

Studying the First Amendment: Exploring Truth in Journalism

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Rationale

A *USA Today* article on 1/31/05 entitled “Some U.S. Students Say Press Freedoms Go Too Far”, states that a recent survey reveals that about one in three U.S. high -school students say the press ought to be ‘more restricted’, and that the government should approve newspaper stories before readers see them. Are these findings the result of the fact that kids aren’t learning enough about the First Amendment in history, civics or English classes? Possibly. However, Jack Dvorak, director of the High School Journalism Institute at Indiana University in Bloomington states, “Even professional journalists are often unaware of a lot of the freedoms that might be associated with the First Amendment.”

This philosophy regarding freedom of the press alarmed me. Are students unaware or are they simply brainwashed by a conservative government that is quietly but systematically taking away the rights of American citizens under the guise of protecting people from terrorism? Is the government selling the idea of protecting people by taking away rights to which students do not even realize they are entitled?

So for me, step one would be to explore who is teaching what in regards to The First Amendment and to explore how and if the topic is being taught. Is it connected to students understanding the powers of the press? Depending on the grade level of students to whom I will direct this unit, I am considering a number of approaches. At this point, I realize that my objectives may be too broad.

Part I- What are the roles and responsibilities of the journalist?

Part II- What are the roles and responsibilities of the media?

Part III – Connect news coverage to the First Amendment-2005. Have the rules changed?

Possible objectives include:

- Students will be able to recognize and understand the First Amendment.
- Students will be able to explore how the First Amendment applies to the press.

- Students will seek a truth in reporting by analyzing the same story as it is reported in various venues. (TV, Radio, Print, Film)
- Students will explore the role of the journalist in obtaining and telling the news. Is a journalist committed to fair play, accuracy and honesty? How can a journalist stick to the facts when there may be pressure to slant the story? Explore possible scenarios when that situation might occur.
- Students will recognize propaganda by analyzing biased writing
- Students will explore sensationalism vs. newsworthy stories. (Michael Jackson; the Peterson case...)
- Students will discuss how CNN and the Internet have changed the face of news and changed the role of the journalist.
- Students will understand how the laws of libel and privacy place limits on the journalist.

Procedures depend upon the level of understanding of basic principles of journalism in any given class. Once the groundwork has been established the lessons could begin with the instructor providing examples of news to be examined by the class and then move to guiding the students towards independently following and evaluating the news. I would like to teach them how to be discerning as they see news around them all the time. The task will be how to open their eyes.

Procedures: -Devise lessons

*in which students examine the role and responsibilities of a journalist in a society with a free press.

* in which students determine how well the media is performing

*in which students will be able to explore truth in journalism by analyzing how the same story is presented in various mediums from TV, radio, journals, newspapers and the Internet. By analyzing various news sources they will be able to compare the main idea presented in each.

*in which students identify news items that may be propaganda. Is it ever appropriate? (Analyze Bush administration-No Child Left Behind)

*in which students will be able to explore alternative print news sources such as *The Nation* and compare that coverage of stories to coverage in traditional papers such as the *Washington Post* or *New York Times*.

* in which students can explore the ways news coverage has changed. How do these changes reflect the values of today's society?

Exploring Truth in Journalism

Consider:

Journalism is a public service. Its purpose is to serve all the people by providing information gathered by journalists who are independent of commitments or obligations to any special group. The journalist places responsibility to the public above and beyond loyalty to an employer, a political party or friends.

The journalist is committed to the free and open flow of information. Passing on information is the journalist's duty. Thus, if a source asks that something be withheld from the story (print or broadcast) should the journalist comply? The request must be weighed against the commitment to inform the public. Current news examples will be used throughout the course to emphasize these points.

If an editor, publisher or news director kills a story or removes information from a story on the ground that it will hurt business, advertising or friends of the news agency the journalist again must confront the situation from a moral perspective. In both cases, the action the journalist must take is clear: See that the information reaches the public. As a result, some journalists have lost sources and some have quit their jobs rather than be a party to a cover-up. Students will refer to newspapers to find support for this idea.

Conscientious journalists from all media strive to serve the public with thoroughness and honesty. Because professional integrity is the cornerstone of a journalist's credibility, students will use the text, Doing Ethics in Journalism, as a handbook for this course. I have chosen this book because it has many case studies that students can refer to and debate. Also in order to discuss the role of the journalist and the news it will be important to discuss the importance of a code of ethics.

Using the text and class discussions, students will be able to define basic journalism terms in order to discuss the role of the journalist in upholding the First Amendment.

Objective: Define *ethics*. (Ethics are understandings among journalists as to what is proper behavior for the practice of journalism. Laws do not enforce ethics. They can be personal or contained in codes by a group)

Define *libel*. (Libel is the publication of false and malicious material that damages a person's reputation.) A person who can prove he or she has been

injured by a story can collect damages in a libel suit. Injured is defined as financial loss, damage to reputation or humiliation, mental anguish or suffering. In a libel case, truth goes on trial.

-Three basic defenses against libel suits:

1. Proof of truth is almost always an absolute defense in a libel suit.
2. Privilege- anything said in a public and official legislative or judicial situation- whether it is true or false- can be reported.
3. Fair Comment and Criticism - Critics who assess the work of artists, authors, performers, sports figures and others who offer their services to the public may comment on the work or performance. However, the criticism must be based on facts and must not attack the personal life of the individual whose work is being assessed. The comment must not be malicious.

Students will distinguish between private (more problematic) and public people. Supreme Court allows more of a legal license to write about public people.

Activities

1- Research. What was the Sullivan ruling and why is it important? (1964, U.S. Supreme Court – the New York Times v. Sullivan, the court ruled that if a public official is the victim of a libelous story, the official must prove that the account was published with “actual malice.” To prove actual malice, the official must prove in court that the material was published with:

the knowledge that it was false, or

the reckless disregard of whether the material was true. There must be intent.

*Important because the constitutional issue, freedom of the press, was involved.

2- After viewing the documentary *Media Ethics*, students will discuss the ethical dilemmas journalists face. The need for honesty and fairness, the subtle pressure of commercial interests and the lure of sensationalism are discussed in the documentary. Students will then research and report on current sensational news stories such as the Michael Jackson or the Peterson case. They will be encouraged to consider what newsworthy stories are not being covered while journalists focus on these sensational stories. Are the sensational stories a distraction from important news? Why? Is it deliberate? Something to hide? Dumbing down America? What about the Lewinsky/Clinton coverage in the newspapers? What was the purpose of stating the details of a private affair? Students will work in groups to share their research.

Define *taste*- (What society considers proper in the use of language and subject matter.)

Activities:

1. Students will do research to explore how the standards of taste have changed with time. They will share their ideas about what is tasteful and what is not with the class. They will also find examples of coverage in newspapers or the media that redefine what is considered to be obscene, indecent or profane. How has the Internet contributed to this change in standards?

2. After reading “How Ads Affect Viewers of Online News” in *Journalism & Mass Communication*, students will consider the idea that, “If viewers perceive news stories as lacking news value when paired with silly online advertising, this may imply that the issues themselves are less important.” Does this mean that commercialization of the Internet may make the medium another culprit in trivializing important and serious information and discourse in society? Students will write a persuasive essay where they explore this issue.

3. Students can create their individual guidelines for questionable language, subject matter and photographs.

4. Students will work in small groups to analyze the following scenario in regards to ethics and taste. They must consider who are the stakeholders in this decision and what harm could be done by running the photograph.

Gang wars have raged at a public housing complex for months, and now a 15-year-old boy has been shot and killed in the crossfire. One of your photographers was at a nearby school for a feature story when the gunshots rang out, and he was at the scene before the police arrived. He snapped several shots of the slain boy, blood running from his head, before the authorities shooed him away. The photo editor brings the picture to you for a final decision. Do you print the photograph? (1)

5. A field trip would allow students to view a film that appears to be slanted, such as *Fahrenheit 9/11*, and discuss the film in conjunction with understanding libel, privacy, ethics and taste. Research: How do the three basic defenses against libel suits work with such films that seem to slant the truth? (Truth, privilege, fair comment and criticism)

6. Students will view, analyze and discuss the documentary, *Media Hype: When News Coverage Goes Too Far*. In this film recent stories are shown that involve murder, shark attack and road rage as examples of reporting that was skewed by

the overuse of frightening headlines and images. The film examines some of the factors that contribute to the exaggeration of risks and dangers in the news media. Students will find and discuss local news stories that are guilty of the tacit rule, “If it bleeds, it leads.”

Students will analyze a 6-point Code of Ethics for Journalists.

Code of Ethics for Professional Journalists. (Each category lends itself to discussion- a complete lesson)

1. **Responsibility-** the task of the journalist is to serve the general welfare by informing the public so they can make judgments about the issues confronting them. Journalists should not abuse their power for selfish motives or unworthy purposes. **Discuss-Examples**
2. **Freedom of the Press-** Freedom belongs to the people, and journalists must make sure public business is conducted in public. They must seek news that serves the public interest, despite the obstacles. **Give Examples & Discuss- How can they be vigilant against those who exploit the press for their purposes? Examples.**
3. **Independence (ethics)-** Journalists must avoid conflicts of interest. They should not accept anything of commercial value from sources nor should they engage in any activity that compromises or might seem to compromise their integrity. They acknowledge the ethic of protecting confidential sources of information.
4. **Truth and accuracy –** The journalist must seek to keep the good faith of readers by assuring them that the news is accurate and free from bias (that it presents all sides fairly). Accuracy and fairness is the foundation of all worthy journalism.
5. **Impartiality-** News reports and opinion should be clearly distinct. Opinion articles should be clearly identified as such.
6. **Fair play-** The journalist at all times will show respect for the dignity, privacy, rights, and well-being of people encountered in the course of gathering and presenting the news. The media should not pander to morbid curiosity about details of vice and crime. The news media must guard against invading a person’s right to privacy. The accused should be given a chance to reply.

Discuss- Why is a Code of Ethics necessary?

-How does society’s current *taste* test the code of ethics?

Activities

1 - After studying the Code of Ethics of the Society of Professional Journalists, students will find and discuss news stories that they feel challenge that code. Students will find examples of coverage that redefine what is considered to be obscene, indecent or profane and they will present their findings to the class.

2 - Students will be given scenarios to analyze. Each scenario is designed not only to provoke a discussion of ethics and decision-making, but also to help them begin to explore the issues involved in journalism decisions. Students will be asked to work in small groups to discuss the scenario and to consider a number of solutions. What might be the different ways of handling the situation? They will be asked to consider who the ethical stakeholders might be in each scenario. Then each student must write their solution and share it with the class.

Scenario I Local Statesman

While investigating a story, you come across documents showing that a longtime community leader had been active with the Ku Klux Klan as a teenager. The man, now dead, had a distinguished career both in public service and as a private attorney- a building and a park are named after him. His family still lives in town. This revelation is not relevant to the story you were working on, but it could be an important story in and of itself. Do you print it? (2)

Consider: Should you print a story about a prominent local figure or save his family embarrassment?

Does the community have a right to know? Does the family have a right to be protected?

Scenario II State Trooper

A law enforcement officer is killed on a Sunday afternoon while responding to a domestic violence call in an area plagued by illegal drug activity. A news photographer arrives on the scene and takes a photograph of the slain officer's body lying on the ground. Your reporters investigate the story and find that the suspect allegedly had an M-1 rifle and had repeatedly abused his wife. The trooper's family lives in the area and will most likely see the photograph. Do you run the photograph? Why or why not? (3)

Consider: What does the photograph add, or not add, to telling the story?

Does the fact that this happened in a high-crime area affect the treatment it should receive?

If the victim wasn't a police officer, would that change things?

Scenario III Front Page Politics

The longtime mayor is retiring after her term and the race to succeed her is wide open. A well-known Republican businessman finally announces his candidacy, resulting in a front-page story. A week later, a Democratic councilwoman announces her candidacy. You put that story on the front page as well. A couple of days later, you receive a phone call from a man who says he will announce his intention the next day to run for mayor as a third party candidate. Although this third party has never won an election, they've got a small and vocal following. Do you put the announcement on the front page as well? You have a day to decide. (4)

Consider: Is it necessary to put the candidate on the front page to be fair?

How are political candidates different from businesses or other community groups?

Activity 3 - Writer Janet Malcolm, in a two-part New Yorker series and a subsequent book titled The Journalist and the Murderer, sheds light on the journalist's dilemma in source/reporter relationships. As a long term independent reading project, students can read Malcolm's book in order to analyze the lawsuit of Jeffrey MacDonald against journalist Joe McGinniss. What was the moral/ethical issue that was not followed and thus brought on the lawsuit? Malcolm asserts that most reporters act in a morally indefensible way in their quest for a story. Students will write a persuasive essay supporting or rebutting her theories.

Activity 4 - Research: The Supreme Court agreed to review the \$10 million libel suit in which the psychoanalyst, Dr. Jeffrey M. Masson, sued writer Janet Malcolm. He charged that she fabricated quotations that he claims made him look ridiculous. Analyze his charge. Who won the case? Do you support the Supreme Court's decision? Write an essay to support your stand on the issue.

***Watching Power**

Consider: The role of a journalist as an important part of a system of checks and balances of government power. Freedom of speech is protected in the First Amendment of the Bill of Rights: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble." Freedom of inquiry and liberty of expression are the hallmarks of a democratic society.

However, historically, at times of national stress, First Amendment rights come under enormous pressure. A discussion of the Red Scare will lead into a discussion of the Patriot Act and how it can affect journalists.

What if the reporter learns about something that the government wants kept secret because of “national security”? This is a dilemma. In a democracy, the public is entitled to know what its government is doing. At the same time, revealing this information endangers security, according to the government. What conflicts does this cause for the journalist. As an example students can analyze the current issue over the published photo of flags over coffins coming back from Iraq.

The class will continue to explore the responsibility of the journalist in keeping the public informed by discussing the Patriot Act and its effect on journalists.

Activity:

1 - Students will pick one story from the top 25-censored Media Stories of 2002-2003 and investigate the reasons that each may have been censored. Who censored it? Was it false? Was it a threat or offensive to someone or something? What was the political issue? Was the story covered in another way through another source? Students will then lead a class discussion where they share and analyze their findings.

2 - Students will research : **What is the Patriot Act?** Why was it created? When? Where? How? Students will write an informative essay that addresses how the Patriot Act affects journalists. How does it affect the First Amendment? Students will consider journalists’ responsibility in informing the public and their role as watchdog. In turn, how does this restriction on journalists affect the rights of citizens to receive sound news in order to make intelligent decisions when voting and in understanding national policy?

3 - Students can explore the ACLU’s views on the Patriot Act.

Objective: Define the Fairness Doctrine. Research who, what, when, where, how and why.

Why did President Reagan eliminate it? (WWWWHW)

Students will determine the consequences of extensive and deliberate bias in the written and broadcast news as a result of the elimination of the Fairness Doctrine. Students will discuss how the elimination of the Fairness Doctrine has affected

reliability and balance in the news. What effect has this had on the American people and on the nation?

Procedure: Expand on research and discussion by reading and analyzing the article, “The Disinformation Society” excerpted from Crimes Against Nature by Robert F. Kennedy Jr. Students will discuss the following questions.

1. According to the author, the Democrats lost the Presidential election in 2004 because of an “information deficit” in our society. What is an information deficit and how did it occur?
- 2 According to the author, how and why have traditional broadcast networks abandoned their former obligation to advance democracy and promote the public interest by informing the public about both sides of issues relevant to those goals? What has been the result?
3. Why does the author claim that Bush voters made their choice based on bad information?
4. Explain why those who receive most of their news from Fox News are more likely than average to have misperceptions.
5. Identify 2 examples of censorship that are revealed in the article.
6. According to the author, what is the “liberal bias notion”?
7. Do you agree with David Brock’s assertion that false and wrong information is really a significant problem for democracy? Explain.
8. List three situations that show that the conservative media is controlling the written and broadcast news. Why is this a problem for America?
9. Luther Johnson warned Americans about what during the debate over the Radio Act of 1927?
10. What is Air America Radio? How does it provide an antidote to the conservative media?

Vocabulary

Pundit

Paradigms

Palpable

Mea culpas

Theocracy

Fascist

Other topics that may be explored in this curriculum would include "News as Propaganda." Discussions can focus on distinguishing between sensational news and legitimate newspapers. Students can explore how the same story is handled by different media. Students will also explore the blurring of the lines between news and advertisements and between news and entertainment. They can discuss who should have the responsibility of clarifying the truth. There are many comedy shows like "The Daily Show" that students can analyze.

An ideal springboard for discussions about propaganda is the documentary *War Spin: The Media and the Iraq War*. This film explores news misrepresentations designed to bolster wavering support for the Iraq War. It also questions the ethics of embedding members of the news media in military units.

Activity:

After viewing the film, students will analyze and discuss the role of the journalist in times of war. Who controls the way the news is reported? Is it possible for the news reports to not promote bias and polarize public opinion. Students will write an informative essay that explores this issue.

Bibliography

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Notes

1-5 Cregan, Mara; Journalism Workshops CAPA High School

Appendix A

Content Standards for the Pittsburgh Public Schools

Reading, Writing, Speaking and Listening

1. All students use effective research and information management skills, including locating primary and secondary sources of information with traditional and emerging library technologies.
2. All students read and use a variety of methods to make sense of various kinds of complex texts.
3. All students respond orally and in writing to information and ideas gained by reading narrative and informational texts and use the information and ideas to make decisions and solve problems.
4. All students write for a variety of purposes, including to narrate, inform and persuade, in all subject areas.
5. All students analyze and make critical judgments about all forms of communication, separating fact from opinion, recognizing propaganda, stereotypes and statements of bias, recognizing inconsistencies and judging the validity of evidence.
6. All students exchange information orally, including understanding and giving spoken instructions, asking and answering questions appropriately, and promoting effective group communications.
7. All students listen to and understand complex oral messages and identify their purpose, structure and use.
8. All students compose and make oral presentations for each academic area of study that are designed to persuade, inform or describe.
9. All students converse, at a minimum level of “Intermediate Low,” as defined in the oral proficiency guidelines developed by the American Council on the Teaching of Foreign Languages, in at least one language other than English,

including the native language if other than English, under Sec 5.215(c) (relating to languages).

10. All students communicate appropriately in business, work and other applied situations.