this country? Well, that's another matter. It turns out that there's a rather rapid onset of effects when you smoke a marijuana cigarette. Most users want the feeling of relaxation. They don't want to get a toxic psychosis and so they are usually able to stop after the appropriate number of inhalations. Not everyone is, but most are able to do this.

CHARLES WARD (Federal Narcotics Bureau). Well, what these so-called experts fail to tell you is that in our older civilizations—Egypt, India, in the Mideast, now these civilizations are thousands of years old, over there, their marijuana is known as hashish; it's probably the strongest form of marijuana that we know today. The active ingredient, tetrahydracannabinal, is much more prominent in their type of marijuana. Their doctors report that the chronic users of hashish, many of them wind up in insane asylums.

Anonymous Marijuana User: I guess there are a great number of people around who are against it, think it's something immoral. I don't believe it is anything any more immoral than smoking a cigarette or drinking liquor or anything of that nature. It's just that it has such a stigma attached to it that people believe you are
degenerating, hanging around with evil crowds of people, which isn't true at all. But a lot of people that drink at more refined cocktail parties in Connecticut or something are a little more degenerate than the people who smoke marijuana.

Another Marijuana User (with guitar): It's relaxing, enjoyable, it's better for you than booze and most I think because it liberates your imagination, you know, like I saw a lamp post and a fire hydrant and I saw them exactly, you know, I saw everything about them without thinking.

DR. JAFFEE. What they are correct when they point out that the way they use marijuana it does not present, you know, a major danger to themselves. These are usually people who themselves do not, you know, have any great difficulty with it. Whether it presents a difficulty to the general public if it were more widely available and it were available in more potent forms is another question.

CHARLES WARD. A person who is really under the influence of alcohol has lost his local mobility, whereas a marijuana user has not. Although he is under the influence of marijuana, he can still locomote. So where he becomes dangerous, his perception of time and space are distorted, he can still get in back of a wheel of an automobile and continue the senseless slaughter on the highway.

MISSETT. Would you like to see any changes in the narcotic laws as they now exist?

WARD. None whatsoever. Our men are constantly working under cover and we're constantly observing people under the influence of marijuana. We know the type of people who are trafficking in marijuana and the Bureau of Narcotics and I personally feel that the laws are not too severe.

DR. JAFFEE. I don't know whether or not it's good for society to increase the number of potent drugs available for use. I think this is a judgment society as a whole has to make. I think it's only the job of those people interested in the problem as a scientific problem and try to assess, you know, what are the dangers, what are the likely outcomes if we take one course or another course.
JACK MISSETT. The problem of marijuana smoking is not unique to Northwestern. High school students, professional people have also admitted they smoke marijuana. A number of people are actively campaigning for legalized marijuana and perhaps they'll soon have their say. Some members of Congress are calling for hearings on the present drug laws in light of the controversy over legalized marijuana. But it will take time before the laws are changed, if indeed they ever are, and while the debate continues, there are those like these people who are not content to wait. Jack Missett, WBBM Television News.

WBBM Television News would like to make it clear that in fairness to Northwestern University, our investigations revealed that similar parties have taken place at almost every other college and university in the Chicago area.
APPENDIX E

Transcript of Audio Portion of "Cut Work Print" of CBS' "Project Nassau," Prepared by CBS for the House Special Subcommittee on Investigations

McMULLEN. October 21, 1966. We came to an apartment in this building on West 87th Street in New York City to meet three conspirators; Rene Leon, a colonel in the Army of the Republic of Haiti until his exile in 1959; he is planning to return to Haiti soon as the head of an invading army. Father Jean Baptiste Georges, a Catholic priest, former Minister of Education in Haiti, now living in exile; he hopes to be the new President of Haiti if the invasion he is helping to plan succeeds. Father Diego Madrigal, an exiled Cuban priest, active as a fund raiser for the underground opposition to two Caribbean dictators. Over a late lunch we questioned these men about their plans and about a man they hate:

FATHER GEORGES. He didn't do anything against the church right from the beginning, but when he started becoming the real dictator he didn't want any authority besides his.

McMULLEN. The man they are discussing lives in this Palace in Port-au-Prince. This is the official residence of Francois Duvalier, lifetime President of Haiti. His people call him Papa Doc.

PAPA DOC. They call me Papa Doc because I'm mostly a medical doctor than a politician.

McMULLEN. Francois Duvalier, M.D., and dictator, has been the ruler of Haiti's four million people since 1957. He has maintained his rule of these people with the help of bullets, bayonets, and bodyguards. In October of 1966, Duvalier knew from intelligence reports that an invasion and his death were being plotted by exiles in New York City.

McMULLEN. Father Georges, do you think that the assassination of President Duvalier at the time an invasion attempt is made would quicken the whole process of taking over?
FATHER GEORGES. No doubt about it, of course.

McMULLEN. Would you support an attempt in that direction?

FATHER GEORGES. But, with the invasion?

McMULLEN. Yes.

FATHER GEORGES. Yes.

McMULLEN. Colonel Leon, in your plan to invade Haiti, have you considered the possibility of bombing the Palace and eliminating ...

LEON. That would be perfect—perfect target, you know, for the invasion.

McMULLEN. What do you think of that, Father Madrigal? Do you think a bomb on the Palace would help this plan?

MADRIGAL. Yes, I think so. Yeah, sure.

McMULLEN. Would it be difficult to do to bomb the Palace, Colonel?

LEON. It would be— it would be easy.

McMULLEN. Shall we say that it is a thought that has occurred to you in your invasion plans?

LEON. Well, it might be a reasonable ...

(Music. Accompanied by further scenes of President Duvalier.)

LEON. What they want first is to have some means of doing something, like to receive arms and maybe explosives, things like that, you see.

McMULLEN. Now are these being sent, is your group sending...

LEON. Yes, we've been working on that. Some have already been sent, and we plan to send some more.

McMULLEN. This is arms into some of those underground groups?

LEON. Right.
MCMULLEN. In Coral Gables, Florida, on the afternoon of June 27, we kept a rendezvous with this truck which we were told would pick up weapons for shipment out of the country later in this day. At our first stop, the home of a Cuban exile, a leader of the group told us:

WER BELL. This is one of our primary safe areas which we use for collection. There are pieces of equipment scattered around the house here, under the bed and in the closets and packed up and cased and uncased. In this particular house we have several 50 caliber machine guns, we've got two or three 30 calibers; we have a number of lighter weapons, two Bren guns here, there are probably 12,000 rounds of 30 caliber ammunition and 4,000 rounds of 50 caliber ammunition here at the moment. The equipment in this house has been here about 36 hours, which is probably 12 hours longer than it normally is in any one single area. From here this equipment will be moved to our base safe area where it will be packed for complete shipment.

MCMULLEN. By 4:35 p.m. the weapons and ammunition had been loaded into the truck and we were on our way to the group's base packing house in South Miami.

Why do you have several houses that you use for storage of these weapons? Why do you use this procedure instead of putting it all in one place?

WER BELL. Well, we try to break it up into small units, number one, minimize the loss possibility, and number two, to minimize the disclosure and the burning of our people.

MCMULLEN. Have any of your people ever been caught doing this?

WER BELL. I don't want to answer that question.

MCMULLEN. At this point are you at all nervous about this situation, this run?

WER BELL. Well, I'm shaking a little as you can notice, but outside of that, I'm not nervous at all.

MCMULLEN. What would you do if you were stopped right now by some law enforcement agency with all this material in the truck?

WER BELL. Well, frankly, there's not much I could do,
say hello, hello, hello. (laughing)

McMULLEN. Are there any particular agencies that you’d be worried about?

WER BELL. Well, I'm worried about any law enforcement agency in the United States, because what we are doing is, according to the laws of the United States, illegal.

McMULLEN. At 4:57 p.m. we arrived at the group's base storage and packing house.

WER BELL. We're now coming into our main collecting and packing area. And as you can see we're completely under cover here.

McMULLEN. Inside this house, weapons collected from other locations had been assembled for checking and now were being dismantled and rewrapped. The lookout on the front porch was a Cuban woman. Another member of the group told us:

MASFERRER. Around here we have men from the Dominican Republic, there is an American you can see there, and these Haitians that are taking an active part in this— they have to disguise their identity because Duvalier has no limit in his brutality against the families of these opponents.

HAITIAN. I’m afraid for the reprisal for my family because I got all my family in Haiti.

McMULLEN. They're all in Haiti now?

HAITIAN. All in Haiti now.

McMULLEN. And what about this gentleman over here? Is your family in Haiti also?

ANOTHER HAITIAN. Yes, same thing, right.

McMULLEN. How long have you been in this country?

HAITIAN. Three years.

McMULLEN. How long have you been involved in, I gather, gathering together arms and getting back to Haiti to the underground?

HAITIAN. TWO YEARS.
McMULLEN. Would you tell us what you hope will be accomplished by this shipment?

HAITIAN. To kill the head man of Haiti.

McMULLEN. Who is President Duvalier?

HAITIAN. Who is President Duvalier.

McMULLEN. That's what you hope?

HAITIAN. That's what I hope, yeah. The first bullet should hit him.

McMULLEN. We asked, how many men can you arm with the weapons in this shipment?

WER BELL. We have enough here to completely arm a full scale airborne platoon. In total rounds, including the bazooka and rockets and the mortar ammunition. I'd say there's about 50,000 rounds going out in total. The actual dollar and cents value I'd say would be about, oh, about $35,000.

McMULLEN. This man is a weapons supplier. We asked him: Would it be possible for anyone to gather a large supply of arms without at least say one government agency knowing about it?

MASPERRER. Well, they might even know, but perhaps only to the point where our transactions are legal. You can buy semi-automatic weapons here legally in any store, not the full automatic ones, on that you have to be real careful.

McMULLEN. Some of these weapons you have here I don't believe you could buy in a store, can you, like a bazooka?

MASPERRER. That is correct.

McMULLEN. Or a 50 caliber machine gun?

MASPERRER. The heavy weapons and the full automatic weapons and the explosives you cannot buy in a store but there are channels. For years I've been working in that direction.

McMULLEN. What about these weapons in terms of getting them out of the country? Wouldn't it be difficult to
do this on a regular basis without some governmental organization knowing about that?

MASFERRER. Well, they might suspect but our general ends of fighting dictatorship in the Caribbean agrees with the general known policies of the United States Government.

McMULLEN. In other words, you think the Government in part might be agreeing with what you are doing?

MASFERRER. Especially if we have success.

McMULLEN. By 6:45 p.m. the truck was loaded. We were told that the truck would drive to a secret docking area north of Miami where the weapons would be reloaded onto this motor boat.

WER BELL. The truck will rendezvous with this boat when it is in the water which will be quite a distance from here.

McMULLEN. According to their plan, this fast boat would carry the weapons out to sea for transfer to a mother ship waiting in international waters.

WER BELL. The boat will be placed in a safe area in the water and will rendezvous with the mother ship sometime tonight.

McMULLEN. On the following day, September 13th, we were taken to this storage shack in a remote area near Atlanta. We were told that this small boat with a 90 horse power engine and a speed of 55 miles per hour would be used to land weapons from a mother ship to the beaches of Haiti.

WER BELL. This boat’s going to be taken down to the Florida Keys and from there we will transfer the boat to the mother ship and down to the base in the Caribbean. This boat has been used a number of times in Caribbean landings. It’s been into Cuba a number of times, and it’s been into Haiti twice.

McMULLEN. The boat would be towed to Florida with a shipment of weapons stored here.

WER BELL. These weapons are the Enfield 303 Royal British Army weapons. In this particular group there are only 20 of them. We consider them as a device
that we can give away to practically any partisans that would like to have them on the hopes that possibly two or three out of each ten might be utilized in the fight for freedom of the Haitians.

McMULLEN. The shipment also included some small two-barreled pistols.

WER BELL. This is a 38 special Derringer which is essentially a weapon of defense but has been used as an offensive hide-away gun.

McMULLEN. The men loading these weapons seemed unconcerned about being caught. Possession of non-automatic weapons is legal. Their ultimate intention of shipping the weapons out of the country in violation of the Neutrality Act would be difficult to prove at this stage.

WER BELL. These weapons will be very simply packaged and transported. We'll just load them into the back of an automobile and throw a boxful of them onto that boat and hope that everybody thinks that it's fishing equipment.

McMULLEN. By 5:30 p.m. this shipment was on its way. We were permitted to follow it on its journey South.

By midnight we were approaching the Florida border and the toll gate to the Sunshine Highway.

RADIO PLAYING. Good morning, Bill Myley. (?) here with music, Thursday morning, September 15, 1966. (Music plays "On A Clear Day")

McMULLEN. The driver of the car, a former captain in the Cuban army, said he had carried weapons to Florida many times.

DRIVER. Many different times I make the trip. I'm working for the Cuban company and they know, they take into consideration when I no go to the job.

McMULLEN. He said he would participate in the invasion of Haiti. We asked him why?

DRIVER. I'm with an army for reaching Haiti. The government of Haiti are like communist, too. They kill babies, sacrifice, no respect the law, no respect nothing. It's like the communists.
McMullen. The weapons were unloaded here in Miami at a location we were not permitted to film. The boat continued South to the Florida Keys. We followed it to a private yacht basin. Here we were introduced for the first time to the mother ship that would be used in the gun-running operation.

Wer Bell. This is the mother ship that's going to be used in this operation. It's a two-masted schooner, motor-sailor is the common definition of it. It's 65 feet on the deck, the auxiliary motor is capable of pushing it along at 7 knots and under sail, she'll sail comfortably at 10 knots. The boat was designed to sleep eight people but there are going to be quite a few more people on board than the eight that it will luxuriously accommodate. This boat is probably less suspect to surveillance than any other type boat we could use.

McMullen. Some of the weapons to be loaded on this ship were stored on this farm, 12 miles from Miami. Here the group's arms supplier told us:

Masperrer. For this shipment we have approximately 50 rifles. We include in that some M-1s, some M-2 carbines and about ten full automatic weapons--Thompson sub-machine guns. We have six caliber—sixty millimeter mortars and three 81 millimeter mortars. We brought six caliber 30 and we have 6 caliber 50 machine guns. Also one bazooka, one rocket launcher and one 20 millimeter cannon--semi-automatic for the protection of the vessel we're going to employ for this trip.

McMullen. A contributor towards the purchase price of these weapons, Aurea Poggio--once a school teacher in Cuba; now a factory worker in Miami.

Poggio. For many years we have been working on this and many years we sacrifice, you know, people they sometime you want eat maybe a steak that's very expensive, and you don't. You say, well, better eat chicken and then you keep those pennies and other pennies during the month and you can be able to buy ammunition or help to buy the gun.

McMullen. Elicio Arguelles. His grandfather owned one of the largest cattle ranches in Cuba.

Arguelles. If we get caught we lose everything we have been working for.
McMULLEN. How many years have you been working toward getting together these weapons and toward shipping them out of the country and getting them on their way into the Caribbean?

ARGUELLES. Oh, I think it's been over two years now, close to it.

McMULLEN. For two years you've been waiting for this day?

ARGUELLES. Umm hmm.

McMULLEN. Are you going to be on the boat that takes these weapons out of the country?

ARGUELLES. Yes, I will.

McMULLEN. The boat was scheduled to sail for the Caribbean on September 17th, but her embarkation was stopped by creditors who put a $2,700 lien on the ship. This lien was removed ten days later, but by September 27th, Hurricane Inez had swept into the Caribbean. In Haiti, on September 29th, Hurricane Inez killed or injured an estimated one thousand persons. On the same day, September 29th, the gun runners moved their mother ship from the Florida Keys, to escape the Hurricane now headed for the coast of Florida. The boat proceeded to a dry dock in the Miami River.

McMULLEN. Mr. Ellie, what do you think the policy of the United States Government is right now toward possible invasion of Haiti by exile groups, or in merely in arming the underground in Haiti?

ELLIE. I wish I could answer this question either positively or negatively. However, those of us exiles who are students of Washington policy are at odds to speak about it, because today you get a good—a good welcome from somebody in high echelon of the Administration, next day you get the cold shoulder. Today, they call you, the day after, they talk to you very hopefully, and you are all fired up, you think that finally the great American democracy is going to—to do something. Next day, you are again down in the gutter, they don't pay attention to you.

McMULLEN. Well, do you find a particular conflict in different agencies?

ELLIE. Not a particular conflict, they are in conflict.
One of them tell you this, another one tell you that. And each one of them it seems have the power to stop you one way or another. And at the same time, they are encouraging you to resist.

McMULLEN. Father Georges, have you explained your position to officials of the United States Government.

FATHER GEORGES. Yes.

McMULLEN. ....tried to explain your position?

FATHER GEORGES. Yes.

McMULLEN. What has been the reaction?

FATHER GEORGES. Well, I have spoken very frankly to them all the time and I never met with any hostility, no. All the time they have been rather sympathetic. They say, well, of course, we are there to see to it that the American laws are not violated but you know that personally we agree and even in some cases they have really manifested the desire that something be done.

McMULLEN. In this desolate area South of Miami, we watched the training of some Cubans scheduled to participate in the invasion of Haiti.

MILLER. All right, you've got four basic positions to fire from: prone, off hand or standing, kneeling and sitting.

McMULLEN. Their drill instructor on this day, Donald Miller, a former sergeant in the United States Marine Corps.

MILLER. Now, this is not the right way to do it. All of these bullets have got to be down flush.

McMULLEN. One of their Cuban leaders, Anselmo Viliaro, discussed his men.

VILIARO (ALLIEGRO). They're not--they're not paid anything and they're--they have different motivations to be here. First of all, some of them are politically motivated, aspiring in a future--a Cuba in the future. Some of them are adventurers. Some of them are here because they're being coaxed by the others and some of them are here because of their noble ideas. They want
to be here. See, they want to do something for their country. These are the type of people you need to fight a war of this type. They go in there and they shoot and listen, if I climb up there and tell them, all right, stop shooting, and if they're a little nervous or tired, or who the hell knows—and what...

McMULLEN. Situation?

VILIARO (ALLIEGRO)....animosity, they might turn around, aim that weapon at me and fire at me, because it's not the first time it's been done. Now, the officers here, the instructors here, have to be very tactful, very, very tactful. We have to be friends, nurses and practically everything.

MILLER. Get that rifle out of the deck. Get it out of the deck. You'll get somebody killed out there. All right. (Spanish) All right. Fire. (Gunfire)

(Hormilla accident--mostly in Spanish)

MILLER. Now, I want to explain something. Knock it off—shut up. Now, this happened for two reasons. Number one, you had a dirty ammo or a dirty rifle. Second, this is what is known as a hang fire. This thing did not fire immediately, and it blew back. Now, you see how these rivets all ruptured? Every one of them in there. You see them? There's a whole slew of them. All right. Now, take care of the man.

UNIDENTIFIED VOICES. It's not bad. It's just a lot of blood. I'm sure. Don't worry. It's more shock than anything else.

(Spanish)
Don't you worry. You'll be all right. Just between you and me, you're one of the best we have out there.

McMULLEN. The injury was, in fact, serious. It resulted in the loss of an eye. A casualty in a war is not yet begun.

McMULLEN. Did you prepare a group and arm it, equip it, and help it make the invasion of Haiti in 1964?

FATHER GEORGES. Yes, I did. Some young Haitians living in the Dominican Republic asked me to help them and I provided them with a boat and I bought them the arms and the boat picked them up in Santo Domingo and they went
to Haiti to --------, where they landed and--but they ...

McMULLEN. How many men were there?

FATHER GEORGES. There were 30; 35 exactly. And they went there and they remained a few months, but we wouldn't--we didn't have any way of supporting them.

McMULLEN. Did you really think that 30 men could take the country?

FATHER GEORGES. Certainly, if they had enough arms and if we had the means of supporting them they would have provoked something. And later on we knew that the Army in Haiti was waiting for another group or a third group to arrive and provoke something and now they would have intervened.

McMULLEN. What actually happened to those 30 men? Were they all killed?

FATHER GEORGES. No, no, they crossed the boundary, they went back to the Dominican Republic when they couldn't be--find any help with this.

McMULLEN. Well, you launched another invasion then in 1956?

FATHER GEORGES. Yes. After this invasion, I came here and I met with some young Haitians who were trained, well trained, and they told me, well, help us, we have some arms already but we need some more and we need a means of transportation.

McMULLEN. And you helped to provide them the arms and the transportation?

FATHER GEORGES. Sure, yes. I did that and I witnessed their departure from one place in the United States and...

McMULLEN. How many men were there that time?

FATHER GEORGES. Thirteen.

McMULLEN. Thirteen?

FATHER GEORGES. But those 13 men--they give a lot of trouble to Duvalier. They remained in Haiti eight months and I'm telling you that they have killed many of Duvalier's Ton Ton Macoute.
McMullen. What about the 13 men. Did they survive—any of them?

Father Georges. No. No.

McMullen. They all died?

Father Georges. It seems so.

McMullen. Well, why do you think an invasion now of Haiti would succeed? What are the conditions in Haiti that make this perhaps the right time to invade the country?

Father Georges. Oh, the picture has changed a lot. First, we have more experience. We know now what to do and what not to do. Second, we have more means and third, the country is ready now to receive us and to help us.

McMullen. Well, are you going to try to invade the country again with 30 or 13 men?

Father Georges. Certainly not. I should multiply that quite a lot.

McMullen. By November 15, Miami had become the staging area for the would-be invaders of Haiti. Many came from other states:

Unidentified. Well, when I first came to Miami, I was told to call a certain number and when I did, when I did, the man on the phone told me to take a taxi and go to a certain address, which meant this one here. When I came in, I had a password and somebody opened the door for me. When I was inside some of my friends was already here. So we were 11 Haitians from New York. For the present moment, we are 22 from New York but there is more people here.

McMullen. Among them Cubans and Puerto Ricans—a total of 45 men from six states billeted in this house, waiting to invade Haiti. What would be; your role, are you a...

Unidentified. I'm just a soldier, that's all.

McMullen. A soldier?

Unidentified. Yes.

McMullen. Have you been all equipped and ready to go?
UNIDENTIFIED. I have everything to go, I mean it.

McMULLEN. Did you bring some of your own?

UNIDENTIFIED. No.

McMULLEN. Everything was supplied for you?

UNIDENTIFIED. Uh huh.

McMULLEN. Do you get paid for doing this?

UNIDENTIFIED. Well, no. I done this because I like to help. I don't know if I going to get paid or not.

McMULLEN. You don't know whether you'll be paid or not?

UNIDENTIFIED. No, but I'm not interested anyhow.

McMULLEN. I see. Well, haven't you given up a job perhaps?

UNIDENTIFIED. I did give up my job and my family.

McMULLEN. How many in your family?

UNIDENTIFIED. Well, I have two childrens and a wife.

McMULLEN. How did they feel about your coming?

UNIDENTIFIED. Well, I don't know.

McMULLEN. you didn't ask them?

UNIDENTIFIED. No, I--they don't know I'm down here.

McMULLEN. For security reasons, the men billeted here were not permitted to leave and were told to remain indoors.

(Voices speaking in Spanish)

McMULLEN. Some of the men had been here for more than a week just marking time and waiting for the order to embark.

We found the expedition's American contingent in this boarding house on Elm Street. They called themselves adventurers--men looking for a cause and some excitement. Some of them had never heard a shot fired in anger.
AMERICAN. Well, I came down here in April of this year for a raid on Cuba. It was stopped and I was put in jail for 2 days.

McMULLEN. How did you hear about this expedition?

AMERICAN. Through the grapevine. If you're in the organizations and if you know the right people you can pick up information quite fast and about two weeks after I came here, got here, I had heard about this operation. But at first not about Haiti. I heard they were going to fight Castro and Cuba. It sounded okay with me. Then last week I heard that it was not going to be Castro, that it was going to be Duvalier.

McMULLEN. Are you worried about this at all?

AMERICAN. It doesn't even faze me a bit. I've never fought but, well, in God we trust and if I—I believe in God. If He wants me to live, I live. If He wants me to die, I die.

McMULLEN. What day did you say, "Yes, I will be the military commander"?

VILABOA. Yesterday.

McMULLEN. Just yesterday?

VILABOA. No, I said this yesterday, I said this last night, you know, at 10:00.

McMULLEN. Mr. Perez, when did you decide to go along on this expedition? Was it also last night?

PEREZ. Yes, it was also last night because I hear about this operation about a month and I wait for my brigade Commander. He make the decision.

McMULLEN. And how many men will you be commanding?

VILABOA. I am commanding now 400 Cubans and 100 Haitians.

McMULLEN. Mr. Vilaboa, have you inspected the equipment that you'll be taking over? Have you actually seen the weapons?

VILABOA. Yes, I seen the weapons we will use in the liberation of Haiti.
McMULLEN. Have you seen the boat that you're going to go on?

VILABOA. Yes, I saw the boat.

McMULLEN. Are you satisfied that that's a good boat for this operation?

VILABOA. Yes, I'm satisfied. But I'm more satisfied with the ability of our soldiers, you know. There were Cuban soldiers and were Haitian soldiers.

McMULLEN. You're satisfied with them?

VILABOA. Yes, I'm very very satisfied.

McMULLEN. Have you actually seen any of the planes that might be used?

VILABOA. Yes, I saw some of them.

PILOT. At this time we intend to use a minimum of six aircraft. Our specific mission will provide bombing and strafing attacks on enemy strongpoints, enemy troops. Basically, the plan is for the assault forces to land on Haitian soil and secure a zone in which will be an area we can use as a landing strip. When the aircraft are landed on Haitian soil then they'll be armed at that time, not before. We don't want to violate the Neutrality Act of the United States or any other country.

McMULLEN. Are you about ready to go?

PILOT. We're just about ready to go.

McMULLEN. Has there been any indication that the United States Government disapproves?

PILOT. We have had none.

McMULLEN. None at all?

PILOT. None at all.

MASFERRER. Well, I have been able to establish without any doubt, that more than 20 men, the most—most highly qualified technically are CIA men, but I have also been able to verify through conversations and interrogations that they don't mean any harm to us now. That I know.
McMULLEN. Do you feel that you have a--a kind of green light with this operation?

MASFERRER. Nobody up to this minute have tried to dis-encourage me about what we are doing. And I know they know.

McMULLEN. Have you gone to them and asked them?

MASFERRER. Oh, no. Officially, I am not here in Miami, as you know.

McMULLEN. That's right. Officially you are not.

MASFERRER. I have violated the restriction imposed to me by the U. S. Immigration and Naturalization Department, that prohibits me to leave the area of New York.

McMULLEN. Well, do you think it's significant that no one has tapped you on the shoulder, because it is well known that you're in Miami, yet no one has said you're not supposed to be here--to get back to New York?

MASFERRER. Oh, yes, that's the main reason why I am so full of hope right now. Let's put it that way.
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