

# When the News Is The News:

## Ethical Case Studies in Modern Era Journalism: Their Meanings, Implications, and Relations

---

**Michelle Bova**

### Introduction

Questions of ethics in journalism have been brought to the foreground by several high-profile cases in recent years. The purpose of this thesis shall be to investigate the significance and context of several recent cases in which a journalist or news organization engaged in questionable tactics to report the news. My interest in such incidents, where one journalist or an organization's ethics were questioned arose from an investigation of Judith Miller, *The New York Times* journalist who received considerable attention because she chose to serve time in jail rather than reveal the identity of a source that she was using for an article on Joseph Wilson and his fact-finding mission to Niger. This thesis will address ethical questions in modern journalism via cases studies from the standpoint of their significance for journalism in a time when (particularly print) journalism is losing profits. I will examine the result of several cases in which journalists or journalistic organizations committed a breach in ethics. These cases are significant not

only because they occur in the present day, but because they occur near one another in time and have hence created a negative perception of ethics in journalism. They are also significant because they help to illustrate: 1) how ethical lapses occur, 2) what is unique about ethical cases in journalism in modern times, and 3) how newspapers can move forward from an ethical lapse, especially one made public

In the past ten years particularly the lens of the media has focused inward onto members of its own ranks. Journalists and the organizations that report the news hold to an ethical code not dissimilar from that of doctors, lawyers, or other professionals—though the ethical codes vary in specifics from organization to organization, certain tenants are held universally. And as with all professions and all ethical codes, the interpretation of these rules varies. Yet when a journalist's ethics and motivations are questioned, the lens of the media can reflect poorly upon its ranks. Public perception and trust in the media is particularly important for print media sources like newspapers, which of late have suffered from falling profits and reduced readership, and therefore each case that might harm public perception of print media is especially damaging. Each of the case studies I examine comes from print media, though some of them will be contextualized by case studies from television and internet journalism.

The cases I have chosen to study illustrate three separate ethical issues in journalism. Two highlight the issue of anonymous sourcing: the case of Judith Miller and the case of *Newsweek's* story about Qur'an abuse at Guantanamo Bay. These cases dealing with anonymous sourcing will focus on both the issue of when to grant anonymity and the issue of how much a story should rely on anonymous sources, and in what instances it is appropriate to do so. The case of Jayson Blair illustrates plagiarism

and journalistic fraud and will illustrate the climate for calculated and pervasive fraud as well as the outcomes of a large and public case such as Blair's . Finally, the case of an advertising revenue-sharing deal at the *Los Angeles Times* highlights the controversial "wall" that news organizations attempt to maintain between the business and editorial sides of the paper, and whether the wall can still be maintained in the present day. This final case addresses the controversial meeting of the two sides of the newspaper which previously were kept as separate as possible and addresses widespread misunderstanding or ignorance about journalistic ethical codes.

Interestingly, some of the recent ethical questions in journalism directly trace a history of ethical questions at *The New York Times*, which in the span of years from 2001 to present has faced three cases of journalists engaged in unethical methods (or at least questionable ones). Jayson Blair plagiarized stories and often placed datelines on stories for places he had never actually visited. Then, Rick Bragg relied heavily on stringer or intern reporters to obtain information for out-of-state reports even if the pieces were fluffy ones and would go visit locales very briefly so that he could place a certain dateline on a story, engaging in a practice called toe-touching. Finally, Judith Miller faced the difficult decision to protect a confidential source but her actions were often questioned because of who she protected and the relationship she maintained with her protected source. These cases trace a brief and beleaguered period for the *Times* and particularly in the wake of Blair they mark a time of several changes in the *Times* procedures and operations.

After each of these cases, the media reaction was considerable and led to speculation about the practices at the *Times* and other organizations. When Jayson Blair

committed plagiarism and fraud on a large scale it garnered much attention, and in Blair's wake the other cases of journalists whose ethics were questioned became more damning as each case piled on one another. In addition, in the wake of each of the ethical cases I study newspapers in general but especially the affected institution began to reaffirm or rewrite their standards and examine their practices. Newspapers were forced to report on themselves, and to declare what they, as an institution of news, would do to uphold truth and ethical practices at a company and individual level. My paper strives to shed light on how the issues brought to the forefront by these cases, how they are different in a modern context, and how organizations respond to them.

At the broadest level, each of the cases I will examine demonstrate the difficulties of assessing what is and is not ethical when it comes to the practice of journalism. They also help us examine how "problem" journalists enter and sometimes even flourish in an organization, as well as shedding light on whether an organization bears any fault for an individual's ethical lapse. And, interestingly, these case studies illuminate how the media responds to events that occur in its own ranks, events which shed a bad light on the institution; the cases also illustrate how a paper responds in print and in action to an ethical lapse. In my paper I will attempt to address all of these angles through recent case studies, as well as to show how each of these incidents fits together into the larger question of the state of ethics in journalism. What do these cases tell us about the quality of reporting, or of the news we pick up at the stand?

In order to investigate these recent case studies I had to rely on sources that were written close to the event, since not enough time has passed for the majority of these cases to take a place in larger works such as books. To investigate the case studies I used

primarily print journalism stories, both from the organization facing the ethical problem as well as outside the organization. In some cases, where possible, I also used material from books, either ones that specifically addressed the cases or ones that address the broader ethical questions. In addition to mainstream print media coverage of the events, I also used print and online media sources that have a more in-depth focus on issues in journalism exclusively, such as the *American Journalism Review*, the *Columbia Journalism Review*, and the Poynter Institute. Other forms of media coverage, such as online-only publications, blogs, and sources from television and radio news reports were used. Part of the interest of this paper was examining how the news media would cover issues within the news media, which is why I chose to rely so heavily on news reports for my sources.

I begin by identifying the cases through the lens of their ethical issue, such as the cases which pertain to anonymous sources. The aim will be to broaden the context of these incidents to show what the climate of the newsroom was when poor or suspect journalism was allowed a place on the page.

## **Anonymous Sourcing**

As is illustrated in the case of Deep Throat, the anonymous source (later revealed to be FBI assistant director Mark Felt) who revealed corruption inside the Nixon administration, including the Watergate affair, sometimes an anonymous source is essential to the reporting on a big story. “We did not name a single significant source in the first 150 stories that we did in the first year of Watergate,” said Carl Bernstein in an

interview with PBS's "Frontline," "In terms of real sources of information, they were all confidential, every one" ("News War"). In Washington, countless government officials refuse to state anything on the record if they state their names. In an article in the *American Journalism Review* written in response to the use of anonymous sources in the O.J. Simpson trial coverage, one journalist, Edward Pound stated that, " 'If you call somebody at the White House or in an agency, they almost expect to be anonymous and they frequently won't talk unless they are'" (qtd. in Shepard). By using anonymous government sources, journalists can shed light on what goes on in the U.S. government. In other, rarer, cases anonymous sources are useful and necessary to expose corruption within powerful organizations and institutions.

Historically, Watergate and Deep Throat are the names that most people evoke when defending the use of anonymous sources, and Bob Woodward and Carl Bernstein's report that exposed members of the Nixon administration is a classic case in which the use of anonymous sources is easiest to justify. "Hardly anyone questions the use of secret sources by journalists trying to expose major cancers in the society," writes H. Eugene Goodwin in regards to the level of source protection that occurs in cases like Watergate, where the corruption exposed is so great and the risk to the source so obvious that granting said source confidentiality seems not just wise, but essential (91). Goodwin, a professor of journalism at Pennsylvania State University, wrote the book *Groping for Ethics in Journalism* in the early eighties, using interviews from over well over 100 journalists to respond to ethical questions in journalism. As Goodwin's book examines, there have been many cases in which a journalist stood for the right to protect a source on grounds of principle and not necessarily because the source was in danger. Goodwin's

book is dated because his interviews were conducted in the eighties and therefore don't reflect a perspective of journalists in the context of more recent cases.

Goodwin's book relies on interviews with journalists and editors and on the subject of anonymous sources the prevailing opinion was that anonymous sources should always be considered with caution. Most of Goodwin's interviewees were wary of the use of sources. Some said that anonymous sources can leave a newspaper or other journalistic institution open for a libel case which they cannot defend against effectively if they cannot identify the source (118). Further, Goodwin identifies the code relevant to anonymous sources that is used by the Louisville *Courier-Journal* which cites among its reasons to use caution around anonymous sources: that a reader may not trust the paper as much, that reporters can use said sources as "shortcuts," that if anyone is attacked by an anonymous source he or she cannot defend him or herself, and that anonymous sources may be exercising cowardice rather than actual fear of danger when they demand anonymity (130). "There should be only rare and well defined exceptions to the rule that a journalist always reveal his sources," states James W. Carey, then-dean of the College of Communications at the University of Illinois-Urbana (qtd. in Goodwin 118). Other interviewees like Claude Sitton, who was the editorial executive of the Raleigh, *News and Observer* and the Raleigh *Times* said that, "once you go beyond using confidential sources for leads, you're on dangerous grounds," effectively meaning that the quoting of anonymous sources should never, or almost never occur (qtd. 118). On the other hand, Donald Graham, then-publisher and now chairman of *The Washington Post* states that, "If you can't tell the reader exactly who said it, you ought to tell them as much as you can about what sort of person said it so that readers can understand, if possible, what the

sources' motives were..." and continues, "If we ran no unattributed information, we would be taking a high moral stance, but we would be denying information to our readers" (qtd. 120).

It seems that the use and practice of anonymous sourcing can be somewhat of an ethical gray area. Journalists and their editors may determine when an anonymous source is worth the possible negative effects of using it. As Goodwin's reporting shows, some editors agree that you can use information from an anonymous source in an article and others only agree with using an anonymous source to get a lead as to a possible story. Since journalists and their editors cannot say who the source in their story is this means they have to rely on other means to legitimize the choice to use the source. Sometimes, an anonymous source is used because the story is very important or could not be told otherwise, sometimes an anonymous source is used because there was no way to get a source that would go on the record (this is the logic used when reporting on the government—that no one will talk on attribution). Certain newspapers choose to identify why the source remained off the record as a way of giving readers an idea of the source's motivation and as a way to be clear with the reader why the paper does not name the source. However, the rule of explaining why a source won't go on the record isn't used at all newspapers. Another reason that the use of anonymous sources can pose an ethical dilemma for journalists and editors is that each time an anonymous source reveals something newsworthy the editor and reporter must make a decision as to whether this information is important enough to risk using without attributing the source. Some institutions state that their journalists should always approach an editor about an anonymous source use and describe the situation. Other institutions demand that the



source's name be known to at least one person at the newspaper other than the journalist. And still other institutions do not monitor when their journalists are using anonymous sources in a proactive fashion but only become aware of their use of them in cases where a correction or retraction is need. Because decisions about how and when to use anonymous sources are made on a case by case basis, there is no clear standard for how important or newsworthy a story must be before a paper will print it with anonymous sources. It is difficult to investigate how editors make decisions, not only because assessments are made on a case by case basis but also because it is much harder to track the number and scope of stories that were never published because they relied on anonymity. There is also, as Goodwin points out, little publicity for journalists who choose to reveal a confidential source, who choose to testify rather than go to jail as Miller did (117).

Few journalists have actually been jailed for refusing to reveal a source: "A Reporters Committee study lists 17 journalists imprisoned between 1984 and 1998," writes Stephen Bates, author of "The Reporter's Privilege, Then and Now" (15). However, the number of subpoenas is greater—a random survey of 319 news organizations conducted by the Reporters Committee for Freedom of the Press revealed that 77 newspapers had received one or more subpoena ("Agents of Discovery"). However, as the report reveals, few reporters were sanctioned by the court during the same year. A large percentage of the survey responders fully complied with the subpoenas, though the report does not state what they were being subpoenaed for. Others managed to get subpoenas withdrawn or narrowed due to negotiations and reliance on the

many state shield laws that exist to protect a journalist's privilege to not reveal confidential material ("Agents of Discovery").

Whether or not a journalist must decide to do jail time, they must first face the question of whether the choice to grant confidentiality is in accordance with their organization's code of ethics. The Society of Professional Journalists Code of Ethics states that journalists should "Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability," and further states, "Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises" (Code of Ethics). However, this is a very brief explanation which can be interpreted in a number of ways. And, unfortunately no ethical code can eliminate the questions that remain. As I will examine in the case of the trial investigating the unmasking of Valerie Plame, journalists vary widely in their interpretation of when a source should be protected. Should, for instance, a journalist refuse to confirm a source he or she shares with another journalist who has already confessed the source's name? Or, as in the case of *Newsweek's* Qur'an story, should a journalist use an anonymous source for the majority of his or her information for any particular piece, even if the piece has great significance. These and more questions surrounding anonymous sources come into play in both the case of *Newsweek's* report on the Qur'an being flushed down a toilet and Judith Miller's reporting on Ambassador Joseph Wilson's trip to Niger.

Both cases are intriguing because they focus on two of the issues that arise when journalists grant sources anonymity. Michael Isikoff and John Barry, for instance, reported a story in *Newsweek* that identified reports of prisoner abuse at Guantanamo

Bay, including that one Guantanamo guard had flushed a copy of the Qur'an down the toilet. The piece was only sourced with anonymous sources, and thus weakened *Newsweek's* ability to defend their decision to print it and prevented the source from having to take any responsibility for giving incorrect information. In the case of Judith Miller, she was faced with the choice of whether to reveal an anonymous source when she was subpoenaed before the grand jury in the Plame leak investigation. Miller's decisions focused on whether she would reveal her source and under what circumstances she would accept that her source had cleared her to testify. And while in the case of *Newsweek* the anonymous source was the backbone of the article, we cannot know how much Judith Miller would have relied on anonymous sources if she had published a story about Wilson's critique of the search for weapons in Iraq because her story about Wilson's trip was never actually published. With the *Newsweek* case perhaps the degree to which anonymous sources were used caused part of the problem, but Judith Miller's case illustrates that any instance in which a source is granted anonymity, even when the story is not published, can become very important to a newspaper and the careers of the journalists who work for it. Both cases highlight the potential ethical dilemmas that newspapers and journalists face any time they grant a source anonymity.

The case of the *Newsweek* piece about Qur'an abuse raises two issues: the specific problems with the use of anonymous sources in the context of the piece itself as well as the media reaction to the piece. The controversy over Qur'an abuse is an interesting case because it brings to the fore many of the questions that already exist about use of anonymous sources, such as when they deserve anonymity. It also highlights the issue that reporters can fall into dangerous territory by publishing material that, because of the

anonymity of the sources, cannot be effectively verified. Moreover, because the case of the *Newsweek* Qur'an abuse report was widely publicized it led to some organizational reaffirmation or redrafting of codes that instruct on how and when to use anonymous sources. The following discussion is meant to highlight how this recent case bears on what is already contested about anonymous sourcing and also to illustrate how the media reacts to "bad press" for members of its own ranks, especially when the bad press results from a murky ethical lapse. Unfortunately, because both cases happened as within the past two or three years, there have been fewer lengthy analysis pieces on either the *Newsweek* or Miller case as compared to the plagiarism scandal of Jayson Blair. Though there are some books on the subject of the Plame unmasking, most focus on the Bush administration's role in that case rather than journalism's role. Therefore, most the sources used in my discussion of the two cases will be news sources from daily or weekly publications and longer analysis pieces from TV news programs or journalism publications.

### ***Newsweek*—A report disputed**

#### **Backing up the story: Anonymous sources and article credibility**

On May 9, 2005 Michael Isikoff and John Barry filed a short story for the "Periscope" section of *Newsweek* that reported on prisoner abuse and discriminatory acts at Guantanamo Bay. In the article an unnamed government source identified in the article as "sources" (but the assertions were made by one person only) said that an investigation was under way into claims of infractions at Guantanamo Bay, and that the investigators had confirmed some of the claims. The article stated that, "sources tell NEWSWEEK:

interrogators, in an attempt to rattle suspects, placed Qur'ans on toilets and, in at least one case, flushed a holy book down the toilet" (Isikoff and Barry, 4). The *Newsweek* article was particularly vague about who the sources were for the article. They state that "Investigators probing abuses" were the ones who confirmed allegations of abuse. They also state that "An Army spokesman confirms that 10 interrogators have been disciplined..." and these three references, to investigators, sources, and an Army spokesman, are the only hints as to who provided the information (4). The fact that the official source was not named was not particularly unusual because customarily sources inside the government and sometimes the military do not speak for attribution in the newspaper, as I've discussed. Yet, because the source was anonymous, *Newsweek* could do little to respond when the article was later criticized because there was no way to demonstrate that the source had any credibility.

Soon after the article printed, riots that some attributed to the article broke out in Afghanistan and Palestine (though it was far from certain that the *Newsweek* article was the catalyst). By May 13, the Pentagon and government officials contacted the paper to dispute the report (Hagan and Schaefer-Munoz, B2). The short article was scrutinized much more closely as a result. Upon further investigation it was found that the article was not in fact based on multiple sources, there was only one actual source for the story, though there was a second person who was sent the story to review before publication (Hagan B1).

*Newsweek* said it had reason to believe the source that provided the information and also said that it was a government official with whom they had worked with before.

To verify the story, Isikoff sent the piece to another unnamed official. That second official changed some details but not the part about the Qur'an.

The source *Newsweek* spoke to had originally said that he saw the confirmations of an abuse in a internal report, however when the source retracted his statements to *Newsweek* he stated that he had perhaps seen a report of the Qur'an being flushed down the toilet in some other document (Lacayo 60). The matter of who had access to this report, whether the official who was quoted had access to the report, and whether the report had even been written at the time when the official was interviewed are all lingering questions about the incident.

One major ethical question to examine when looking at the Isikoff and Barry story seems to be that the source they used had an unclear relationship to the information he or she was speaking about. Also, Isikoff and Barry themselves were several steps away from having their hands on concrete evidence that, yes, claims about prison abuse had been confirmed including that a copy of the Qur'an had been flushed down the toilet. For one thing, Isikoff and Barry never saw the report, nor does it seem that the official they quoted read directly from the report to them, instead he only stated that he had seen the report and it contained such facts. If the reporters for *Newsweek* could have gotten closer to the document which their source was citing, they also could have backed up the source's statements more effectively. They could have asked the source to read them the area of the report that referred to the prison abuse, for instance. Most of all though, since both of the sources who were a part of the article remain anonymous, there is no way to make a case for either one of them being close or even having access to the report about prisoner abuse, which is sometimes referred to as the SouthCom report.

## **Apology and Analysis**

About a week after the publication went to print, on both editor Mark Whitaker and editor-in-chief Richard Smith chose to speak to print about the controversial piece in the week after its printing. About a week after the piece was written, on May 15 2005, a printed apology was issued from Mark Whitaker but the magazine did not at that time retract the statements. Mark Whitaker then stated that if more was found out about the Qur'an abuse then *Newsweek* would print those findings. The next day, *Newsweek* issued a brief formal retraction of the contents of the article stating that "Based on what we know now, we are retracting our original story that an internal military investigation had uncovered Koran abuse at Guantanamo Bay" (PRNewswire), along with a press release. Even after the retraction, leaders in Washington were calling for more action on *Newsweek's* part. Scott McClellan publicly stated that he believed the publication should take extra steps to explain how they had gotten the story wrong so that they could "help repair the damage" caused by the story (Kurtz A12).

Few of the articles responding to the *Newsweek* Qur'an story actually detail exactly why Isikoff and Barry's story was suspect on a journalistic level. The editorial content devoted to the incident generally fell into three categories: 1) a denial of any correlation or causation from the *Newsweek* report to Afghani or Palestinian riots, 2) an outcry against hopping on scandals to discredit Bush and the military, 3) or a slight foray into "what went wrong?"

Editorial pages across the country and the ocean weighed in on the case. But beyond the incident of rioting in the Middle East lay a dispute about when to allow

anonymous sources, how to verify a story that uses anonymous sources and whether or not anonymous sources should ever be used as the sole source in a story.

A lengthy piece in *Time* magazine focuses on what happens when a story goes wrong, looks at how the report was verified and also examines the response of other news sources' to the incident. "...Many [news professionals] believe the magazine made a series of questionable judgments that together led it into trouble," (Lacayo 60). The story also quoted *Newsweek* editor Mark Whitaker on the way Periscope stories were put together (neither he nor Smith had seen the story before printing), "there are one or two layers of editing and review that are not there," (qtd. in Lacayo 60). *New York Times* Public Editor Daniel Okrent rebutted the statement, " 'It doesn't say at the top of that page 'Stuff that we didn't check as much,' " Okrent said (qtd. in Lacayo 60). The article in *Time* also briefly discussed anonymous sourcing, stating that media sources continued to reevaluate how often to use anonymous sources and how much information needed to be in print to serve as the background or context for the anonymous source. For instance, does the source get identified generally and/or does the paper print the source's reason for anonymity? Further, who at the paper, aside from the reporter, knows the identity of the source?

It seems that recently the news media has taken a closer look at anonymous sourcing and that the trend is, as it was when Goodwin's book was published, to try to shy away from the use of secret sources. But the trouble is that curbing anonymous sources appears to be much easier said than done. Daniel Okrent, public editor of *The New York Times*, devoted one June 2004 column to a discussion of how often the *Times* used anonymous sources. Okrent's job as public editor, interestingly, was instated after



Jayson Blair plagiarized or fabricated stories in *The New York Times* during his four year tenure with the paper. As public editor, Okrent's role was to be a reader's representative and included addressing reader complaints as well as commenting on issues in the paper's coverage in a weekly column. Okrent had learned of a study done by a master's student that proved that 40 percent of *Times* news stories in 2003 used some anonymous source. In February 2004 the *Times* revised their standards for use of anonymous sources, and pledged to "tell the reader as much as possible about the placement and motivation of the source—in particular, whether the source has firsthand knowledge of the facts" (Confidential News Sources, emphasis original). However, after the revised standards were published, master's student Jason Williams was asked to monitor the paper's coverage again and found a slightly *increased* rate of anonymous sources. "In April, barely 2 percent of stories citing anonymous sources revealed why The Times granted the request for anonymity. Only 8 percent of unidentified sources were described in a meaningful fashion," wrote Okrent (4.2). Though the *Times* set forth new standards, it seemed that the standards weren't actually improving the situation with anonymous sources. Okrent took a look through the newspaper and cited various articles that used primarily anonymous sources, including one about disputes between Disney and Miramax that used seven different anonymous handles for different people throughout the story. And particularly interesting in light of the *Newsweek* Qur'an abuse story is what Okrent had to say about the way anonymous sourcing was handled by government officials. Okrent details a time when, during the Clinton administration, the *Times* had tried to play hardball by saying that if officials would not go on the record than the *Times* would not print the story or attend the meeting. Okrent states that this tactic just didn't

seem to make any difference. Okrent went on to say that “The easiest reform to institute would turn the use of unidentified sources into an exceptional event.” The trouble is that practically in the same breath Okrent more or less acknowledges that anonymous sources would be worth having for a whole range of stories “They’re necessary, of course, in reporting on national security; they’re inescapable in reporting on certain foreign policy issues....I’ll even grant that knowing what Disney is or is not doing with Miramax justifies reliance on unidentified sources” (4.2).

For writers like Michael Isikoff, who has covered news from Washington in the Clinton and Bush administration this hardly solves the problems that can arise from anonymous source use—particularly in cases when the source later recants his or her statements. Dealing with government sources can pose a particular problem for any Washington reporter also because the push to get anonymous sources reduced in newspapers is the opposite goal of the White House, which ironically was criticized by the Washington bureau chiefs of several papers just a week before the *Newsweek* article for having background only meetings in which reporters may hear what officials have to say but can never attribute them (Ives C3). In a July 12, 2005 article by the Poynter Institute, Doug Clifton, editor of The Plain Dealer notes that, “ ‘Something significant has changed since 9/11...in the way government documents are marked ”classified” willy-nilly’ ” (Ward). If the post-9/11 world really has made the government increasingly secretive, the quality of news reports that a public audience gets will surely be diminished. In the climate of greater secrecy it may become harder to assert facts about the White House or military. This is not to say that Michael Isikoff and John Barry actually got their Qur’an story *right*, it is simply to say that its harder than ever for them

to prove such a story being that they are in a situation where almost anyone on the record is not for attribution (or, in other words, will not allow their name used). If the post-9/11 government is less willing to speak on the record it means the future may hold more disputed reports sourced anonymously than ever before.

### **Aftermaths for *Newsweek***

*Newsweek's* chairman and editor-in-chief, after the incident with the botched Qur'an abuse story, issued a letter that stated, "We will raise the standards for the use of anonymous sources throughout the magazine....From now on, only the editor or the managing editor, or other top editors they specifically appoint, will have the authority to sign off on the use of an anonymous source" (Smith 4). As I've examined previously, various newspapers have different standards for when and how to use anonymous sources. The measures that *Newsweek* put in place at the end of May 2005 were already in place at some papers throughout the country, including *The Washington Post*. The *Post* reaffirmed its standards for anonymous sources in March of 2004, stating that, "...We will try to explain to readers why a source is not being named....We want at least one Post editor to know the identity of each unnamed source cited in the newspaper, as was the case during Watergate, so that editors can help decide whether to use the source in a story" (Downie B1). These measures about alerting editors at *Newsweek* about the name of an anonymous source were the extent of any coverage about changes at *Newsweek* due to the Qur'an article.

The fallout for journalists Michael Isikoff and John Barry was not as bad as the fallout for *Newsweek* itself. Rather than implicate the journalists, most of what members

of the government (in particular then-White House spokesman Scott McClellan) was directed at demands upon the institution. In fact, Isikoff even got the chance to “set the record straight” for the story by printing a piece titled “The Qur’an Question,” co-written by Evan Thomas (36). The piece quoted Defense Department spokesman Lawrence Di Rita and reported on incidents of detainees damaging their own Qur’ans or guards doing more minor things that were signs of disrespect to the Qur’an. Parts of the second Isikoff report on Qur’an abuse directly referenced the first claims of the Qur’an being flushed down the toilet,

“[Command Sgt. John] VanNatta recounted that in 2002, the inmates suddenly started yelling that the guards had thrown a Qur’an on or near an Asian-style squat toilet. The guards found an inmate who admitted that he had dropped his Qur’an near his toilet....[T]he incident could partly account for the multiple allegations among detainees, including one by a released British detainee in a lawsuit that claims that guards flushed Qur’ans down toilets” (Isikoff and Thomas 36).

Though Isikoff and Barry were responsible for the original Qur’an story, neither one was ever disciplined. Isikoff and Barry continue to report for *Newsweek* and no other party was fired or reprimanded personally. Whitaker did state that he was “drafting a letter to the staff” that would discuss how to handle anonymous sources.

It is hard to measure the blow that *Newsweek* suffered in the public’s perception of the organization. It is important to remember that the public had already heard claims of prison abuse at Guantanamo Bay, and therefore the story, if unable to be proven, still seem plausible. As Douglas McCollam writes, “Prior substantiated charges of Koran [sic] desecration had appeared in the press,” as he argues that the government’s attack on *Newsweek* was low on impact (“The Crowded Theater”). Having the story *partially* right was better than being outright wrong. But there is no doubt that in the months

surrounding the report and even till today *Newsweek* is lumped with well-known journalistic blunders such as the case of Rick Bragg, a reporter who was bylined on stories for which he had largely relied on the reporting of unlisted stringers. During the worst moments of the incident, one Republican representative from Ohio “urged every congressional office to cancel its *Newsweek* subscription” (Kurtz A12). But the majority of the coverage about the event had fallen off in less than a month. Some of the coverage did not even discuss *Newsweek’s* inaccurate report, or its legitimacy, but rather chose to focus on the validity of claims that rioting in the Middle East was caused by the report. Other writers criticized the Muslim community for spreading violence due to the isolated event and drew parallels to violent protests that had sparked for other reasons.

All in all, with the high-profile news events of 2005 there wasn’t much time or reason to keep harping on *Newsweek’s* missteps after they retracted the article and reaffirmed journalistic standards. What can best be illustrated by the case is the possible pitfall of using anonymous sources to report sensitive information, particularly about the government. Within this incident the crux became the denial of the source, who said after printing that he or she could not be sure that an investigation and discussion of the Qur’an flushing incident had been in the SouthCom report. The case illustrates how the use of anonymous sources must be accompanied by a careful use of a watchful eye in several areas: the source’s motivation, what the source is saying, and the closeness of the source to the material. And, in addition, particularly in the *Newsweek* case the story could have been strengthened and much more difficult to dispute had more than one source spoken about it (rather than simply “verifying” it through the means that Isikoff and Barry used). Of these issues, I have shown that the matter of the source’s relation to

the subject and the source's motivation are already ideas that were considered important by editors and journalists engaged in the use of anonymous sources. What is interesting is the third element, however, the content of the source's statement. It may be argued that had *Newsweek* considered the gravity of levying such a claim about the Qur'an they might have questioned their sources more specifically on that count. *Newsweek* seems to have considered the implications for the Bush administration when they made this claim, but perhaps did not consider the gravity of the offense against the Qur'an (though obviously *Newsweek* felt that the particular flushing incident was noteworthy enough to call out, perhaps because it was a new claim from ones previously made or perhaps because they knew it was a grave claim). The directives of what one may or may not do with the Qur'an are many, but they generally demand full reverence for the Qur'an and specifically warn against getting the Qur'an wet with contaminated water or placing the Qur'an somewhere where it is disrespected (such as below less holy books in a pile) ("Etiquettes of Reading and Handling the Qur'an al-Kareem").

In addition, when dealing with government sources, the *Newsweek* case illustrates that the use of anonymous sources can become dangerous territory when one sector of the government denies a claim. Newspapers are then caught in the middle of a cycle of denial, and there is little or no way to tell if the original source is honestly recanting his or her statements or if he or she is doing so because of pressures from outside. . Because the sources (really only one source asserted anything in the *Newsweek* case, though) were anonymous in this case, they were granted the ability to deny the claims made. If sensitive material is being disclosed, it is obviously best to place the story in a context where it is harder to deny. The way to achieve this is the way any good reporting would

occur: search for further sources, strive to get as close to the information as possible (which in this case would mean perhaps getting access to the SouthCom report), and always consider possible fallout. In the case of the *Newsweek* story the benefit of reporting the brief Guantanamo piece in the Periscope section could hardly be considered worthy enough to offset the high-risk of using anonymous sources without having the report or any other way to back the information up.

Basic to any case in which an anonymous source is used is *who is this person?* It is relevant when the source requests anonymity and it is relevant if the story is disputed, as in the *Newsweek* case. Most of all, it is relevant when outsiders want to know who the source is. A tangential issue, one that arises in the Judith Miller case and eventually becomes a key factor in Miller's dismissal from *The New York Times*, is whether or not a journalist must identify a source, and under what circumstances. *Newsweek*, for example, never seemed to consider the possibility of revealing their government source. The organization may have wanted to be able to identify who had given them faulty information so that *Newsweek* was not the only party responsible for the botched story, but to do so would have been against the principles of journalism. In the case of Judith Miller a journalist's interpretation of the ethical code was put to the test as Miller's unique circumstances provide a wonderful case for examining the nuances and the differing interpretations of how and when to protect a source's anonymity.

### **The Leak—Protection of sources and source relationships put to the test**

While in the case of Isikoff and Barry's *Newsweek* report the article with anonymous sources was problematic because it was weak and easy to dispute, there is an entire other

range of issues that come into play when a journalist grants a source anonymity. Each time a source is granted anonymity the journalist had an obligation to protect that source's identity. As noted in earlier sections, journalists take the right of their source to remain anonymous very seriously, yet different journalists have different interpretations of how far that protection extends or in what circumstances it may be revoked. The *Newsweek* and Miller anonymous sourcing cases bear a few similarities though they deal with different areas of the anonymous sourcing issue. Both cases involve anonymous sources taken from the government, again highlighting, as Okrent does in his public editor column on the topic, that government sources are prevalent among anonymous sources. It also adds to the claim that when the anonymous source is one from inside the government the case can become particularly problematic. In the grand jury investigation into the unmasking of Valerie Plame, for instance, the special prosecutor was particularly rigorous in trying to apprehend the leakers, in all likelihood because these could be people with great power within the government. In addition, because of the high profile players in the case, there was extensive coverage of the journalists embroiled in the case. A further issue that arises in the Miller case is the costly nature of defending a journalist in such a situation. When a journalist is fighting a contempt charge as Cooper and Miller did they are often supported by their organization, and the legal costs mount. Assuming the organization holds ethics similar to those of its individual journalist they may have no trouble defending him or her, but I am interested more in the fact that they could have avoided such costs if they'd been more diligent in questioning the use of anonymous sources.



Possibly one of the most high-stakes scandals of the Bush Administration, the case of CIA-agent Valerie Plame's "naming" was bad press for the administration and not just for journalists. In addition to other factors, the involvement of big names in the White House, such as Scooter Libby and Karl Rove, kept the scandal in the spotlight for a long time. It is possible to focus on the implications for journalism, or on the implications for the administration when investigating this case, but I am primarily concerned with the former here.

However, the history and context of the Judith Miller case must be presented. But the case is unusually unwieldy and it would take many chapters of analysis to give the full story here. For the purpose of my investigation I will tell the overarching plot of the story that begins with the naming of CIA-agent Valerie Plame. Throughout the description I will attempt to identify the importance of events in the case for the journalists who feature so prominently in it.

On July 14, 2003 Robert Novak published a column about Ambassador Joseph Wilson and his trip to Africa, where the Ambassador was sent to investigate the possibility of Iraq importing uranium from Niger. In the article, Novak, who reports for the *Chicago Sun Times*, says that Wilson's wife, Valerie Plame, was instrumental in sending her husband to Niger. Valerie Plame (sometimes referred to as Valerie Wilson)<sup>1</sup> was a CIA operative and though she was listed as a covert agent it is uncertain as to whether those that disclosed her identity knew this fact. An investigation was launched to look into who had leaked Plame's name to the press. Several journalists had wanted to do follow-up stories on Wilson's ambassadorial trip to Niger; key among them were Judith Miller of *The New York Times* and Matthew Cooper of *Time* magazine. Both

---

<sup>1</sup> I refer to her as Valerie Plame throughout.

journalists were eventually subpoenaed to tell who their sources had been for the stories they researched about Joseph Wilson's trip. Two things were immediately striking about the case: one was that Miller had never published a story about Joseph Wilson's trip (though Cooper had) and the other was that the journalist who had first leaked the name, Robert Novak, was never known to have been subpoenaed. It may be assumed that Novak had spoke to the prosecutor in the case, Patrick Fitzgerald, but that either Fitzgerald wanted more information, or needed more proof. Since it was later revealed that Robert Novak did not share the sources that Miller and Cooper used for his story there is also the possibility that Fitzgerald wanted to cast a wider net and find out who else might have leaked the story, and if it was in fact one or many sources.

Judith Miller and Matthew Cooper had both interviewed their sources under the protection of anonymity, and neither wanted to deny their source that protection. Matthew Cooper, however, avoided prison narrowly. Cooper and Cooper's lawyer apparently got in touch with Karl Rove's lawyer after reading a piece in *The Wall Street Journal* where Rove's lawyer stated that Cooper was not protecting Rove. According to Rove's lawyer, Robert Luskin, the conversations between the two parties only involved a reaffirmation of the blanket waivers that all government officials sign granting that journalists may use their name if subpoenaed (Liptak A12). Cooper's definition of being freed from his obligation to his source was very different from Judith Miller's. Miller disdained the legitimacy of blanket waivers on numerous occasions. Judith Miller was also not in the same situation as Cooper because *Time* had handed over his notes but *The New York Times* had not been subpoenaed to hand over any of Miller's records. Since Miller and Miller alone (rather than *The New York Times* company) could protect her

source, it was up to Miller to uphold the practice of protecting sources. Miller went to jail for refusing to testify in the case and was largely hailed for her choice to uphold this journalistic principle. However when she left prison—her source Scooter Libby told her in writing and by phone that she was released from her contract to maintain his anonymity—Judith Miller was not hailed much longer. Within almost exactly two months of her release from prison, she was essentially forced into retirement at *The New York Times* because, according to them, she'd gotten too familiar with her source, and because she had been so deeply embroiled in such a major scandal that now objectivity was hardly possible for her. Miller herself says that she has to leave because she has “become the news, something a New York Times reporter never wants to be” (Miller 28).

One of the reasons Miller became suspicious to those inside and outside *The New York Times* was *how* she chose to identify Scooter Libby. Generally, newspaper practice is to give some identity to an anonymous source. If someone saw a shooting they might be identified as “a neighbor who witnessed the crime” or at least “a witness.” I have earlier discussed how some newspapers push for more specific identification of sources, or for some background information as to why the source wishes to remain anonymous. The public editor of the *Times*, for instance, notes that “ ‘Congressional official’ is not meaningful; ‘Congressional staff member who works for the minority leader’ is” (Orkent). Government sources are typically identified by their position or general department such as “a source inside the Pentagon” or “a Capitol Hill staffer.” After Judith Miller retired, one of the major issues surrounding her fall from lauded upholder of free speech to second rate journalist is that she, at some point, discussed labeling Scooter Libby as a “former Hill staffer” if ever she printed a story about Joseph Wilson’s trip to

Africa. Of course, Scooter Libby had worked on the Hill years before. Yet his current position was not only the one that he was actively holding at the time the story would have printed but also much more prestigious and close to the administration than Miller's possible identification would have suggested, had she used it. As Renee Montagne pointed out in a post-retirement interview with Miller on NPR's "Morning Edition," "It suggest[s] a coziness with sources" ("Judith Miller defends her reporting at The Times"). Miller insisted that she only agreed to "listen to the information in that way." She elaborated, saying that it was not uncommon to return to a source and request that they agree to a more specific or accurate description. Though it is a simple matter of semantics, it quickly becomes a matter of ethics as well. Since Miller never published the story she was working on about Wilson's trip to Niger we can never know if she would have changed the attribution. The only argument to suggest that she might have been planning to change the attribution before publication is that fact that it seems implausible that a former Hill staffer would have relevant information about Wilson's trip.

The case of the identification of CIA-agent Valerie Plame brings up several ethical issues about journalism including: the standards for protecting anonymous sources, the ability of a company to undermine journalist principles (as in the case of *Time* handing over Matthew Cooper's notes), and the ethics of journalist-source relationships. It also, as I've mentioned, raises further questions about the interaction of journalists and the government in modern times as well as questions about the value of using anonymous sources weighed against the possible negative results of using them.

## **How to Protect, Who to Protect**

I would first like to discuss the difficulties with anonymous sources in the case of Judith Miller. For journalists, the letter of the law and the ethics of their practice diverge on the count of when a source can and cannot be protected, which is why journalists can be jailed for protecting a source. Journalistic communities voice their support for protecting the identities of anonymous sources, citing important cases such as Watergate or other cases in which the sources involved revealed corruption that otherwise would never have been brought to the forefront if the source had been scared of repercussions. In the case of court proceedings, the charge against a journalist would be contempt because he or she did not cooperate with the court.

Journalists do not technically have protection from jail when subpoenaed by a grand jury largely due to a 1972 ruling by the Supreme Court. In the case, Paul Branzburg had written about drug users and producers in the Kentucky *Louisville Courier*. He was called to testify against his sources, and refused. In the Supreme Courts ruling, the vote came down 5-4 on the side that the testimony of journalists in this case was fundamental enough to demand their compliance, and further that compelling a journalist to testify about a confidential source was not a violation of the First Amendment (“Branzburg v. Hayes”). Obviously, journalists do not agree that the benefit of testimony before grand jury outweighs the benefits of source protection. Many advocate a federal shield law that would protect journalists from facing jail time despite the rulings of Branzburg v. Hayes. Currently, 31 states have some form of a shield law and journalists continue to fight for a federal shield law that would protect the entire country (Kirtz).

Though the Journalistic Code of Ethics set down by the Society of Professional Journalists is silent on the particulars of this situation, it does state that journalists should “keep promises” to sources (“Code of Ethics”). Judith Miller took the promise very seriously and said she was so passionate about protecting the identity of her source that she would not accept anything less than a personal communication from him declaring that she could reveal his name. This meant that when something called a “blanket waiver” was used, Miller still refused to testify. The blanket waiver was basically, in this case, a waiver from the desk of Scooter Libby telling any reporter who he had spoken with anonymously to go ahead and do so. It is not specific to any one reporter and Judith Miller refused to honor it. It also seemed the Miller was resistant to asking Libby for a waiver she was satisfied with. Here there was a direct contradiction between what Matthew Cooper accepted as the burden of keeping his promise of confidentiality and what Miller accepted. As far as stories about the case indicate, there were no requests made to Libby for a personal message declaring his wishes. Because of her decision to ignore the blanket waiver, Judith Miller is accused of creating her own punishment. “Tate has said repeatedly—and underscored in yesterday’s letter—that Libby cleared Miller to talk to Fitzgerald a year ago and that the waiver of Miller’s confidentiality promise was completely voluntary,” states a *Washington Post* report (Leonnig A3). In the days after Miller was released from jail her lawyer, Floyd Abrams, and Libby’s lawyer, Joseph Tate, engage in a sort of “he-said he-said” debate over whether Tate had ever suggested that the Libby blanket waiver was coerced. Also debated is whether Abrams had done enough to convey that Miller wanted more than a blanket waiver in order to testify. In the *Post* report, Abrams explains that since Libby signed the blanket waiver as

a condition of his job as the Vice President's Chief of Staff it can be interpreted as coerced or involuntary. However, as Tate rebuts, during Abrams occasional media appearances and at other times, he never mentioned that Miller was waiting for a waiver that she could view as voluntary and therefore never opened the door for Libby or his lawyers to present her with more specific permission to testify (Leonnig A3).

Whether Miller's actions were warranted or not, she served jail time after being found in contempt of court for a period of 85 days. In this case, the ethics of one journalist was placed against a law, set down in the case of *Branzburg v. Hayes*, which states that for grand jury investigations journalists must reveal the identity of their sources. But when Miller chose not to reveal the identity of Scooter Libby she was often praised in the press and by the press. Most articles referring to public and journalistic opinion of Miller tried to show both sides of public opinion, but the *Times* threw its full support behind her decision to go to prison. In the editorial pages of the *Times* the paper one article stated that, "By keeping Ms. Miller in jail, the United States is sending a signal to the rest of the world that it is O.K. to go after journalists as long as you invoke national security. That's not a good message to send" ("Leading By Example" A14). Some of the criticism for Miller, however, came about because of *who* she was protecting in the case, which *The New York Times* does not address in its editorial support of her.

When Miller was jailed some discussion was waged about who she protected; some viewed the protection as in place to protect the innocent, or the disenfranchised. When journalists were protecting everyday people who had given them knowledge of a particular corrupt industry or a crime, for instance, then everyone could get behind the virtue of protecting their identities. However, Vanessa Leggett, the journalist jailed for

the most time in history, remained in prison for over half a year because she would not hand over notes and sources that held information about a murder investigation. Leggett wasn't necessarily protecting the guilty party but she was potentially hindering the ability of law enforcement officers to prosecute the guilty party (Lipton). The trouble with Judith Miller was that everyone knew she was more than likely protecting one of the "top administration officials" that Novak said had been the source of his information about Plame. Yet, as Matthew Cooper said when speaking about criticism faced because of protecting powerful and possibly guilty sources, said, "The same law that could force a journalist to betray a confidence about a 'bad' leaker...could be used to cudgel a reporter into outing a 'good' leaker" (Kurtz, "A Case Most Clearly Defined In Its Shadows," A12). Others spoke out more directly about the principle of protecting sources in general. Some said, as Col Allan, editor of *The New York Post*, did in a *New York Times* article, that journalists like Miller should not consider themselves "above the law" (Steinberg A18).

### **When the Company isn't in Your Corner**

One of the issues that arises from the Miller case is how a news publication will respond when one of its journalists is subpoenaed and possibly facing jail time. Thanks to conglomerate news owners, the question has become "Will the parent company protect the journalist and his or her principles?" In the case of Matthew Cooper, the journalist who faced jail time along with Judith Miller, the company he worked for did not follow his ethics. Cooper wanted to protect the identity of his source, but he was placed in a situation where to uphold the principle of maintaining secrecy would be a moral stance only, as it would not have necessarily protected his source. While Cooper was facing his



last failed appeal, Fitzgerald was threatening Time Inc. with fines if they did not turn over internal documents that described Cooper's article, including Cooper's notes. In July 2005, before Miller was jailed, Time Inc. did hand over those documents and said, as Col Allan had, that they didn't believe journalists were above the law. Time Inc. had been facing fines; though the amount was never disclosed. At the time, the editor-in-chief of *Time*, Norman Pearlstine spoke out against a limitation of press freedom but said that the company would obey the law. (Schmitt A1). Included in what Time handed over were the notes of Matthew Cooper (Hagan B1) which suggested that Fitzgerald then knew the name of Cooper's source and would perhaps not have to put him in jail for refusing to name said source. "I'm obviously disappointed by what they [Time Inc.] chose," Matthew Cooper told *The Wall Street Journal*. It was apparent that Time Inc. had a separate set of priorities from those of Matthew Cooper.

Despite the move to hand over notes, Matthew Cooper was still facing jail time in July 2005 unless he agreed to testify about confidential sources. Cooper's decision in early July to testify about his source came in part because of the fact that his source had already been revealed when *Time* handed over his notes. Though Cooper is largely silent at the time, it is certain that his lawyer got in touch with Rove's lawyer and that part of the decision to attempt to avoid prison may have been caused by his knowledge that Rove was already "out" as a source. However, Judith Miller does not take the same stance. Cooper had already testified about conversations with Libby, and yet Miller still chose to protect Libby's identity as her source though he was already known to be somehow involved in the case. She may have chosen to do so for one of two reasons. For one, she was certainly passionate about the protection of sources as a principle that she would

uphold this principle personally despite the fact that the source was already known to be involved in the case. She may also have protected Libby knowing her testimony could in fact be very essential to the prosecution if she corroborated some fact offered up in testimony by Cooper, and therefore strengthened it.

*Time* did choose to wait until Cooper had expended his appeals before obeying the subpoena. But they did not necessarily wait because they wanted to respect the rights of journalists but rather because there was no reason to take action until all the appeals of Cooper had been turned away. Afterwards, though, *Time* took the action that directly opposed what their worker, their journalist had fought so hard to resist. The reaction in the media, especially *The New York Times*' reaction, is particularly enlightening. Arthur Sulzberger, Jr., publisher of *The New York Times* not remarked about his disappointment and mentioned a case in the past when *The New York Times* had stood in contempt. Several pieces in newspapers tried to give a sense of what journalists and journalistic institutions felt about *Time*'s decision, including one piece in *The Wall Street Journal* which quoted sources to the effect of whether *Time* had taken the appropriate route. While Jay Rosen of New York University's journalism school said he believed fighting the request to the Supreme Court was as far as any corporation could be expected to do, Poynter Institute representative Bob Steele seemed to suggest that *Time* and any organization in its position should fight "to the hilt" (Hagan B1).

It is true that *Time* and Matthew Cooper had fought the contempt charges to the highest court. However, all that *Time* faced at the end of that charge was allegedly large fine. Pearlstine himself admitted that it would have taken quite a fine to affect Time Warner (which owns Time, Inc., the publisher of *Time* magazine) (Schmitt A1). So it

had become a matter of whether the company should hand over the notes or take the fine. If *Time* and its parent company weren't going to be wounded by said fine, why didn't they pay it? Perhaps it was a bigger fine than Pearlstine suggested, at least big enough to warrant handing over the notes. Perhaps, also it was a matter of reputation in that Time Warner did not want to be levied against a federal grand jury. As the *Los Angeles Times* article reports, the director of the Harvard's Press, Politics, and Public Policy Center believed the judge "could have imposed truly ruinous fines" (Schmitt A1).

Were the fines what *Time* feared? Could it have been reputation? *Time's* own reasoning in the case was that "In this particular case, where national security and the role of a grand jury have been at issue, the Supreme Court chose to let stand the district court's order.... We believe that the Supreme Court has limited press freedom in ways that will have a chilling effect on our work....," *Time* wrote after agreeing to hand over Matthew Cooper's notes. Though they clearly stated they disagreed or were concerned about the decision, they also said, "That Time Inc. strongly disagrees with the courts provides no immunity" ("Statement of Time Inc. on the Matthew Cooper Case"). There is truly no way to know if the fines may have motivated Time Inc.'s decision or if it was the commitment to the law. As a corporation, Time Inc. made a different decision than the one that Judith Miller the individual would make; Miller did not weigh the rights of the Supreme Court as a trump to her beliefs in the right to free speech (specifically the right to protect a confidential source). There may be a difference in the reaction of Miller and the reaction of *Time* related to the individual versus corporate mentality. For Miller, functioning as a single entity has only to answer to her own conscious when deciding to act against the Supreme Court. The repercussion of jail affected her, whereas one can

argue that *Time's* decision either way in the case would have affected an entire range of people as well as the corporate ethos. And, further, since Time Inc., the publisher, is a subsidiary of Time Warner it is worth considering that the beliefs of a journalist are different than the beliefs of an organization that is not, at its highest level, about journalism. Naturally the principled ethics of a journalist will differ from the heads of a media conglomerate especially when the principles contradict a major institution i.e. the government.

There is one more important consideration for how a company can affect the ability of a reporter to defend his personal ethics. In the case of Matthew Cooper, his ability to practice his ethic of never revealing an anonymous source was circumvented because of not only the conflicting views of the company he worked for and himself but also because of the ownership of his work. In many corporations, like design firms or public relations firms, the company owns the work that you produce for the company. In the case of *Time*, Matthew Cooper's notes were technically considered the property of the company. This is a crucial distinction, and a fundamental reason why *The New York Times* did not have to, as a company, face the decision that *Time* magazine did. Because of the ownership of Cooper's notes, *Time* had the *ability* to turn them over to authorities with or without Cooper's permission. Since Judith Miller's notes were *her* property, this never became an issue (Kurtz).

In the case of *Time* and Matthew Cooper it is sure that there is a tension between the reporter and the company. The ethics of one does not always necessarily match the other, and in high stakes cases such as that of the investigation into the leak of Valerie Plame's name sometimes a journalist's ethics will not be upheld by the company he or

she works for. This is just another ethical dilemma that journalist's must face and be aware of as they choose to take jobs with company's of a range of ethical policies. In high stakes cases, it is difficult to determine what the company will do, and in a world where increasingly larger media organizations own single newspapers, magazines, or other print news there is an increased tendency that the organization's ethics will not be journalistic ethics but will comply to a perspective of business ethics, which differ on specific points and which address different relevant topics.

### **How Close is Too Close to a Source?**

A fundamental reason why Judith Miller's motivations were questioned in the wake of the Plame trial was because of her relationship with her source Scooter Libby. Bill Keller, the *New York Times* executive editor, writes in a memo to the staff, "...If I had known the details of Judy's entanglement with Libby, I'd have been more careful in how the paper articulated its defense [of Miller and against giving response to the subpoena], and perhaps more willing than I had been to support efforts aimed at exploring compromises" (Memo 10/21/2005). The quote isn't entirely clear, but suggests that Keller would have been more willing to discuss disclosing Judith Miller's source with the federal prosecutor. It also suggests that the level of involvement that Miller had with Scooter Libby made her protection of him suspicious or at least presents that her relationship with Libby made her resistance to the subpoena somewhat more suspect. Otherwise, why did Keller say that if he'd know more about their involvement that he'd have pushed for compromise rather than letting her go to jail on principle? Since Miller presents one case in which a journalist was under suspicion because of her relationship

with a source it seems necessary to explore the implications of source relationships on a wider level.

As I have already discussed briefly, one of the concerns raised about Judith Miller was her agreement to, as she puts it “hear the information” from Scooter Libby under the assumption that he would be labeled as a “former Capitol Hill staffer” in any subsequent story. However, Miller claims that she would not have printed the story using that attribution of Libby; she maintains that she would have asked him to come up with something that more accurately represented his role (“Judith Miller defends her reporting at The Times”).

Generally, a journalist has only a limited reason to forge a close relationship with a source unless he or she is doing an investigative piece or uses a specific source frequently. There are, however, several cases we can imagine where journalist-source relationships would be forged and maintained. One of these situations would be when a journalist works a particular beat, like the White House or Capitol Hill, and builds a common bond with an insider. This type of relationship is not only helpful but in some situations crucial. This doesn’t mean that a journalist and a source need to be friends but it is certainly helpful to know the person to whom you are speaking.

“The warm tone of the letter from White House insider Lewis ‘Scooter’ Libby to Judith Miller of the *New York Times* conveyed an essential reality of reporter-source relationships...These are often relationships between like-minded people who care about the same issues and who become—dare I say it?—friendly,” writes David Ignatius in his opinion piece about the relationship between Miller and Libby (A23). Ignatius is of the opinion that journalists will often find themselves on common ground with sources, but also that “editors are crucial in mediating the

relationships between reporters and sources” as well as that it is up to the editors to “agree to absolute confidentiality only in the rarest cases” (A23). However, there is definitely a more sinister side to relationships between high powered figures in the government and journalists. There is of course the possibility that people in the government will selectively “leak” (as in the case of Valerie Plame) information or to “spin” a reporter. Of course it is possible to have information leaked or spun to a reporter who isn’t close to a source, but the reporter may be more willing to receive this type of communication from a source he or she knows well. “A lot of times, as a reporter, you know you’re getting spun. Every day you go to the White House press briefing, you’re getting spun,” said James Risen, coauthor of *State of War: The Secret History of the CIA and the Bush Administration* in a Frontline interview (“News Wars”). A leak, however, in the case of the Valerie Plame leak, isn’t always the result of a whistleblower who wants to make some internal crime or misbehavior known. By trusting a source a journalist may open the door for stories that push the source’s agenda. As discussed earlier, the idea of a source’s motivation becomes key in determining which information is worth printing and which is too one-sided. With sources that are closer to a reporter a reporter must more carefully assess his or her ability to judge the information that the source provides. Granted, journalists must always assess the motivation of the source who speaks them, but it can be more difficult to judge a person you know and possibly like well.

Countless codes of ethics and employee handbooks have addressed when a relationship between journalists and sources becomes too close. Specifically, *The New York Times* devotes a short section of its ethics policy to “Keeping Our Detachment” or

basically, the logistics of journalist-source relationships. In the document, the *Times* asserts the obvious, that in some cases “Cultivating sources is an essential skill, often practiced most effectively in informal settings outside of normal business hours” (“The New York Times Company Journalism Ethics Policy”). The ethics code also suggests that journalists should “keep in mind the difference between legitimate business and personal friendship” and the code says to alert editors of romantic relationships that might develop with sources. Once again, as is common with ethical codes, the written code can only go so far and is, as always, open to interpretation. For the most part, codes like the one that *The New York Times* provides can only provide a set of guidelines and are most helpful as documents to give a sense of when involvement has become too great between sources and journalists. For instance, several newspaper ethical codes dictate that journalists should not report on family members and urge journalists not to allow sources to pay for anything of significant worth. Most ethical guidelines do not, however, go into the detail that *The New York Times* does—the American Society of Newspaper Editors collects ethical codes from newspapers around the country. A sampling of 12 of these papers finds that two specifically mention avoiding close relationships with sources. Almost all of them are against various civic involvements and the acceptance of gifts (“Codes of Ethics”). The *Times* defines the parameters of acceptable behavior at anything that gives the appearance of partiality, stating, “Staff members may see sources informally over a meal or drinks...A City Hall reporter who enjoys a weekly round of golf with a City Council member...risks the appearance of coziness...” (“Ethical Journalism”).



Many people noticed the rather friendly letter sent to Miller by Scooter Libby while she was in jail. Libby's letter was conversational and presumably urged Miller to testify in the case, though it never specifically says "go ahead and testify." The language of Libby's letter, however, was extremely flowery and even spawned conspiracy theories among internet bloggers and the occasional print columnist. One blogger wrote: "To decipher this letter a theory must be first posited...Scooter Libby **DID** leak Plame's identity to Judith Miller." Miller may have told Karl Rove who passed the information on to dozens of others..." ("Decoded: Scooter Libby's Coded Prison Letter To Judith Miller," emphasis original). Libby's letter reads, among other strange lines, " 'Come back to work—and life,'" (Dart, A8). Other things about the timing and wording of the letter were peculiar and led Libby and Miller to seem suspiciously close. The letter also contains a portion where Libby writes, "Because, as I am sure will not be news to you, the public report of every other reporter's testimony makes clear that they did not discuss Ms. Plame's name or identity with me..." (Dart A8). This sentence in particular seems, whether it intends to or not, to suggest that Miller will not testify against Libby. At the very least, the letter, which describes Miller's vacation spot in Aspen Colorado, suggests a close relationship between her and Scooter Libby.

Miller's case brings to the forefront the ways that journalists and sources can connect, in ways that may from the outside seem to be nefarious or unethical. Being close to a source is not a crime, even of ethics, but it draws a fine ethical line between when a journalist can evaluate a story objectively. The issue is particularly powerful in a climate where journalists are under greater scrutiny. And as the Isikoff and Barry case illustrates, there is greater risk of coming under scrutiny for journalists who deal in high

profile issues involving the war, national security, and potential scandals. The Miller case also provides a compelling example of the effects of the internet on the public perception of a case. Thanks to the internet, Libby's correspondence with Miller could be widely broadcast all over and analyzed line by line and bloggers could take the opportunity to not only form theories about it but also laugh at the public relations foul up. Granted, the Libby-Miller letter was never intended for the public eye—the letter was leaked to *The New York Times* but it is not sure by whom<sup>2</sup>—but even writing such a letter is a highly questioned move on Libby's part. It is also apparent from the letter that Libby knows Miller well, at least enough to know her favorite vacation spot. Knowing your source well is no crime, but again it's a question, similar to that of a journalist using anonymous sources, of how the journalism is affected by this relationship. And as seen in the Libby case, it is also important for journalists to consider how their relationship with sources will affect public perception of their coverage.

In addition to Libby's letter to Miller, their relationship was questioned because of Miller's insistence on protecting Libby though he had already signed a blanket waiver. It was also in question because some saw Miller as suspiciously in Bush's corner due to her reporting on WMDs in Iraq, which was seen as complying with what the Bush administration wanted to hear about Iraq. Theories to this end were strengthened by the fact that much of the WMD reporting was later questioned on the grounds of rigor and accuracy.

---

<sup>2</sup> A copy of the letters *The New York Times* obtained can be found at: [http://www.nytimes.com/packages/pdf/national/nat\\_MILLER\\_051001.pdf](http://www.nytimes.com/packages/pdf/national/nat_MILLER_051001.pdf), there is no framing information for them, however.

As with previous questions I have examined, such as use of anonymous sources the closeness to a source seems to be a situation to monitor on a case by case basis. As much as a policy written into the ethical code of the organization can help to regulate the types of relationships sanctioned there will remain gray areas. Writing about journalist-source relationships in the ethical code would be most helpful from the standpoint of giving an idea of when a relationship is no longer appropriate (i.e. when the two people meet for other reasons than to discuss a story or when the source offers to buy meals for the journalist). Yet what if the information obtained from a close source is intriguing and full of potential, but yet he or she insists on buying lunch and acts offended if the offer is not accepted? Again the choice to forge a relationship with a source must be weighed against the affect that relationship has on the story, and the ability of the audience to respect a story written in this way.

The Miller case of a journalist who became friendly with her source is an important one because it illustrates both the ethical question of maintaining a friendship with a source as well as the more practical question of how the public will respond and whether ones reporting will still be respected if the relationship is found out. The Miller case demonstrates how a story and a reporter can lose their ethos and seems a call to exercise caution with sources. A journalist must consider, in an age where the leaking of information is prevalent, what the public will think of their methods and he or she must consider the possibility of subpoenas or unexpected disclosures when making the decision to forge a close relationship with a source.

### **Aftermaths for Judith Miller and the *Times***

When trying to observe what changes have occurred in the *Times* newsroom since the case of Judith Miller's jail sentence it is difficult to tell—after all, Miller has just finished testifying in the trial of Scooter Libby at this writing. Thus, it is difficult to assess aftermath when the case is freshly over.

The consequence for the journalist, Judith Miller, however, is graver than the consequence had been for Michael Isikoff and John Barry. Miller left the *Times* in November of 2005, officially it was a retirement, but Miller was more or less forced to leave according to news reports at the time. "...It became clear that management would face resistance from its staff and outsiders if she remained at the paper," states one article about Miller's retirement, and it also notes that Miller and the *Times* had been engaged in "negotiations over her future" (Hagan B1). Miller faced the consequence of losing her job for her role in the leak case and the most explanation anyone at the *Times* provided was Keller's explanation that Miller had not been up front with her editor Philip Taubman and that he had been "entangled" with Scooter Libby. Another criticism of Miller comes from the *Times* front page in October of 2005, when the *Times* describes the discovery of a name similar to Valerie Plame in Miller's notes. The article describes lapses in the *Times*' judgment, including that the top editors "did not review Ms. Miller's notes" (Van Natta, Liptak, and Levy 1.1).

In response to the Miller case the *Times* generally kept a quieter response level than they did for the case of Jayson Blair. One of the most direct responses given is executive editor Bill Keller's memo to the staff about his regrets on dealing with Miller during the case. An article in the *Times* describes Keller's regrets and reveals the other side of the story from Judith Miller, who disputes Keller's words: "In his first direct

criticism of Ms. Miller, Mr. Keller said she ‘seems to have misled’ the newspaper’s Washington bureau chief, Philip Taubman” (Seelye A13). Later the report by Van Natta, Liptak, and Levy report detailed what seemed to be a story of Judith Miller’s deceit, with wording such as “Mr. Sulzberger [publisher] and the paper’s executive editor, Bill Keller, knew few details about Ms. Miller’s confidential source other than his name....Mr. Keller said he learned about the ‘Valerie Flame’ notation only this month” (Van Natta, Liptak, Levy 1.1). In addition, the Public Editor Byron Calame, stated that “*Times* editors had moved too cautiously to correct prewar coverage and were too deferential in their treatment of Miller as she took shortcuts” (“Trouble at *The New York Times*”).

Yet it was unclear if anything would come of this case, if any changes would be made inside the newsroom or to procedures. Though the long piece by Van Natta, etc. detailed some flaws in how the *Times* dealt with and covered Miller’s story, no one at the paper responded as to what could be done to prevent future problems of this nature. Unlike the case of Isikoff and Barry, though, Judith Miller’s case did not necessarily provoke institutional reaffirmations of the code of ethics or standards. *The New York Times* had already published its renewed document on confidential sources in February of 2004, after Miller had done her reporting on Joseph Wilson’s trip but before she was subpoenaed before the grand jury—the implication being that the *Times* reaffirmed these standards without knowing how they were about to be tested. Whether there will be changes to the policy of the *Times* remains to be unseen, but it seems that Judith Miller was treated as a special case, perhaps one case that could not be broadened to a larger context.

The *Times* itself, beyond just Miller, was also the subject of much reportage in the wake of the Miller case. The *Times* faced consequences in public perception and bad press originating outside of the organization as well. Among the most damning press was coverage that: 1) drew on the concept of the *Times* as a divided newsroom, and 2) coverage of the *Times* as weakened by the combination of recent lapses in coverage or ethics (including Jayson Blair, Rick Bragg, the *Times*' flawed WMD coverage). For instance, one article describes the dissent among members of the *Times* newsroom over the coverage and defense of Judith Miller's decision to go to jail. The October 13, 2005 article described dissent among the newsroom over how the story was being covered, "A lot of the reporters have really been wondering and doubting their editors," the piece quoted former *Times* political editor and chief Washington correspondence Adam Clymer, "It wasn't that they knew the defense of Judy was wrong, but they didn't have a sense of what was being defended...People all over the paper think the *Times* should have been covering the story harder" (qtd. in Kurtz C1). Some other coverage focused on the problems at the *Times* as a larger downward trend. In an article in the *American Journalism Review*, Rem Rieder writes, "...the last five years have been rocky ones for the *Times*. The Wen Ho Lee fiasco. The Howell Raines of Terror. The Jayson Blair affair. The botched WMD coverage. And, most recently, the Judith Miller crisis" ("Life After Judy"). Rieder notes that "One common thread runs through the *Times*' debacles: breakdowns in the editing process. Putting safeguards in place and applying them stringently will be key."

It is difficult to know how *The New York Times* will regain reader trust with many of the recent cases of unethical or questionable behavior by its staff members. The best

way to march onward is probably to keep a closer eye on journalists and editors, similar to how Rieder suggests, and also to fight debacles like Miller's with well-done reporting. Though it is too early to really say if lasting effects will occur because of the Miller case it seems Miller's blow to the *Times* is a little less direct and damaging than the one Jayson Blair deals.

## **Plagiarism and Fakery**

### **Jayson Blair deals a fierce blow to the *Times***

"A staff reporter for the *New York Times* committed frequent acts of journalistic fraud while covering significant news events in recent months," said the investigative piece written by several *Times* reporters and printed after Jayson Blair resigned on May 1 2003 (Barry et. al 1.1). Jayson Blair, the story revealed, was a young (under 30) reporter who had for whatever reason fabricated article details, cribbed parts of stories from other authors, and added datelines on stories from location to which he had never been. The multiple acts of fraud and plagiarism were more than unacceptable; journalists have been fired for simply not attributing material on a single story. Nina Totenberg, for example, now a prominent correspondent for NPR was fired from her post at the *National Observer* as a young reporter for lifting several paragraphs from a story in *The Washington Post* and publishing them in her own piece ("Profiles in Plagiarism: Journalism") In the Blair case there were at least some type of problem with 36 of his 73 stories at the *Times*, published over his four year tenure at the *Times* (from 1999 when he

was hired about 6 months after completing an internship there till 2003). While the scope of Blair's crimes that made his case extraordinary, the case was also extraordinary because of the extreme nature of his fraudulent or stolen material. His fraud grew worse as he continued his tenure with the *Times*, reaching its height in the final year of his employment. The investigative report on Blair reveals a timeline of his fraudulence during the spring of 2003, "By March, he was lying in his articles about being at a court hearing in Virginia...By the end of April another newspaper was raising questions about plagiarism" (Barry et. al 1.1). Three major elements combined to make Blair's fraud reach the front pages of newspapers across the country: 1) Blair's assignment to important stories like the Washington D.C. sniper shootings in 2003, 2) his multiple frauds, 3) and the scope of his fraud. There was also hand-wringing over the state of journalism, and, as a side note, hand-wringing over the practice of affirmative action hiring (Blair was hired via a minority-only internship program).

It is difficult to say whether one of these factors alone would have led to the amount of coverage that the Blair case garners, however, a comparison with previous cases of plagiarism or fraud will be enlightening. Probably two of the most recognized cases prior to Blair, but not so long ago that they are set in a different era, are that of Janet Cooke and Stephen Glass. Janet Cooke was a reporter for *The Washington Post*, who in 1981 won the Pulitzer Prize for a story called "Jimmy's World." The story detailed the day to day life of an anonymous "Jimmy," an eight-year-old heroin addict. When "Jimmy" was revealed to be actually a composite of many sources Cooke had talked to, she had to give back her prize and leave the *Post* disgraced (Iggers 11-12). In the book *Good News, Bad News*, author Jeremy Iggers attempts to define why Cooke



became a landmark case that was used in textbooks and invoked often. He offers two possible explanations: 1) that Cooke violated one of the fundamental tenants of journalism and 2) that Cooke had been awarded “the most prestigious prize in journalism.” The former theory was forwarded by Jay Black, then-chair of the ethics committee of the Society of Professional Journalists, during a conference at the Poynter Institute. (Iggers, 12-13). The Cooke case shares a Blairian characteristic in that her fraud was large in scope, covering a dramatic and long investigative report and falsifying the main character. She and Blair also both reported for highly recognized and respected newspapers. Beyond that, however, and the two theories that Iggers puts forth, there is not much to tell us why Cooke’s case became so well known. Personally, I agree with the Pulitzer theory because the prize lent so much weight and allowed many more people to hear about her story so that the discovery of her fraud was much more prominent.

Stephen Glass, in contrast, worked for *The New Republic* and never won any prize for his coverage there. Glass was fired from *The New Republic* after editors discovered he’d faked characters, the company they worked for, and even a website for a story about computer hackers (Kurtz A1). Again, the audacity of the fraud committed by the reporter had a large part in the coverage. Glass’s fabrication of an entire company and the lengths he went to to prove it was real were noteworthy. Also, as Howard Kurtz notes, Glass was part of something perceived as a trend in young reporters who moved up the ranks quickly: “There have always been ambitious young reporters, but two decades ago it was exceedingly rare for twenty-something writers to become *Vanity Fair*-level stars” (A1). The scope of the lies or plagiarism, or in other words how big the lie was, seems to be the thing that connects these three examples.

The “journalistic fraud” that Jayson Blair committed exceeded that of any other *Times* journalist before (assuming there were no giant cover ups). There had been a few journalists whose material could not be verified and also questioned coverage, as I will detail later. However, the *Times* never printed an investigative report about their earlier cases. Jayson Blair set the stage for big changes at the *Times* because his was a case so large it could not be ignored. The case reveals a prominent news organization at perhaps its weakest hour, while it faced two cases of unethical journalists, those of Blair and Rick Bragg in a quite short time. Also, about a year after Jayson Blair’s acts of fraud were revealed the *Times* wrote a report criticizing its own coverage of the presence of WMDs in Iraq. The Blair case, in particular, lends the chance to explore how unethical actions originate and how they are overlooked or ignored, or how editors may remain unaware. *The New York Times*’ ethical nightmare ala Blair sets the stage for increased negative attention on a national and public level. By looking more closely at Jayson Blair and the *Times*, we can gain perspective on how one plagiarist flourished, if temporarily, and how an organization like the *Times* dealt with the situation and moved forward.

### **The link: Anonymous sourcing as a trick of the plagiarist tool box**

When Judith Miller was reporting on the repercussions of Joseph Wilson’s article about the lack of weapons sold between Niger and Iraq it was about a month since the fire of scandal had burned brightly at the *Times*, spotlighting journalist Jayson Blair for committing a great journalistic transgression. Jayson Blair accomplished with his actions at *The New York Times* something that other journalistic scandals had not been able to accomplish: they cast a spotlight on the institution rather than garnering their

newsworthiness through others involved in the case, like the sources (i.e. Libby's involvement as the reason Miller's case is talked about so long). Jayson Blair, both used material from other reporter's stories as well as fabricated story details. His crimes cast a light on journalism first and foremost, unlike the other cases in the previous anonymous sourcing section which dealt with political issues as well. The cases share other characteristics, such as a picture of a disjointed or non-communicative newsroom at the *Times* and the implication that both Miller and Blair were deceptive towards editors (one far more than the other, obviously). Though Jayson Blair's race and the idea of affirmative action hiring do play a role in the news coverage of his fraud, the case was foremost about the principles of journalism and the ability of the media to police itself.

At the surface, it seems that the use of anonymous sources, even in a risky or questionable manner, is far less grave than the act of plagiarism. But anonymously sourcing stories feeds directly into a plagiarists' handbook and as much, if not more so, plays a role in helping those that fabricate information get away with it. A journalist using anonymous sources is able to hide his or her poor methods because the anonymity makes the story more difficult to fact check and verify. This is not necessarily the case if an editor knows the identity of the sources used in the story, but editors do not always know these sources. From newspaper to newspaper there is no set standard for whether at least one editor always knows the identity of an anonymous source. In recent years some newspapers have elected to put this rule in place, notably *The New York Times*. *The Washington Post*, as of its 1999 Ethical Code, did not have anything in this document indicating that sources must be known to one or more editor. The way that anonymous sourcing can be used as a tool for plagiarism is evident in the aforementioned case of

Janet Cooke. Cooke sourced her “Jimmy’s World” story with anonymous sources and never revealed their identities to her editors. In order to prevent her editors from discovering this, Cooke claimed that “the pusher who had gotten ‘Jimmy’ hooked on heroin had threatened to kill her if she revealed who he was” (Goodwin, 121).

Anonymous sources, essentially, can lead to greater distance between the editor and the facts of a story. Goodwin, author of *Groping for Ethics in Journalism*, writes that following the Cooke case, many newspapers initiated rules that one editor had to know all anonymous sources names after Janet Cooke. (122). Yet it seems that a busy editor is unlikely to have the time to verify the existence of anonymous sources or the legitimacy of every anonymous source’s connection to the information he or she asserted, especially at large papers like the *Times* or the *Post*.

The use of anonymous sources can also prevent the public from disputing a story. If no one knows the source, then no one knows from whom the story originated and this makes the story harder to dispute. As a tool of fabrication, anonymous sourcing is easily abused. Jayson Blair reported a story using anonymous sources from police department in Washington D.C. when covering on the 2002 sniper shootings in that region. The story he wrote was disputed and led to corrections in the *Times*, and in hindsight it seems entirely possible that no one Blair spoke to for the story said the things he claimed they did. Among other things, Blair wrote a story shortly after being put on the sniper case that detailed, with copious use of anonymous sources, discussions between law enforcement and sniper suspect John Muhammad. Blair wrote,

“State and federal investigators said today that John Muhammad had been talking to them for more than an hour on the day of his arrest...explaining the roots of his anger, when the United States attorney for Maryland told them to deliver him to

Baltimore to face federal weapons charges and forcing them to end their interrogation.”

as well as,

“The investigators said they spoke with a reporter to explain why they have been so upset with the federal prosecutor,” (Blair, A1).

I will later discuss this story in more detail, but it is clear that Blair’s story relied on anonymous sources and it became clear in follow-up reporting and corrections that his conversations with these sources was at best flawed and at worst totally fabricated.

Anonymous sourcing should not only be questioned when a journalist relies on it too much or when the use of it risks leading the newspaper into a legal battle—the overuse of anonymous sourcing should also be questioned because it can be a warning sign for unethical journalistic behavior. Anonymous sourcing can help a journalist promote an agenda but more important it can help a journalist cover his or her tracks. And the issues of both anonymous sourcing and plagiarism bring us to the question of how the problem arises and how the problem can exist in newsrooms without discovery. The question of how poorly sourced stories appear over and over is as valid as the question of how a plagiarist maintains his or her job for any length of time.

### **The Media Blow Up—Why Blair Gains the Spotlight**

There is little question that Jayson Blair gets more coverage and more name recognition as “plagiarist” than any other journalist since the 80s and Janet Cooke. But why did Blair’s story become so often told? Blair was not the first person to plagiarize a story, and as seen from the post-Blair era, he will not be the last. Notably there is Rick Bragg, Jack Kelley, and Janet Cooke in the modern era. Rick Bragg will be discussed in some

detail later—a less severe case, he engaged in toe-touch reporting where he barely visited a site and yet placed the dateline there, as well as not properly attributing the stringer reporters who were helping him. And Jack Kelley, a star reporter for *USA Today*, wrote many stories that could not be verified, contained anonymous quotes, or disputed quotes during his long tenure with *USA Today*. Notably, Kelley went through great lengths to cover up his deceptions during an investigation into his stories when he claimed he had two translators working with him on a story and got a woman who was never helping him work on a story to pose as one of the translators (Rosen). Both the Kelley and a few other “big” cases of plagiarized stories came out *after* Blair, however. One of the results of Jayson Blair’s case is that newspapers go into full disclosure mode with their bad journalists now, though this is based on the gravity of the crimes. The *Times*, for instance, had never published a story about its own reporters before save for the recounting of a 1963 newspaper strike. The *Times* had addressed issues with coverage of the Lewinsky scandal with an internal report criticizing articles on the topic and had addressed criticism of its coverage of Wen Ho Lee, a scientist fired in 1999 for security violations with a long editor’s note. The Blair coverage sets the stage for a more introspective time at the *Times* (Mnookin 147-149). Just because the big name cases, the Jack Kelleys and Rick Braggs of plagiarism go up after Blair should in no way suggest that plagiarism in the post-Blair era is increasing. As noted in the *American Journalism Review*, “...Each time a slew of people get caught [for plagiarism], it’s not necessarily indicative of a slip in journalistic standards, or even a trend” (Robertson). The article notes that a large number of plagiarists were discovered around the beginning of the 90s as well and that increased sensitivity to scandals in journalism could be due to a

perception that it is more important for a single organization to be credible in a society where most people are bombarded with news from a variety of sources (Robertson).

Yet the Blair story, among others, takes on the trappings of a case unparalleled in its high profile nature. The Blair story takes off because he had in some sense betrayed the readership of a powerful American newspaper with his multiple acts of plagiarism and poor reporting. Second, Blair had plagiarized several stories and wrote others laden with factual errors, his problems were widespread. Third, Blair's transgressions were seen in the larger context of *The New York Times*, the paper he reported for. In the wake of the scandal the *Times*' ethics were questioned and other newspapers around the country began to consider editor-journalist relationships, how they recruited new reporters, minority treatment, and inter-editor communication as issues at the foreground. However, Blair's case becomes complicated by the fact that he was a minority, an African-American who had been hired through the *Times* internship program that specifically catered to minority journalists (including, interestingly, the journalist whose piece Blair was finally caught copying). That Blair was a minority hire draws an entire second tier of analysis of the case.

Another intriguing facet of Jayson Blair's case is the fallout from the events. *The New York Times* suffers much bad publicity from Blair but also the Blair saga results in the firings of the immensely controversial Howell Raines and one of the few minority upper positions, managing editor Gerald Boyd. The Jayson Blair scandal, along with the discovery that *Times* journalist Rick Bragg had allowed a freelance writer to do most of the on-spot writing for a piece marred the integrity of the *Times*. Additional changes took place post-Blair, including the addition of a new "Public Editor" for the *Times*.

Blair presents perhaps the most iconic face of “bad journalism” in the modern era. His actions, studied, present the most memorable event in recent history for which journalism’s practices and processes were questioned. The fact that Blair plagiarized is accepted as wrong, but his *ability* to plagiarize, fabricate, and in some sense con the editors and readers of the *Times* is what takes his case to the front page.

Jayson Blair was writing for the *Times* until late April of 2003 (about the same time that Judith Miller was reporting on various stories on WMDs in Iraq, the same stories that would later be questioned). By early May of 2003, Jayson Blair had stepped down from his position. Jayson Blair’s case is probably the easiest to explain in terms of what he did: Blair stole parts of other reporters’ stories and from other reports from sources such as the AP Wire. He also failed to report on location for several stories that carried the dateline of the location. The size and scope and frankly, the audacity of the plagiaristic acts he committed contributed to how long the scandal fed the media.

The basic outline of Blair’s story was outlined in multiple news articles and in far greater depth in the pages of Seth Mnookin’s book *Hard News: The Scandals at the New York Times and Their Meaning for American Media*. Jayson Blair was hired in June 1999 to work in the *Times* police bureau after having a largely successful summer internship at the paper. However, as *The New York Times*’ own investigation revealed, Blair’s early articles were considered to be somewhat sloppy, and he also kept a sloppy appearance. (Barry et al. 1.1). Blair was twice promoted during his time at *The New York Times*, despite his reporting often bearing marks of inaccuracy. Such promotions spur the controversy and also arise in the discussion of affirmation action or minority hiring (and promotion) practices in the *Times*. Other controversies arise because Jayson



Blair had already been labeled as a less than ideal journalist before his plagiarism became public, as written in the *American Journalism Review*, "...the Blair report exposed a frighteningly porous management structure, one that allowed a truth challenged journalist to not only survive but thrive, despite a blinding array of warning lights" (Rieder).

That was perhaps the greatest surprise of the Jayson Blair scandal, that whomever had helped his career along in the management circle had been either willing to overlook his previous foul-ups or had been (somehow) unaware of them. Plagiarism is obviously the paramount problem in the Jayson Blair case, and it seems almost too simple to go into in much detail—though I will take the time to highlight some of the ways in which Blair's transgressions took shape in the context of new technology and whether the culture of the *Times* might have fed into not only the use of, but also penchant for fraudulent material. Another level at which to analyze the Jayson Blair saga is the management level; one cannot analyze what happened with Blair without at least taking a glance to how it happened and who was responsible, beyond Blair. For one, Jayson Blair was a journalist who almost certainly had no integrity. For another, management and editors at *The New York Times* weren't prepared to deal with a journalist of no integrity. Yet for whatever reason—his race, his popularity, or his writing skill—Blair's actual falsifications, mishaps, and his office behavior were not questioned.

The question of plagiarism in today's world and the *Times* will be the first question I address, and the second will be how a plagiarist flourished at the *Times*. These questions will serve as a lens through which to view journalistic ethics. They will serve to show the climate with which the public receives journalism today. They will also shed light on how a journalistic institution as well-respected as the *Times* responds and grows

from such an event. In an age where the lens on the media has increasingly focused inward, Jayson Blair serves to show the inward lens as well as to show the media in general in some of its most introspective moments.

A great advantage of the Blair case is that enough time has passed that journalism review articles and books alike have been published, lending a more investigative look at the subject matter. I borrow heavily from the work of Seth Mnookin, author of *Hard News*, which covered the events surrounding Jayson Blair and other problems that arose during the tenure of Howell Raines. I also employ the use of news sources and journalism reviews, as seen in the rest of the paper.

### **Hubris for a Plagiarist**

Plagiarism cannot be excused in a profession that values the truth and factual accuracy of the written word. But did *The New York Times* create an atmosphere where plagiarism became easier—and what was done that may have created this atmosphere?

The culture at *The New York Times* was a stressful one, as illustrated in Seth Mnookin's book *Hard Times*, and it became more so with the demands of the new executive editor Howell Raines. Raines took the helm about two years before Blair's transgressions became known, in 2001 however, and he was not the executive editor when Jayson Blair was hired and promoted the first time. Howell Raines assumed the newsroom just over a week before September 11<sup>th</sup>, but according to details in Mnookin's book, Raines was already chomping to get "buzzy, snappy pieces," along with "'all-known thoughts,' weighty, multi-thousand word exposes that ran on the front page of the Sunday paper." (Mnookin, 59-60).

Howell Raines was vastly unpopular the rest of the newsroom, and perhaps there were journalists burnt out under his leadership, they did not resort to plagiarism. The question of the source of bad journalism is nearly as impossible to define as the source of a criminal mind. Was it nature or nurture? For one thing, Blair was a promising journalist who seemed, based on all accounts, to be passionate about his work. Mnookin writes that Blair was well-liked by his high school principal while he was working for the school's newspaper and that he gained his first internship at a local paper in high school because of an energetic attitude. (Mnookin, 107-108). Yet, though Blair was decidedly dedicated to a career in journalism—he freelanced and held two prestigious internships, including the one at the *Times*—Mnookin writes that Blair's early journalistic behavior was problematic as well as his late behavior at the *Times*. When one looks at Jayson Blair's history in various journalistic roles it is hard to view him as anything other than a spotty reporter—perhaps not one who would engage in widespread plagiarism, but definitely one who had difficulties being a consistent and flawless reporter. In Mnookin's book Blair's problems with reliability and respect for truth in journalism start early, he seems to have mislabeled an article as being by another author in his high school newspaper (the article extensively quoted Blair) and while he was interning at *The Boston Globe* he gained a reputation as a “nasty gossip.” (Mnookin, 109-110 & 112-113).

Obviously *The New York Times* culture could never be said to have enough impact that it would make a wonderful journalist to go totally bad. In the case of Blair, if his problems originated earlier, then the question becomes how did he manage to pull it off? That question has two sides. There is first the way that Jayson Blair operated and

wrote his stories for the *Times* and second the way that Blair's stories remained unquestioned during his approximately four year tenure (from June 1999 to May 2003).

First I address how he accomplished plagiarism at a well-respected organization and in a manner that was pervasive through many stories. The implication of an age where news is at our fingertips is that plagiarism is easier now than ever before. The glut of information on the internet allows for news and stories to become buried, and allows for anyone to get access to news stories printed on any topic by merely typing in a few key words. One thing is certain, Blair did a number of very risky things as he plagiarized or poorly reported stories. Several times he reported with a dateline from another location without visiting the place, as he discusses in an interview with NBC: "But you never traveled to any of these locations," asks Katie Couric, referring to Blair stories filed from Texas, Ohio, and West Virginia when was covering missing and fallen Iraqi soldiers, "Correct. I recreate the events without actually traveling there, correct" (Couric). This was actually fairly common with Blair, he stayed in his apartment when covering a September 11<sup>th</sup> memorial concert in New York (Mnookin, 116-117) and when his work was investigated by the *Times* they uncovered sources that said they never even remembered speaking with him. (Mnookin 131). Yet it is unclear the degree to which Blair relied on technology to escape discovery.

The report given by *The New York Times* on Blair's fabrications and plagiarized stories states: "His tools of deceit were a cellphone [sic] and a laptop computer---which allowed him to blur his whereabouts---as well as round-the-clock access to databases of news articles..." (Barry, et. al 1.1).

Reading Mnookin's book and other coverage of the scandal, it is almost challenging to believe that the industrious Jayson Blair, who used his ambition for less glorious means, would have found a way to fabricate stories even if he'd written in the Stone Ages. Like his lackluster decision not to travel to the memorial concert, but rather to go out and have fun, Jayson Blair seemed to avoid covering even the stories that were least strenuous. Though the age of the internet news glut certainly makes plagiarism and at least lazy reporting *easier* it isn't clear that Blair was particularly reliant on the internet or that the internet's ready availability contributed to the amount of unethical decisions he made. Other journalists have been caught out on relying on online media to pad and enhance stories, notably Dennis Love of the *Sacramento Bee*, who was used as the lead example in a 2001 *American Journalism Review* story about recent plagiarists and their reliance on internet sources. "It used to be to plagiarize from another publication you'd have to type the information in letter by letter....Love admits the availability tapped his weakness....Almost everyone interviewed for this article mentioned the Net as a greater lure and a greater police officer in the game of plagiarism" (Robertson). However, it looks much more like Blair used several tactics at random, mostly acquiring basic information from other news sources and then fabricating quotes to make the story seem original or changing the ripped off material enough that it was unrecognizable. This is what he seems to have done with one story surrounding the sniper case, where much to the puzzlement of reporters on the scene, he seemed to have acquired various off-the-record sources among the federal or local police. Mnookin writes that, "the U.S. Attorney from Maryland and an FBI official issued public statements refuting parts of the story," including refuting what the teenage sniper suspect John Muhammad was

discussing with investigators behind closed doors (122). Yet it is true that Blair employed surfing the internet to bolster his stories, including material from AP wires. But he also employed clever techniques that didn't rely on new technology, such as using *The New York Times* photo database to make convincing descriptions of the house of a missing soldier; he would take the fall over this same story, from which he heavily borrowed the work of Macarena Hernandez (129).

Yet however Blair actually composed the stories is not nearly as fascinating to the world of journalism as *how he got away with it*. After all, for about four years Blair had been reporting with the *Times* and though several corrections were made to Blair's work, the larger body of his work was not considered as a possible trend in bad reportage.

### **How He Got Away with It: The Editor's Role in the Blair Scandal**

Both Jayson Blair and Judith Miller practiced journalism under the leadership of Howell Raines, the executive editor who ran the *Times* from 2001 to just a month after Jayson Blair resigned from his post in 2003. Both were well liked by Raines. In the time that Raines was editor Miller was primarily working on her coverage of the ongoing search for weapons of mass destruction or WMDs in Iraq. The *Times* would later face criticism for allowing the depth and breadth of coverage on the existence WMDs to enter print, while there was little to corroborate the fact that weapons were likely to be found. Miller did a great deal of reporting from Iraq about the search for WMDs, though she was never named specifically in the apology article wherein the *Times* identified flaws in its coverage of this topic. Part of the reason her reporting comes under fire is because she chose to accept evidence from sources such as Ahmed Chalabi, who was a member of the

Iraqi National Congress who was originally strongly supported by the Bush Administration and later investigated for a number of charges such as kidnapping and the selling of secrets to Iran (Thomas and Hosenball 22).

So besides Blair, other journalistic transgressors Rick Bragg and Judith Miller existed in Raines' newsroom. Bragg, another journalist whose unethical practices contributed to calls for Raines' resignation, had a stringer do his reporting on a fluffy piece of news and then created a very vivid "you are there" type piece about a place that presumably he never saw (Mnookin 197-198). Bragg was engaging in something called toe-touch reporting, which is when a journalist has stringers do a lot of the footwork or when a journalist conducts most interviews from home but flies out to the locale briefly so that he or she can place the dateline at a particular location. The major problem, it seems, was that Bragg was using the toe-touch and stringer methods on a piece where it was not warranted. He was also creating vivid scenes with visual and aural imagery though he had not visited the place. Blair suffered similar problems but on a much larger scale. A *Slate* magazine review of Blair's book *Burning Down My Master's House* reveals that

"Blair describes the *Times*' 'dateline toe-touch' policy, in which writers report a story from afar and then travel to the scene to scoop up a dateline....After a series of 'toe-touches,' Blair gives in to a greater crime: the 'dateline no-touch' policy, in which he submits datelines from cities he never visited" (Curtis).

Being that three journalists were found to have faulty reporting during the reign of Raines, can the case be made that Raines' newsroom was lax? Or might Raines have entered into a lax newsroom? The only thing that is certain is that Raines was creating a new kind of atmosphere at the *Times* and was seemingly favoring reporters or at least

sticking stubbornly by problematic reporters. For instance, when *The Washington Post* criticized Blair's faulty sniper article with the multiple unnamed sources Raines praised Blair for getting the story and implied that the *Post* had hard feelings because they'd been beaten on the story (Mnookin 122). Of course Raines did not create Jayson Blair, but the newsroom certainly did allow Blair to commit many mistakes, though none that were known to be plagiarism at the time. But Blair got away with mistakes, which is why his case is so fascinating. Reporters who use unethical practices have rarely been spotlighted the way Blair was. While Miller's reporting was filed from abroad, making it harder to find flaws with something she might have written and Bragg's reporting flaws seemed less nefarious, Blair's reporting was deeply flawed and known by some editors as such. The fact that it was known that Blair had issues in his reporting certainly suggests that there was a disconnect between what might have been done to prevent further stories from being fabricated or plagiarized—perhaps Blair's stories could have been looked at more closely to verify who the sources were, or Blair could have been placed on a suspension from writing which might have encouraged him to mend his ways.

Raines began to have a poor reputation with veteran *Times* staffers because he pushed stories by Rick Bragg to the front page, even if they were fluffier than the hard news pieces that usually made the cover (Mnookin 73). He also began pressing the staff very hard, "He said he wanted three or four bylines a week from each correspondent, all from different places around the country," Mnookin writes, describing a meeting Raines had with national staff early in his tenure (55).

But beyond stressed reporters, there was also a lack of communication between the executive editor and his staff. First, he established a location in the office where he



didn't have much access to the newsroom and also Mnookin describes an intense alienation felt by desk editors because Raines was hard line about what stories he wanted printed. (Mnookin 58, 63).

When it specifically came to Jayson Blair, Raines and Gerald Boyd either ignored or overlooked the comments about Blair's journalistic integrity. During his tenure Jayson Blair's mistakes were noticed, which makes his assignment to important stories, such as the sniper case, all the more puzzling.

Poor reviews of Blair did come up. The *Times* investigative report about Blair describes that Jon Landman, the metro desk editor, expressed dismay and concern over Blair's mistakes twice, once with a memo to newsroom administrators that later became famous during coverage of Blair's fraud: "We have to stop Jayson from writing for the *Times*." (qtd. in Barry et. al 1.1). As a disciplinary measure, Jayson Blair was allowed to serve out a brief probationary period during which he filed articles under close supervision, and afterwards he was transferred to the sports department. Even from there, Blair did not remain long without being forwarded into covering the high-profile sniper stories (Barry et. al 1.1).

Though top editors at large papers like the *Times* should not be expected to know every nuance about every reporter, it seems that some of Jayson Blair's spotty behavior was overlooked too quickly and that he was allowed to report on hard news far sooner than would be expected of a journalist with so poor a track record. Though Gerald Boyd and Howell Raines knew that Blair had suffered from a high correction rate in the past, he was still placed on stories that got national attention, such as reports on the families of

Iraqi soldiers, specifically Jessica Lynch. It is possible that in a more open atmosphere, one less suppressed by the style of Howell Raines, warnings about Blair may have caused more sustained reprimand and a longer probationary period.

But no one person can be held responsible for Jayson Blair; what he demonstrates is journalist fraud at a wide scale and what his case shows is a perspective on how the media today operates and how they respond when fraud is detected. Jayson Blair operated, somewhat shoddily, for a few years. Why did he stay? If no combination of Raines' attitude, the newsroom's lack of communication, and Blair's remorseless can add up to Blair getting away with it, then how does he? Some point to race.

“As one *New York Times* writer tells Salon: ‘This really is a story about race.’ Underlying the comment is the suspicion that a reporter with a well-documented history of inaccuracies and erratic behavior was able to not only keep his job but also secure plum promotions, because the *Times*, in the interest of newsroom diversity, was committed to a fault to attracting, and retaining, black journalists.” (Boehlert).

Salon goes on to quote Jonathan Landman of the *Times*, “...It's not a morality play about race and affirmative action, as someone would like to suggest, and it's not a story that has nothing to do with race” (Boehlert). There is certainly something to suggest that the *Times* would have been reluctant to let go of Jayson Blair, as they had a deep commitment to promoting newsroom diversity and had few African-Americans in top positions and few African-American reporters to begin with (Gerald Boyd was one of the only black editors at the paper). Yet there is no way to point the finger at race and let that sit as the reason Jayson Blair stayed. He was also a reporter hungry for a story, which always bolsters a career. He was a reporter who had many tricks, not just one, which makes it harder to discover. Jayson Blair was a journalist who appeared on the

scene at the *Times* at the worst of times, a time when the combination of a new and demanding editor and the desire to diversify the newsroom let a fraud go undetected too long. Jayson Blair-types exist all over the world of journalism, as evidenced by the case of *USA Today*'s Jack Kelley and other plagiarists at smaller newspapers. The difference is that Blair brought the spotlight to a large and prominent paper, and it is entirely possible that the size of the *Times* had something to do with his longevity there.

Yet Jayson Blair does something good for journalism, as well. He provokes many changes for the *Times* and his unusual case gives more publicity for the issue of plagiarism, encouraging journalism schools and papers to discuss it. Jayson Blair may have marked one of the bleakest hours at the *Times* but as with any case of this magnitude, his case was instructional for journalism to move forward and investigate how they could better staff and monitor the newsroom.

### **The Jayson Blair Aftermath**

Of any of the cases I have investigated for this project, Jayson Blair's case brings the greatest changes for *The New York Times* in its wake. The changes were major: after Jayson Blair *The New York Times* created two new editorial positions, the standards editor and the public editor, at the time held by Al Siegal and Daniel Okrent respectively. Further, Blair's case begins an internal review of practices at the *Times*:

“The New York Times named 20 staffers and two outside news executives to conduct ‘a comprehensive review’ of newsroom policies...” wrote *USA Today*, “The committee will look at such issues as hiring and recruiting; detecting and preventing errors; ethical concerns such as the use of unidentified sources; and how the newspaper responds to complaints about stories. It will recommend changes to management” (Johnson, A7).

The committee described was the Siegal committee, one of three internal review committees appointed by Raines and publisher Sulzberger in the aftermath of Jayson Blair. The Siegal Committee specifically, Mnookin writes, “focused on the specifics of the Blair case and came up with recommendations on how to improve the internal workings of the *Times*” (234). This was in late May, just a few weeks after the news of Blair’s widespread plagiarism and fraud had broken. The Siegal Committee worked during that summer and released its assessments of the *Times* newsroom in July of that year.

In the interim, Howell Raines (executive editor) and Gerald Boyd (managing editor) did leave the *Times*. The moves weren’t solely about Jayson Blair, but he did play a major role in chasing the already unpopular Howell Raines out of the office. As the *Boston Globe* reported: “Several media analysts, who expressed surprise...said the crisis that began with Blair’s deceptions quickly became a referendum on the Raines-Boyd management style” (Jurkowitz A1). Though Raines’ management style (which became lumped with Boyd’s) was certainly drawn up as the reason the editor didn’t garner support from the ranks, it is obvious that the Blair scandal set the ball rolling for Raines’ departure. The *Times*’ own article on their departure noted that “...investigation into Mr. Blair’s deceptions revealed communication problems among the top editors and newsroom department heads. Some staff members said those problems—including the top-down management style of Mr. Raines and Mr. Boyd—contributed to gaps in the oversight of Mr. Blair...” (Steinberg A1).

When the Siegal report did come out that summer, the most noticeable change was the addition of public editor (usually called an ombudsman at other newspapers) to

the *Times*—in a *Times* article describing the new position recently appointed executive editor Bill Keller said the public editor would “have license to write about issues of our coverage, and to have those independent, uncensored commentaries published in our pages” (Steinberg A22). In July the *Times* also appointed a standards editor—another of the Siegal Committee’s recommendations, the standards editor had a relatively nebulous role as someone in charge of writing rules of practice on any ethical issue and in charge of “corrections and editors’ notes.” (Jurkowitz 1).

A final new position was created in order to help mentor journalists along in their tenure at the *Times*. This was career-development editor Glenn Kramon, who instituted fresh training and evaluation programs as well as mandatory annual reviews for the staff (Mnookin 235-236).

It may seem impossible to stop a determined fraud every time, but the *Times* attempted through the use of the three new positions and programs to do as much as possible. This didn’t, of course, prevent the bad press from continuing throughout the summer and from popping up again and again, for instance when Blair’s published his tell-all book *Burning Down My Master’s House—The Washington Post*, for instance, published a book review with the title “A tell-all (or at least a tell-some) from the infamous disgraced *New York Times* reporter”—and whenever other journalistic frauds took place such as Jack Kelley, Blair was brought up for context and the *Times* was re-dragged through the mud.

Similarly, the *Times* itself will remind readers of Jayson Blair occasionally, perhaps to assure them that the newspaper hasn’t forgotten about it. The second public editor of the *Times*, Byron Calame, wrote his weekly column about Blair on the three

year anniversary this year, attempting to discern whether another fraud like Blair's could occur at the *Times*. Though Calame's assessment was a firm "probably not" based on talks with some Siegal Committee members: "More needs to be done, however," he wrote, "to make the recurrence of serial deceit such as Mr. Blair's even less likely" (Calame 4.12). If Calame's article three years after the fact of Jayson Blair is any evidence though, reminders of the scandal will be rearing their ugly heads and battering the *Times* image for years to come and the *Times* will continue to hope their safeguards were enough.

## **Revenue Sharing: The wall shatters**

### **The Wall—Does it exist?**

One of the aspects of ethics in journalism that has come under increasing pressure of late is the traditional separation between the business and editorial sides of the newspapers. Print journalism has a common tenant, a tenant about ethics that in the past years, since newspaper profits began to fall in the 90s, has been tested. The tenant is that the separation between the business and the editorial sides of the newspaper will be maintained. The reason is simple; it ensures that the paper will not be affected by its advertisers, or by moves that might poorly affect the shareholders. Of course, there are considerations made for the business side of the paper that largely take place when dealing with feature content such as entertainment or fashion stories, but traditionally the wall is put up. "Newspaper and magazine journalists usually avoid anything to do with

advertising in deference to long-standing rules about keeping news and advertising separate,” writes Goodwin in his book about journalistic ethics (56). Similarly, the *Lincoln Journal Star* writes in its Code of Ethics, “[We will n]ever let advertising or business relationships with the newspaper influence our news decisions” (“Ethics code: Lincoln (Neb.) Journal Star”). Yet the traditional wall between the business and editorial sides of the newspaper is breaking down, say many in the field. Some suggest that the notion was always idealized, as one writer for the *American Journalism Review* does, “Indeed, despite ample evidence to the contrary, it’s an undeniable part of the journalism culture to view the newsroom as an oasis separate from the messy details of money and business” (Vane). Increasingly, however, print journalism is under pressure from the economics of the business, which has faced falling circulations and profits for over a decade. “...it [interaction between the sides] is becoming more widespread and nuanced. As an economy in the doldrums results in tightened newsholes and smaller staffs, what was once verboten now looks to some like good business practice,” writes Vane. The economics of print journalism will be discussed in more detail later.

Ethics for any newspaper does not merely extend to the journalists practicing it, as illustrated by the case of Matthew Cooper who despite his own desire to protect the identity of his source found his notes being turned over by the company he worked for. Ethical standards extend to the editors, and the sensibilities of what is ethical for a journalistic organization may extend all the way to the top of the paper where the publisher sits. Pressure from the parent company of the paper can also lead to decisions to alter the relationship between the business and editorial sides of the paper, even if

these alterations would be considered ethically questionable, as will be demonstrated in the following case.

But the interaction of the business and editorial sides of the paper is not a sin. Some editors agree that the “wall” between the business and editorial sides of the paper cannot exist as previously. When the Times Mirror hired Mark Willes as CEO, he promised he would eliminate the wall. “He stated publicly that he would tear down the traditional wall between the editorial and the business sides of the paper. Business managers were appointed to work with section editors to increase advertising revenue and circulation,” reported PBS’s NewsHour with Jim Lehrer. Lehrer also reported, during coverage of the incidents at the *Los Angeles Times* that, “...a new survey by *Editor and Publisher* magazine indicates that many top newspaper executives agree with him [Willes of the Times Mirror]. A striking 72 percent called for closer cooperation between the news and business departments...” (“Trouble at the L.A. Times”).

The newspapers in America are suffering from a circulation slump and falling profits. The problem is not a recent one. Newspapers have been in a downward trend ever since the 90s dawned. The biggest blow came in 1990-1991 when subscription rates reduced at a rate of 2.6% (Angwin and Hallinan 1). From 1990 to 2002 the total decrease in weekday circulation of newspapers had dropped by 11 percent (“The State of the News Media 2004”). The trend has continued downward with numbers in the Angwin and Hallinan 2005 report coming in to show about a 1-3% decrease across the newspaper industry. There is much speculation and not a lot of agreement on the effects of lost profits and readership on American newspapers. What is clearer, however, is that one of the ways that newspapers can bolster profits is by being more accommodating to the



business side of the paper. As the *American Journalism Review* reported in 2000, some editors had begun, around the turn of the millennia, to share editorial content with advertisers ahead of time (on non-time-sensitive feature pieces) so that they could sell relevant ad. Vane reports, for example, that, “At the *Milwaukee Journal Sentinel*, ...Diane Bacha e-mails her contacts in advertising once or twice a month to keep them updated on plans for the section...” (Vane). The article goes on to explain that Bacha believes that alerting advertising about the type of content coming in her Features and Entertainment section is not a conflict. The article also notes that the *Baltimore Sun* and other papers interviewed said that some sharing of information between the two sides of the newspaper occurred: “At many papers, it’s common to have formal and informal meetings to share editorial calendars for primarily feature content—topics such as travel, fashion, entertainment or food—and sports (Vane).

Allowing for limited interaction between editorial and business sides of the paper may be a decision that newspapers feel compelled to make in the wake of falling profits, but the interaction between the two sides can lead to controversial choices that can effect the perception of objectivity or integrity of the editorial side of the paper. Not all sharing between editorial and advertising sections is as innocuous as “ ‘We’re writing about fireplaces this week,’ ” (Diane Bacha qtd. in Vane). Special sections of the newspaper with primarily feature content seem to be the places, as noted in Vane’s article, where sharing of information between the two sides of the newspaper is accepted. However, as the case of the *Los Angeles Times* shows, sharing information with the advertising department can lead to ethical breaches as it becomes easier to confuse the lines between content which is advertisement and content which is news or editorial.

Recent events at the *Los Angeles Times* illustrates how interaction between the business and editorial sides of the paper can create deal a critical blow to the integrity of the newspaper when the interaction becomes too incestuous. Such interaction can also lead to disputes among editors and other higher positions such as publishers or business managers in the paper regarding the decisions made, as well. As the downward trend in newspaper revenue continues, the pressures on papers to find some way of increasing profits will also continue. As the wall breaks down, the ethical standards may have to be redrawn to better regulate how the advertising side of the paper interacts with the editorial one. Though the question of ethics regarding the interaction between the two sides of the paper does not deal with journalist's ethics per se it is highly relevant as an emerging ethical issue. It is an issue that cannot be ignored, as it is already shaping newspapers across the country. It also has effects the hiring practices of the newspapers, which may choose to institute freezes if profits are low or forced retirements for staff members already at the paper. The wall may be, "a myth, or an ill-chosen metaphor at best," but whatever form the new business-editorial relationship takes will have profound effects on what is considered ethical in journalism (Campbell).

### **Revenue Sharing at the *Los Angeles Times*: A brief case study**

In early 90s Los Angeles, the climate for business was tougher than other areas of the country, contributing to the falling profits and prestige of the *Los Angeles Times*. As an article in the *American Journalism Review* describes: "When that last great symbol of the Cold War—the Berlin Wall—came crashing down, with it collapsed 40 years of a

weapons economy that had nurtured Southern California's seemingly endless boom..." (Prochnau). It is in this atmosphere, in 1995, that the *Los Angeles Times* parent company, the Times Mirror, acquires new CEO Mark Willes, who significantly, had no experience in the newspaper business. Willes had worked for General Mills, where he had worked in the Cheerio division. His background was in banking prior to the food production industry (Prochnau).

Willes' appointment by the board was controversial but more so was his brief stint as self-appointed publisher of the *Los Angeles Times* for two years from 1995 to 1997, during which time he signed off on a deal with the soon-to-be-constructed Staples Center that had significant effects. The deal was that the *Los Angeles Times* become a founding partner with the Staples Center in exchange for advertising throughout the Center for the newspaper and a special corporate box. In exchange: "The Times agreed to pay Staples Center about \$1.6 million a year for five years—\$800,000 of that in case, \$500,000 in free advertising and an estimated \$300,000 in profits from what Leiweke [Staples Center President] had called 'ideas that we would create that would generate revenue for us.'" The last bit is the important one, a concept that allowed the creation of joint or shared revenue opportunities which could include a special section or a commemorative book (Shaw 1.1). Shaw describes that no one made the decision officially to create an entire section about the Staples Center as the Sunday magazine, but that that was how the idea transformed over time until eventually plans were set in motion to devote the entire Sunday Magazine section to the Staples Center and (unbeknownst to journalists who worked on the issue) share the profits from advertising in the magazine with the Staples Center. In the wake of the arrangements to becoming a

founding partner in the Staples Center, Willes becomes known most not for his work as publisher but for his decision to break down the traditional wall between the business and editorial sides of the newspaper. “Business manager were appointed to work with section editors to increase advertising revenues and circulation,” states Terrance Smith in his PBS report on the *Los Angeles Times*’ revenue sharing deal (“Trouble at the L.A Times”).

When the arena was set to open the *Los Angeles Times* suggested that the Sunday Magazine section feature stories about the arena opening. Although very people in the editorial side knew at this point about the revenue sharing deal, the Magazine section’s editor and two of the paper’s managing editors objected to the concept of devoting the entire Sunday Magazine to the new Staples Center. By the time of printing, on October 10 1999, Willes had stepped down from his controversial position as editor and appointed another person untested in journalism, Kathryn Downing. Willes’ decision to take over as publisher had always been disputed because the board of the Times Mirror did not believe he was capable of handling two positions at once. Willes did not seem to consider it essential that Downing have a background in journalism any more than he did. (Prouchnau).

Not long after publication, the story about the agreement escaped the walls of the *Los Angeles Times* and was leaked to members of the press. The story was first picked up by a non-mainstream publication, the since-defunct *New Times Los Angeles* (Prouchnau). The newsroom was livid both because they had not been aware of the revenue-sharing deal on the issue (and it was listed no where on the magazine) and because the implication was that business consideration trumped news judgment. (Shaw 1.1) “There was plenty of screaming and yelling last Thursday, when Downing and

Parks [editor of the *Los Angeles Times*] made their mea culpas to the staff,” wrote Salon.com (Elder).

According to *Los Angeles Times* writer David Shaw’s investigative report, “The Times’ credibility and integrity—ultimately the only commodities a newspaper has to offer—have been severely compromised a time when public confidence in the press is already in deep decline” (Shaw 1).

It’s not as difficult to understand how the revenue sharing deal happened; it was the work of a business-minded executive and a business staff beneath him. It’s, at the most innocent, a gross misinterpretation of the common practices among newspapers. Though the events of the case take place over a period of time from when the deal with the Staples Center was set until the discovery of the agreement to share revenue, I am most interested in what the *Los Angeles Times* case demonstrates about ethics in the newsroom and the future in journalism when the wall is broken down.

As I’ve already discussed in the section about Matthew Cooper and Time, Inc.’s decision to hand over his notes, the parent company and the journalist(s) often have contradictory goals and views of what actions are permissible in given situations. No situation better illustrates the extreme disconnect between the ethical standards of these two groups the way Mark Willes and Kathryn Downing do. Mark Willes was known for advocating the destruction of the traditional wall between the two sides of the paper. However, Willes had little knowledge of the boundaries that existed between what was acceptable contact between the sides of the paper. He had to eat his strong words about breaking down the wall because of the deal, and eventually he stepped down as CEO when the Tribune Co. bought the Times Mirror in April 2000.

For those outside of journalism, the wall may not be that easy to understand. It is already apparent that the wall is falling in many of America's newspapers. Yet Willes knew about the wall, and Downing seems to know that the revenue sharing deal might have riled the editorial side of the paper. When working on the Staples Center Sunday Magazine, Downing claims she was trying to do the ethical thing by *not* telling top editor Michael Parks of the revenue sharing deal. Downing claims that she believed that if she did not tell Parks about the deal then "there could be no doubts about the editorial independence of the effort" (Shaw 1.1). It is also possible that Downing thought Parks would resist the deal and that is why she did not tell him. There is also a definitional problem at work in the situation of the *Los Angeles Times*. There are, as with definitions of acceptable use of anonymous sources, different definitions of how the connections between the journalism and business sides of a newspaper should operate:

For example, the *American Journalism Review* writes of a successful branching of the two sides of the newspaper at the *Ledger-Enquirer* in Columbus. At the Columbus paper those working on the news side were taught more about the business side and educated about the success of advertising among other business topics. The article also describes that workers at the paper received a bonus in form of a gift card from one of their advertisers. The *Ledger-Enquirer* editors claimed that the problem that occurred at the *Los Angeles Times* wouldn't happen there because "alarm bells" would go off (Campbell). Yet the *Ledger-Enquirer* was a smaller paper better able to manage the goings ons between the sides of the paper. As the article in the *AJR* points out, the idea of how to manage the communication between the two sides of the paper was already "settled" at some papers. Further, the *AJR* article indicates that the newspaper executives

interviewed at papers with a closer connection between the business and editorial side considered the lessons learned by the *Los Angeles Times* to be evidence of the “need to train executives on both sides of the mythical wall to understand and speak the language of the other” (Campbell).

Once again, the lines of communication between members of a newspaper come into focus. What if Mark Willes and Kathryn Downing had been better trained to understand the principles of journalism and acceptable ways to bridge the gap in the two sides of the paper? Moreover, even with formal training, might the two have learned of the problems with their revenue-sharing deal from greater discussions with members of the editorial side?

#### **Aftermaths for the *Los Angeles Times***

Two days before David Shaw’s long, critical piece about the revenue-sharing deal between the Staples Center and the *Los Angeles Times* printed, a short and direct editor’s note appeared on the front page of the *Los Angeles Times*. The note read, in part: “...we did not disclose to our newsroom or to you, our readers, that we shared the profits on this issue of the magazine with Staples. That was a mistake,” and went on to say, “...We are developing guidelines to implement these principles [of editorial integrity] and ensure that our actions are governed each day by our commitment to editorial independence and integrity. We are also revising our ethics codes and implementing a new policy on correcting errors that have appeared in the paper” (“To Our Readers”). The note was signed by Kathryn M. Downing and Michael Parks, the publisher and editor of the paper. If the ethics codes or policy on correcting errors were ever revised, the *Los Angeles Times* doesn’t seem to have published a story on it. Their ethical guidelines are the same as the

ones they printed in early 1999 before the revenue-sharing agreement (“Code of Ethics: Los Angeles Times”). Along with the note, the *Los Angeles Times* printed up a short list of “Principles” including: “We will avoid conflicts of interest, real or perceived. We will disclose those associations and activities we do undertake” (“To Our Readers”).

In addition to the apologies issue by Kathryn Downing and Michael Parks, the large investigative report on the scandal by David Shaw detailed in minute detail the lapses that happened in the newsroom. If *The New York Times* report on Blair was occasionally emotional and pulled no punches then Shaw’s report was openly livid and bludgeoned the upper management of the *Los Angeles Times* nearly to death. The report Shaw leveled against the *Los Angeles Times* was a whopping 31810 words (perhaps another reason why the *Los Angeles Times* story was not covered as greatly as other cases, everything had already been said). Shaw presented evidence that Downing (and also Willes) had been reluctant to take counsel, quoting a former executive Bill Isinger who said, “They didn’t realize that newspapers are different” (qtd. in Shaw 1.1). He also presented evidence that Downing had been unwilling to admit her lack of experience, “Several present and former Times and Time Mirror executives, using strikingly similar language, said that Downing is often certain that she is right, despite her inexperience in newspapers...” (Shaw 1.1). Yet despite the evidence Shaw leveled against his *Los Angeles Times* bosses, publisher Downing and editor Michael Parks did not step down until four months later, when the Times Mirror Co. was sold to the Tribune. (Moses 4). There was no discernable connection between the decision to sell the Times Mirror Co., whose greatest asset is the *Los Angeles Times* and the revenue-sharing incident. The incident did play a role during the acquisition however, in a note on the acquisition of



Times Mirror by the Tribune the *Los Angeles Times* writes: “We would ask you to remember the L.A. Times as it was prior to being acquired by Tribune. Ownership was local, but as you may recall, the newsroom was in an uproar over a breach of journalistic ethics related to publication of a special advertising section.” The piece appeared in the news section without a byline (“The Times, Tribune, and the city”).

The acquisition by the Tribune may have been a good opportunity for the *Los Angeles Times* to turn over a new leaf, since thereafter it was owned and operated by a different company and since at the same time it lost the major players in the revenue-sharing deal. The CEO Willes, Kathryn Downing, and Michael Parks all left at the time of the Tribune acquisition. In the wake of the Tribune acquisition at least one Poynter Institute Fellow was optimistic for the *Los Angeles Times*, “Even before the announcement of the likely Tribune Co. takeover of Times Mirror, there was reason to believe the *Los Angeles Times* would become a better, strong newspaper because of the Staples fiasco.” Further, Larry Jinks of Poynter wrote, “As regrettable as the Staples agreement was, it has served the purpose of putting questions of editorial independence under a large and sustained spotlight” (“Staples Stumble”). During the Tribune acquisition, the *Los Angeles Times* was able to emerge with a cleaner (though not unblemished) slate, but the ethical issues of the business-editorial wall remain an upcoming issue for newspapers.

### **Case Ties—Modern ethical issues in common context**

Now that I have detailed four important ethical cases in journalism I wish to identify some common bonds between the cases. Generally, at least some the cases examined

shared characteristics among them that are illustrative of how the news media responds to ethical issues and also how a newspaper becomes at risk for an ethical breach.

**From Incident to Media Frenzy:** More than media fascination, politics or the hot topic of the day can fuel a scandal's fire

When journalists take the spotlight, it is an uncomfortable time for the paper they represent. This is true even in the case of Judith Miller, whose journalistic integrity goes unquestioned for the majority of the Plame leak investigation's long timeline. Only after Miller had been imprisoned for some time did the larger questions about her journalistic ethics emerge—such as how close was she to Scooter Libby and was she protecting him? Jayson Blair, Judith Miller, the *Newsweek* Qur'an piece and the *Los Angeles Times*-Staple Center advertising are about ethics and integrity inside newsrooms but, as is most clearly demonstrated by the Miller and Qur'an case, they are not necessarily all about journalism in peril. Stories about journalists (or in the *Los Angeles Times*, newspaper executives) who betray journalistic ethics have a limited shelf life that lasts only as long as the issues can be rehashed and reanalyzed or as long as new or associated cases are brought to the fore (as in the case of Jayson Blair compared with other fraudulent reporters).

I reason that beyond the fraud, Jayson Blair is memorable for other reasons and that Judith Miller is a household name because her case reached a scope that raised issues with implications that went far beyond journalistic integrity. These "other issues" in the cases can give the stories added life. In the most obvious case, that of Judith Miller, it's interesting to note that Miller's ethics are not the main issue in most coverage of the case.

Miller is in some ways incidental, merely one journalist whose ethics lent complications to a case that was already incredibly newsworthy because it involved high ranking officials in the Bush administration. Although journalistic ethics are more at the core of the *Newsweek* Qur'an story, the coverage seems to be driven mainly by political concerns related to the attention given the story by the White House and the charges that the story was at least partly to blame for serious riots in the Middle East. Thus, coverage of the two stories, Miller's involvement in the Plame leak investigation and *Newsweek's* Qur'an article, are driven by the politics that surround them.

As mentioned, the *Newsweek* Qur'an incident would probably not have lasted long in the press without the demands from the White House, particularly then-spokesman Scott McClellan's calls for *Newsweek* to apologize and explain itself. That the administration comes out against the article adds fuel to the fire. The Qur'an story was a popular topic on editorial pages. Certainly some discussion of issues of journalistic ethics involved in the sourcing of the article comes out in the editorials, but the editorials focused more on political motives than ethical lapses. For instance, one article titled "Media Want to Believe Worst about Military," printed in the *Seattle Post-Intelligencer* offers the opinion that "...it [*Newsweek*] can be blamed for its shoddy original work, for its non-apology, and for the media culture of hostility towards the military." The author also writes that it was ironic that *Newsweek* had often accused the administration of skewing intelligence and then was caught at it themselves (Lowry B7). Other editorial content argues against blaming any unrest in the Middle East on the news coverage, citing multiple causes of unrest and the frequent rioting that occur for a variety of reasons in the Middle East. One editorial in the *Las Vegas Review-Journal* put it this way: "Are

we so imbued with a multiculturalism mind-set that we see nothing insane and fundamentally uncivilized about people rioting over an anonymously sourced report of so-called desecration of a book?” (Mitchell 2.J). The same author places the journalistic integrity issue as a small side note to the case, writing, “... Newsweek printed something they could not prove and deserve [sic] to roast in an outer ring of journalistic purgatory...” (Mitchell 2.J). The author thus places the issue of any wrongdoing in a particular context, seeming to diminish its importance.

Aside from the editorial content, the news content also gets spurred on by what the administration says about *Newsweek's* article and what *Newsweek* says or does in response. Again, the clash between Bush administration officials spurred the coverage, as the White House demanded *Newsweek* publicly apologize for the article and also that they write about “ ‘what happened and why they got it wrong,’ ” (Scott McClennan, then-White House spokesman qtd. in Kurtz A12).

When investigating Blair's case, however, the temptation is to say that here is an instance where the journalist really *is* the story. Blair's case sustains media interest in part because of the depth of his plagiarism and the prestige of the organization he worked for, yet it also sustains media interest because of *who he is*. When the initial wave of articles about his plagiarism is completed, the issue which propels Blair further into the spotlight (and for longer) is that he is African-American. The story of Blair's race and its possible role in his promotion becomes another angle that sustains the story beyond the initial flurry of articles only about his fraud. And though Blair's case certainly does promote greater focus on journalistic ethics without needing the added focus the story still

becomes louder because of the racial tensions and the ability to take his case and broaden it to include larger concepts such as affirmative action.

Finally, there is the case *Los Angeles Times* revenue-sharing deal, a case which seems Blairian in that it does seem to be generated around journalistic integrity. Yet there is at least one “other issue” which spurs on coverage of the *Los Angeles Times* case. Notably, this is the idea of the business sense of the American newspaper and the economy of an American newspaper. In other words, the ethical issue is the split between the sides of the newsroom and the “other issue” is the economics of newspapers in the present day. However, the *Los Angeles Times* remains an anomaly because no example of the secondary issue focused beyond the world of journalism is readily found.

Finally, there is the case *Los Angeles Times* revenue-sharing deal, a case which seems Blairian in that it does seem to be generated around the topic of journalistic integrity. Yet there is at least one “other issue” which spurs coverage of the *Los Angeles Times* case. Notably, this is the idea of the business sense of the American newspaper and the economy of an American newspaper. In other words, the journalistic ethical issue of the split between the sides of the newsroom forms part of the coverage while the “other issue” or broader social context which makes the story newsworthy is identified as the topic of the economics of newspapers in the present day. However, the *Los Angeles Times* case does not exactly follow the trend that stories are spurred on by secondary issues because both of the cases issues are within the context of journalism. However, the *Los Angeles Times* also generates relatively less coverage than the other cases which carried with them a second issue outside of journalism. For whatever reason, it is apparent that the *Los Angeles Times* revenue sharing scandal does not provoke the level

of news coverage indicative of Blair and of course of the other two case studies, and this could be traced back to the difference in the focus of the coverage. Though a rough technique, a search of articles in ProQuest Direct's database for the two years following the *Los Angeles Times* turns up only about 35 to 40 articles relevant to the incident. Many of these come from journalistically focused publications like *Editor and Publisher* as well as *Columbia Journalism Review*. Others come from large papers such as *The New York Times* and the *Wall Street Journal*. In the two years following the Jayson Blair coverage, on the other hand, something like 75 to 90 relevant articles can be found, even after you pare down repeated articles (such as the dozens of repeated articles released about Howell Raines and Gerald Boyd's resignations) and ignore coverage of Blair's "tell all" book. Maybe not the greatest difference, but Blair's coverage also extends overseas as well as to rather small newspapers. The difference in the amount of articles shows that perhaps the *Los Angeles Times* case did not generate as much media interest, and that that case was not disseminated to a wider media pool such as the small publications that picked up the Jayson Blair story. So that Jayson Blair's larger context could be indicative of what generated the amount of coverage. There are, of course, other explanations for the gap: Blair becomes emblematic of journalism, perhaps, and is thus evoked even in stories about other related topics, whereas the *Los Angeles Times* case seems to be symptomatic of the larger problems of profit in journalism and the controversial wall between the business and editorial sides. There are, of course, other explanations for the gap: Blair becomes emblematic of journalism, perhaps, and is thus evoked even in stories about other related topics, whereas the *Los Angeles Times* seems to be symptomatic of the larger problems of profit in journalism and the controversial wall between the

business and editorial sides. For whatever reason it is apparent that the *Los Angeles Times* revenue sharing scandal does not provoke the level of news coverage indicative of Blair and of course of the other two case studies.

It does seem, though, that each of the cases of ethical lapses (save perhaps the *Los Angeles Times*) provoked analysis of what may seem at first to be secondary issues but ones that quickly overtake the original ones and assume the foreground. The journalistic mishaps or unethical behavior simply don't seem to warrant sustained coverage without some other secondary analysis level such as the issue of race or the issue of politics. The necessity of the second issue to sustain the spotlight on ethical cases in journalism makes sense. The newsworthiness of an event only lasts as long as there is something new to report, and a case is most intriguing if it has multiple angles to explore that are of greater interest to more readers. After all, race, and the related issues of how race affects hiring practices at institutions, affects far more readers than journalistic misdoings.

## **Danger signs: The climate for unethical behavior**

### **Lack of Communication**

The cases examined in this project indicate that there appears to be a pattern in the types of situations that lead to ethical mishaps at America's newspaper. . These situations can be viewed as danger zones, or times when the upper management and upper editorial ranks should be extra vigilant about maintaining and reaffirming ethical standards or times when the editorial staff should look to creating new standards.

Lines of communication between editors and journalists, between upper management and journalists, and between themselves fundamentally affect ethics in the newsroom. For example, in the case of Jayson Blair, the investigative team's report indicated that "...something clearly broke down in the *Times* newsroom. It appears to have been communication—the very purpose of the newspaper itself" (Barry et. al 1.1). The investigative team does not necessarily say how this lapse in communication occurred, but it is evident from the two warnings that Landman sent (including the famous "stop Jayson Blair" memo) that complaints weren't being listened to or heeded. (But is this simply a problem of communication?) The lines of communication are discussed in a bit more detail in Mnookin's book about the scandal, which describes how t many desk editors at the *Times* chose not to interact with Raines. Mnookin indicates that rather than have to constantly assign and reassign stories based on what Raines wanted, some desk editors started to ignore his orders: "either they could cheerily carry out Raines's marching orders and risk the wrath of their reporter or they could align themselves with their staffs and join in the griping. Most of them sided with their reporters—and against Raines," Mnookin writes (63-64).

The miscommunication inherent to the *Los Angeles Times* revenue sharing case is much broader. Ironically, the break down between the business and editorial sides, which would seem to suggest they'd have more contact with one another, did not lead the editorial side to know about the revenue sharing deal with the Staples Center. But the communication between the business and editorial sides about the nature of the revenue sharing deal was not the only level at which communication was a massive failure. The incident could have been avoided before the deal was even forged if Willes, Downing, or



members of the business staff had merely consulted the editorial staff about the legitimacy of forging such a deal. Downing, for instance, had a team of advisors from the business side of the paper who failed to alert her to the fact that the deal was improper. Among her advisors was senior vice president for advertising, John McKeon, who Shaw writes never spoke up in meetings—McKeon tells Shaw that “ ‘Nothing will excuse my not seeing the two [revenue sharing and the magazine issue] together and saying, ‘Shit this is wrong’” (Shaw 1). In addition, some of the managing editors of the paper did know about the agreement and apparently differed from their colleagues on whether the move was even unethical—it is unclear, according to Shaw’s report, how much any one person from editorial knew at one time about the nature of the profit-sharing agreement. Nevertheless, it is apparent that journalists in the *Los Angeles Times* differed ethically and never thought to ask one another “Is this right?” (Shaw 1)

Communication between editors and journalists becomes a smaller issue in the case of Judith Miller incident, but lack of communication is a problem in this case to a lesser extent. It’s possible, for example, that better communication lines between Miller and her editors could have prevented Judith Miller from needing to leave the paper. As Bill Keller noted at the time of Judith Miller’s retirement, the editors at the *Times* didn’t know the extent of the Miller’s involvement with Scooter Libby, never asked her about her notes, and never sat down to discuss with her the particulars of what she had covered regarding Wilson’s trip to Niger (Memo Oct. 21 2005) It is, of course, possible, as the October 16, 2005, article by Van Natta, Liptak, and Levy suggests that Miller was deliberately withholding information from her editors. Still, her editors could have asked Miller more and done more to ascertain details about her reporting on Wilson.

Jayson Blair and Judith Miller, the ethical questions about each reporter might have been raised much earlier if there had been greater editor-to-editor and journalist-to-editor communication. The *Los Angeles Times* case, on the other hand, displays a need for mentoring to happen when people from outside a news organization enter the institution. If the focus was on preventing ethical mishaps rather than trying to repair the damage once they were done, we might see improvement. In each of the cases, the ethical questions were raised far too late—for instance, after Jayson Blair had published many articles, after Judith Miller had already served or time in jail, or in the case of the *Los Angeles Times*, months after the offending article was printed. Prevention in each of these cases was nearly impossible because either no one spoke, or no one spoke up.

One case that does not fit with the theory that poor communication contributes to scandal, however, is the case of Isikoff and Barry's Qur'an story. Seemingly, no interoffice communication could have prevented the small Periscope piece containing information about a defamed Qur'an from printing. However, the lack of standards was a matter that crossed all cases.

### **Lack of Standards**

Most organizations have some sort of standards, although the extent to which they are adhered to may vary. In some cases, the letter of the law may be strictly adhered to; in others, the standards may be seen as simply concepts to help guide actions.. Standards may, of course, be pretty general and nonspecific and thus subject to a broad range of interpretations. They may also exist but not be given much attention and simply left to sit on shelves. Additionally, standards are only as good as the people who use them. All of

these may be reasons why existing standards did not prevent the incidents I've examined. Yet consider: in each of the cases studied there were no standard operating procedures to deal with the journalist or the situation.

In Jayson Blair's case there was no formal process to deal with Blair's known mistakes. He did receive a formal warning, but there was no way dictated by standard operating procedures that would dictate how to deal with a problematic journalist like Blair. The *Times* had options to reprimand, stick Blair on less important stories (which in a sense it did force him to do), or fire Blair (121). More importantly, there was no standardized way to verify the correctness of stories. After the appointment of a standards editor in the wake of Blair weekly random checks of articles were instituted (Calame 4.12). Only after Jayson Blair does the *Times* appoint a standards editor, Allan M. Siegal, a veteran of the *Times*. Similarly, there was obviously no known language about revenue sharing and ethics. In fact, none is publicly known now at the *Los Angeles Times*, though in 2005 they did issue a formal set of ethics and guidelines for journalists and editors. "The *Times* [sic] previously has issued rules for reporters," the paper wrote at the time of issuance, "but mostly in a hodgepodge of memos and directives—many of which were not available to everyone" (Rainey). Even in the case of Judith Miller, there seemed to be no set standard on whether Miller had to reveal who her source was to someone. Her case is unique, however, and cannot as easily be related to the other cases because Miller never printed a story. Thus, any standard that would exist for revealing her source or methods was not necessarily relevant.

The affirmation or reaffirmation of journalistic standards could benefit ethical quandaries because, at the very least, it would allow those leading newspapers to better

determine the line between ethical and unethical. If a policy clearly states that a journalist must reveal his or her source to an editor and does not, then clearly that journalist has offended the policy. Though such policies can't be applied as easily to gray areas, such as when an anonymous source is close enough to the information, but it does help to give parameters and scope to complicated ethical dilemmas.

The affirmation or reaffirmation of journalistic standards could benefit ethical quandaries because, at the very least, it would allow those leading newspapers to better determine the line between ethical and unethical. If a policy clearly states that a journalist must reveal his or her source to an editor and a journalist does not, then clearly that journalist has offended the policy. Though such policies can't be applied as easily to ethical gray areas, such as when an anonymous source is close enough to the information, because these areas are generally specifically monitored by case. For instance, one might feel comfortable granting anonymity for the *Newsweek* Qur'an article if he or she had seen the South Com report. It is less certain if they would feel comfortable if the source read to them directly from the SouthCom report and even still less certain if they would feel comfortable granting anonymity if say, the source summarized details of the report as they did in the real case, but did not read directly from it or offer any other assurance that they were quite familiar with the material. Each case being unique, certain ethical problems will be less clear cut because particular circumstances lend varying levels of comfort to making one ethical decision or the other. Yet, setting standards does help to give parameters and scope to complicated ethical dilemmas.

## WORKS CITED

- “Agents of Discovery.” The Reporters Committee for Freedom of the Press. 2003. 25 April 2007. <<http://www.rcfp.org/agents/surveypop.html>>.
- Ahmad Qurtubi, Iman Muhammad ibn. “Etiquettes of Reading and Handling the Qur’an al-Kareem.” Masud.Co.UK. Date unknown. 15 April 2007. <<http://www.masud.co.uk/ISLAM/misc/eofq.htm>>.
- Angwin, Julia and Hallinan, Joseph T. “Newspaper Circulation Continues Decline, Forcing Tough Decisions.” The Wall Street Journal. 2 May 2005: 1.
- Barry, Dan, et al. “Times Reporter Who Resigned Leaves Long Trail of Deception.” The New York Times. 11 May 2003: 1.1.
- Bates, Stephen. “Reporter’s Privilege, Then and Now.” Cambridge, MA: Harvard University. April 2000.
- Boehlert, Eric. “The forbidden truth about Jayson Blair.” Salon. 15 May 2003. 17 April 2007. <<http://dir.salon.com/story/news/feature/2003/05/15/nytimes/index.html>>.
- Calame, Byron. “Preventing a Second Jayson Blair.” The New York Times. 18 June 2006: 4.12.
- Campbell, Don. “After the Wall.” *American Journalism Review*. March 2000. 12 April 2007. <<http://www.ajr.org/Article.asp?id=220>>.
- “Code of Ethics.” Society of Professional Journalists. Various instances, 21 March 2007-15 April 2007 <<http://www.spj.org/ethicscode.asp?>>.

“Codes of Ethics.” American Society of Newspaper Editors. No date. 17 April 2007. <  
<http://www.asne.org/index.cfm?ID=387>>. [Codes Used: The Arizona Republic,  
Los Angeles Times, San Francisco Chronicle, San Jose Mercury News, The  
News-Times (Danbury), The Washington Post, Orlando Sentinel, The Tampa  
Tribune.]

“Confidential News Sources.” The New York Times Company. 25 Feb. 2004. 15 April  
2007. <<http://nytco.com/company-properties-times-sources.html>>.

Couric, Katie. “A question of trust.” Dateline. NBC. 17 Mar. 2004.

Curtis, Bryan. “The Seven Faces of Jayson Blair.” Slate. 8 March 2004. 17 April  
2007. <<http://www.slate.com/id/2096811/>>.

Dart, Bob. “Libby’s ‘Dear Judy’ letter draws laughs and conspiracy theories.” Austin  
American Statesman. 10 Oct. 2005: A8.

“Decoded: Scooter Libby’s Coded Prison Letter to Judith Miller.” [Weblog entry.]  
Opinion, Politics. BC Blogcritics Magazine. 2 Oct. 2005.  
<<http://blogcritics.org/archives/2005/10/02/124446.php>>. 23 April 2007.

Elder, Sean. “Meltdown at the L.A. Times.” Salon.com. 5 Nov. 1999. 15 April 2007.  
<<http://www.salon.com/media/log/1999/11/05/media/>>.

“Ethical Journalism.” The New York Times. Sept. 2004. 15 April 2007.  
<<http://www.asne.org/files/newyorktimesethics.pdf>>.

“Ethics code: Lincoln (Neb.) Journal Star.” ASNE (American Society of Newspaper  
Editors). 13 Dec. 2000. 31 March 2007.  
<<http://www.asne.org/ideas/codes/lincolnjournalstar.htm>>.

Goodwin, H. Eugene. Groping for Ethics in Journalism. Ames, IA: Iowa State University Press, 1987.

Hagan, Joe. "Miller Retires From Times, But Not Quietly." Wall Street Journal. 10 Nov. 2005.

—— "Newsweek Flap Spurs Debate Over Sources." Wall Street Journal 17 May 2005: B1.

—— "Time Says It's Not Above Law; Will Obey Court." Wall Street Journal 1 July 2005: B1.

Hagan, Joe and Schaefer-Munoz, Sara. "Newsweek Says Article on Quran Might Have Contained Errors." Wall Street Journal 16 May 2005: B2.

Iggers, Jeremy. Good News, Bad News. Boulder, CO: Westview Press, 1998.

Ignatius, David. "Lessons of the Miller Affair." The Washington Post. 5 Oct. 2005: A3.

Interview: Judith Miller defends her reporting at The Times." Int. by Renee Montagne. Morning Edition. NPR. 11 Nov. 2005.

Isikoff, Michael and Barry, John. "GUANTANAMO: A Scandal Spreads." Newsweek 9 May 2005: 4.

Ives, Nat. "White House is Pressured by Press Corps Over Sourcing." The New York Times. 4 May 2005: C3.

Jinks, Larry. "Staples Stumble." Poynter Online. 1 Feb. 2000. 17 April 2007.

<[http://www.poynter.org/content/content\\_view.asp?id=5489](http://www.poynter.org/content/content_view.asp?id=5489)>.

Johnson, Peter. "New York Times investigates itself. Reporting scandal prompts review." USA Today. 23 May 2003: A7.

Judith Miller." JudithMiller.org. 15 March 2007. <<http://www.judithmiller.org/>>.

Jukowitz, Mark. "New York Times Makes Post-Blair Changes." Knight Ridder Tribune Business News. 31 July 2003: 1.

—— "Two Top Editors Resign at Times in Blair Fallout." Boston Globe. 6 June, 2003: A1.

Keller, Bill. "Memo to the Staff of the NYT." Oct. 21, 2005. Courtesy of Thomas O'Boyle.

Kurtz, Howard. "A Case Most Clearly Defined By Its Shadows." The Washington Post 7 July 2005: A12.

—— "Debate Over Newsweek Report Widens." The Washington Post. 18 May 2005: A12.

—— "Stranger Than Fiction." The Washington Post. 13 May 1998: A1.

—— "The Judith Miller Story: Not Ready Yet." The Washington Post. 13 Oct. 2005: C1.

Lacayo, Richard. "When a Story Goes Terribly Wrong." Time 30 May 2005: 60.

"Leading By Example." Editorial. The New York Times 8 Aug. 2005: A14.

Leonnig, Carol D. "Lawyer Casts Blame on Reporter for Time in Jail." The Washington Post 4 Oct. 2005: A3.

Liptak, Adam. "For Reporter, Decision to Testify Came After Frenzied Last-Minute Calls." The New York Times 11 July 2005: A12.

Lowry, Rich. "Media Want to Believe the Worst About Military." Seattle Post-Intelligencer. 18 May 2005: B7.

McCollam, Douglas. "The Crowded Theater." The Columbia Journalism Review (Online) July/August 2005. 15 April 2007.  
<<http://www.cjr.org/issues/2005/4/mccollam.asp>>.



- Miller, Judith. "Judith Miller's Farewell." The New York Times. 10 Nov. 2005: 28.
- Mnookin, Seth. Hard News: The Scandals at The New York Times and Their Meaning for American Media. New York, NY: Random House, 2004.
- Moses, Lucia. "'L.A. Times' in the eye of a hurricane." Editor & Publisher. 17 April 2000: 4.
- "News War." Frontline. PBS. Originally broadcast Feb. 2007. From "News War: Bernstein, Carl. Interview. Risen, James. Interview.
- Okrent, Daniel. "An Electrician From the Ukrainian Town of Lutsk." The New York Times. 15 April 2007: 4.2.
- Prochnau, William. "*The State of The American Newspaper: Down and Out in L.A.*" American Journalism Review. Jan./Feb. 2000. 10 April 2007.  
<<http://www.ajr.org/Article.asp?id=3126>>.
- "Profiles in Plagiarism: Journalism." FamousPlagiarists.com. No Date. 15 April 2007.  
<<http://www.famousplagiarists.com/books.htm>>.
- Rainey, James. "Times Issues Ethics Guidelines for Reporters, Editors." Los Angeles Times. Online. 15 July 2005. 14 April 2007.  
<<http://www.latimes.com/news/local/la-na-ethics15jul15,0,519646.story>>.
- "Reporters and Federal Subpoenas." Reporters Committee for Freedom of the Press. Updated 4 April 2007. 14 April 2007.  
<[http://www.rcfp.org/shields\\_and\\_subpoenas.html](http://www.rcfp.org/shields_and_subpoenas.html)>.
- Rieder, Rem. "Life After Judy." American Journalism Review. October/November 2005. April 10 2007. <<http://www.ajr.org/article.asp?id=3992>>.

- Rieder, Rem. "The Jayson Blair Affair." American Journalism Review. June 2003. 4  
 April 2007. < <http://www.ajr.org/Article.asp?id=3019>>.
- Robertson, Lori. "Ethically Challenged." American Journalism Review. Mar. 2001. 17  
 April 2007. < <http://www.ajr.org/Article.asp?id=573>>.
- Rosen, Jill. "Who Knows Jack?" American Journalism Review. April/May 2004. 15  
 April 2007. < <http://www.ajr.org/Article.asp?id=3614>>.
- Schmitt, Richard B. "Time Inc. Yields to Judge in Anonymous Source Case." Los Angeles Times 1 July 2005: A1.
- Seelye, Katherine. "Times Editor Expresses Regrets Over Handling of Leak Case." The New York Times. 22 Oct. 2005: A13.
- Shaw, David. "Crossing the Line." Los Angeles Times. 20 Dec. 1999: 1.
- Shepard, Alicia C. "Anonymous Sources." American Journalism Review December 1994. 15 April 2007. < <http://www.ajr.org/Article.asp?id=1596>>.
- Smith, Richard M. "A Letter to Our Readers." Newsweek 30 May 2005: 4.
- Steinberg, Jacques. "Editor of the Times Tells Staff He Accepts Blame for Fraud." The New York Times. 15 May 2003: A31.
- "Response From Journalists Is Not Unanimous." The New York Times 7 July 2005: A18.
- "Times Editor to Select Reader Representative." The New York Times. 31 July 2003: A22.
- "Times's 2 Top Editors Resign After Furor on Writer's Fraud." The New York Times. 6 June 2003: A1.

- “Weapons of Mass Destruction? Or Mass Distraction?” The New York Times. 30 May 2004: 4.2.
- “The New York Times Company Journalism Ethics Policy.” The New York Times Company. 30 Mar. 2007. March 2005. <<http://www.nytc.com/company-journalism-ethics.html#keeping>>.
- “The State of the News Media 2004.” Project for Excellence in Journalism. Journalism.org. No Date. 4 April 2007. <[http://www.stateofthenewsmedia.org/narrative\\_newspapers\\_intro.asp?cat=1&media=2](http://www.stateofthenewsmedia.org/narrative_newspapers_intro.asp?cat=1&media=2)>.
- “The Times and Iraq.” Commentary. The New York Times. 26 May 2004: A10.
- “The Times, Tribune, and the city.” Los Angeles Times. 19 Sept. 2006: B13.
- Thomas, Evan and Hosenball, Mark. “Bush’s Mr. Wrong.” Newsweek. 31 May 2004: 22.
- Thomas, Evan and Isikoff, Michael. “The Qur’an Question.” Newsweek 30 May 2005: 36.
- Thomas, Mitchell. “Putting Newsweek miscue in perspective.” Las Vegas Review-Journal. 22 May 2005: 2.J.
- “To Our Readers.” Commentary. Los Angeles Times. 19 Dec. 1999: 1.
- “Trouble at the L.A. Times.” Transcript. NewsHour with Jim Lehrer. PBS. 19 Dec. 1999. 10 April 2007. <[http://www.pbs.org/newshour/bb/media/july-dec99/la\\_times\\_12-16.html](http://www.pbs.org/newshour/bb/media/july-dec99/la_times_12-16.html)>.
- “Trouble at *The New York Times*.” Transcript. NewsHour with Jim Lehrer. PBS. 24 Oct. 2005. 15 April 2007. <[http://www.pbs.org/newshour/bb/media/july-dec05/nyt\\_10-24.html](http://www.pbs.org/newshour/bb/media/july-dec05/nyt_10-24.html)>.

Van Natta, Don Jr., Liptak, Adam, Levy, Clifford J. "The Miller Case: A Notebook, A Cause, a Jail Cell and a Deal." 16 Oct. 2005. The New York Times: 1.1.

Vane, Sharyn. "Taking Care of Business." American Journalism Review. March 2002. 15 April 2007. <<http://www.ajr.org/Article.asp?id=2464>>.

Weine, Ken. "Newsweek Retraction." PR Newswire 16 May 2005: no page.