

On Resistance to News Councils

Gary Gilson

In December 1996, viewers of CBS's *60 Minutes* saw a dramatic confrontation between an airline and a television news operation in an extremely unusual setting—a public hearing before the Minnesota News Council.

The News Council is an independent agency whose mission is to promote fair, vigorous, and trusted journalism. Its voting members—half journalists, half ordinary citizens, all of them volunteers—decided at that hearing by a vote of 19 to 2 that Northwest Airlines' complaint against an investigative series on the CBS-owned station WCCO-TV was justified. They agreed that the report on safety and maintenance shortcomings presented a distorted picture of the airline and that promotional announcements for the series sensationalized the story.

The *60 Minutes* broadcast alerted viewers to the notion that someone who feels damaged by a news story might waive the right to sue and seek accountability and vindication in a public forum. In an era when public trust of the media has plummeted, this kind of forum can create value for both the complainant and the news outlet. In half of the cases heard in Minnesota, the news outlet has prevailed, effectively using the opportunity to persuade the council and the public that the story in question met a decent standard of fairness and performed a public service.

Slow Going

As a result of the *60 Minutes* broadcast, and of coverage of the hearing by the *Wall Street Journal* and the Associated Press, people in twenty-nine states called Minneapolis to ask how they could start their own news councils. Today, two years later, the news councils in Minnesota and Honolulu, both in their twenty-eighth year, stand pretty much alone. The Northwest News Council, covering Oregon and Washington, is standing aside as efforts proceed to form separate news councils in each state.

The question is, why hasn't this idea, so appealing to members of the public and to the newspaper and broadcasters' associations in Minnesota, spread to other places?

As director of the Minnesota News Council for the past seven years, and having served six years as a voting member while working as a television news producer, I attribute the inertia to resistance by newspeople who see complaints about their work as obnoxious and who don't realize how a news council can help them avoid problems that lead to complaints. Here are a few examples:

- For all of their protests to the contrary, most newspeople hate the idea, let alone the reality, of being held publicly accountable by anyone outside the newsroom. They are just like cops who resist civilian review boards. When asked about accountability, many newspeople respond, “Accountable to whom?”

Abe Rosenthal and his *New York Times* successors say that every editor is an ombudsman, able to handle any complaint. If that were true, there wouldn't be so many members of the public frustrated by the news media's widespread lack of accountability and reluctance to announce standards, adopt effective complaint-handling processes, and respond to questions or challenges without petulance or arrogance. And if every editor were an effective ombudsman, we wouldn't be seeing so many journalistic lapses being repeated.

- Newspeople offer another solution to reader and viewer discontent: “Turn the dial, or cancel your subscription.” That classic market solution does not address the harm that bad journalism can do to a community beyond the harm it can do to an individual complainant. And it's no solution in a one-paper town.
- Newspeople often say, “Who does this news council think it is, trying to tell us how to do our jobs?”

More Like Cheerleading

News outlets that resist the kind of accountability that a news council can provide like to portray its members as wild-eyed zealots, brandishing torches and stakes as they scream their way up a Transylvanian mountain to get Count Dracula (and the First Amendment). In the view of these newspeople, the decisions of a news council will have “a chilling effect” on free inquiry and reporting.

In the Northwest Airlines/WCCO case, half of the majority were journalists, among them John Finnegan, former executive editor of the *St. Paul Pioneer Press* and one of the nation's leading champions of the First Amendment. At every public hearing I've seen on an investigative report, at least one News Council member has congratulated the news outlet for having undertaken the story and has urged all news outlets to investigate every institution in society.

Chilling? Hardly; it's more like cheerleading. The problem is that too many stories start out as great ideas but end up substituting hype for substance. Standards suffer. So do the subjects of the story, the public, and the news business in general.

At a recent journalism convention, someone asked me if I thought news councils were necessary. Absolutely not, I said, as long as news outlets create ways of being open to complaints and challenges. News outlets can make very good use of news councils, though, if they embrace the openness that news councils encourage and enable.

But I'm afraid most newspeople heed the call to resist what *Editor and Publisher* magazine, the handmaiden of the newspaper industry, trumpets at every opportunity in editorial tirades that masquerade as news articles. The most recent example: *E&P's* April 25, 1998, report of a panel on news councils at the Newspaper Association of America convention in Dallas. The panel, moderated by Marvin Kalb, included Ben Bradlee, former editor of the *Washington Post*; Geneva Overholser, then the *Post* ombudsman; Jack Fuller, president of Tribune Publishing; Christopher Matthews, Washington bureau chief of the *San Francisco Examiner*; and me.

The *E&P* headline read, "Trashing News Councils, Editors Want High Standards." The subhead read, "Tried-and-true principles can help plug the press' credibility gap, editors say, not an organized, quasi-judicial panel of Monday morning quarterbacks." Neither the text of the article nor the actual panel discussion came close to supporting those headlines; they reflect the bias of so many news organizations that have no experience with openness or news councils and therefore demonize them.

Is the Minnesota News Council quasi-judicial? Its members represent no one but themselves; they are chosen because they prize a free press, encourage responsibility in pursuit of high standards (the Society of Professional Journalists code, for example), and can ask questions at hearings that illuminate the issues.

Not a Hanging Jury

The News Council succeeds because it has no authority. Authority could come from only two places: If it came from the government, no news organization would participate; if from the news business, the public would be skeptical of the council's findings. We accept no money from the government; our funding comes from the news business and from nonmedia companies, foundations, associations, and individuals.

Because we have (and want) no authority, cannot issue sanctions, and cannot tell news outlets what to do or not to do, but do offer them protection against being sued, most news outlets in Minnesota choose to participate in our process. They also know that we do not limit ourselves to conducting public hearings and issuing determinations; we are not a hanging jury, and we work hard not to be mistaken for one.

The Minnesota News Council also conducts public forums on compelling ethical issues, such as the coverage of religion, of crime, of people with mental or physical disabilities, of the gay and lesbian community. These forums bring together journalists and members of the community, who sit next to one another and talk for a couple of hours. Both parties come away with a deeper understanding of the other's positions, and those positions sometimes change.

The News Council also publishes a magazine and produces a cable TV program on media ethics, stages mock hearings for community leadership groups

and schools, and puts on ethics workshops in newsrooms and at journalism conventions. The goal is to produce a lively public conversation on news standards so that both the public and the media can learn from each other.

Something in the Water

Isn't that what expensive focus groups, community advisory boards, and the forums organized by the Committee of Concerned Journalists do for news outlets—figure out how they can regain credibility? Last year at the Wisconsin Press Association convention, a veteran member of the board rebuffed my suggestion that a news council might help Wisconsin media outlets and the public resolve disputes and protect standards. His answer? "We don't have those kinds of problems over here. There must be something about the water in Minnesota that makes those publishers so strange."

Well, "those kinds of problems" are universal. We know because we hear from people all over the country. And news organizations are notoriously bad at dealing with them. Our News Council surveyed complaint-handling techniques among Minnesota media and found that most news outlets deal effectively with complaints from advertisers and subscribers but poorly with complaints from readers and viewers. Many outlets have no system at all for handling complaints about news.

We compiled our findings and sent them to 380 newspapers and 320 stations, sharing the wisdom of editors and managers who had learned to handle complaints well. This was not the News Council telling professionals how to behave; we served as a conduit for their peers' advice. That spirit guides all our work.

Many newspeople dismiss complaints as silly; they don't even respect the fact that a complainant feels aggrieved. I contend that if a news outlet showed an interest in hearing complaints and criticism and in learning from such feedback, if it acknowledged that the written word has power to harm, if it admitted fault (if there is some) and showed remorse, and if it did its best to put things right, the news outlet could dissolve much of the public's hostility and could even convert some critics of the press into supporters.

It's ironic that news outlets insist that every institution they cover admit its sins, apologize, and carry out immediate reforms. Yet those same news outlets refuse to do so when their own work is called to account and found wanting. In contrast, consider the benefits that news outlets in Minnesota have enjoyed as a result of their participation with the News Council. Editors have written columns announcing policy changes based on what they heard about their paper at a hearing. How can that do anything but increase public trust?

The best explanation of a news council's value comes from a libel lawyer, John French, who observed a hearing on a complaint against the *Star Tribune* by several black citizens who said a feature story perpetuated racial stereotypes

and blamed the teenage pregnancy problem on blacks. Until that case, French said, he had always regarded the News Council merely as a way to avoid a lawsuit. But that case showed him that, between irreproachable journalism on the one hand and libel on the other, there is a vast middle ground. While the public realizes that a news outlet has done nothing illegal, nonetheless someone feels harmed and needs a way to be heard.

In the *Star Tribune* case, the News Council denied the complaint and congratulated the newspaper for outstanding reporting. The editors could have gloated, but instead they said that they agreed with a key comment at the hearing: Their paper did a very poor job of covering communities of color. So they formed a team that worked for months, cultivating new sources and developing stories, which they published in a long series called "Issues of Race." The series began with the editor's memo to readers on page 1. It acknowledged the paper's weakness and asked readers' patience as the paper tried to improve.

The series had a lot of merit. It probably would not have happened without some kind of open exchange like the News Council's.

The Great Goal

Some newspeople who understand the value of such exchanges still say that they are uncomfortable with the fact that the News Council takes a vote. How many of them would pay the least attention to such a discussion and publish or broadcast a story about it if there were no vote? One person who objected to the process was the on-air reporter for the Northwest Airlines story, Don Shelby, one of the country's best. He resented the News Council's finding so much that he said he would stop doing investigative reporting. "You've taken the wind out of my sails," he said. "This is a dishonor to me."

Five months later, in the *Columbia Journalism Review*, Shelby told an interviewer that although he believed that WCCO was on the right track with its story, it did not present credible sources, strayed into irrelevant areas of inquiry to try to buttress its case, and used tabloid techniques that the public identifies with fiction. He later told the News Council's magazine that the hearing process was good: "I'm a better man, the station's a better station. We are better reporters. We are more thoughtful. We will be more careful. And our goal in life is never to appear before the News Council again."

That's a great goal. It helps newspeople focus on standards. But whichever news organizations may appear will do so voluntarily, and if they play their cards right, they can win the hearts of many critics by acting like human beings, not like members of some distant priesthood that says it can do no wrong.

In the midst of new and deeper concern about the loss of public trust in the news media, occasioned by lapses at the *Boston Globe*, *Cincinnati Enquirer*, CNN/Time, and elsewhere, an encouraging new awareness among editors is spread-

ing: Accountability for the media's work is not only more necessary, in the public's view, than ever, but more valuable for the media as well.

Most encouraging is the shift in attitude toward news councils by a long-time opponent, Gene Roberts, retired managing editor of the *New York Times* and former executive editor of the *Philadelphia Inquirer*. At a University of Maryland conference on how to increase media credibility, Roberts suggested two steps for the new media: Add to the mere thirty-four newspaper ombudsmen in the country, and start a few more statewide or regional news councils.

Biographical Note

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