



Minnesota News Council  
**Mock Hearing Project**

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# Hearing Preparation Materials

## Rachael Martin v. Duluth News Tribune

# Council Member Materials

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# Council Member Materials

## Acknowledgments

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### DISCLAIMER

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### THANKS

The Minnesota News Council salutes the courage and integrity of the many individuals and newspapers who have made the mock hearing project — and the work of the Minnesota News Council — possible. The News Council developed the mock hearing project for use in the classroom, with the participation of News Council staff. We have expanded the project to include a teacher’s handbook, allowing the cases to be presented in any classroom and facilitated solely by the teachers and students.

We thank the Target Corporation for a grant in 2003 to make the materials for the mock hearing project widely available in its online form.

The newspapers involved in these cases demonstrated a willingness to meet their readers face-to-face, to grapple with complex ethical issues in public view, and to strive to uphold high ethical standards.

It’s not easy to appear before the News Council to have one’s work publicly reviewed. The papers that agree to do so demonstrate that they are willing to be held accountable for their work. The Council believes that accountability and trust go hand in hand.

The News Council thanks the Star Tribune, then editor Tim McGuire and then managing editor Pam Fine, for granting us permission to use two cases in which they appeared. We thank the Women’s Studies Department at the University of Minnesota and Professor Naomi Scheman for their very able presentation of a most complex case. We thank the St. Louis County Assistant County Attorney for engaging the media in an area of perennial difficulty: fair trial versus free press.

We thank the Duluth News Tribune and its then-editor, Vicki Gowler for the permission to use the Rachel Martin case. We thank Rachael Martin for her permission and assistance in preparing this case.

We thank the unnamed small-town paper in the Incest Survivor case, which appeared before the Council only once, in what was perhaps the most difficult and emotionally challenging case the Council has ever heard. The openness and willingness of the editor to listen and learn was exemplary, and their willingness to let us use this case is greatly appreciated. We particularly thank the anonymous 17-year-old incest victim who truly showed courage in coming before a panel of 24 strangers to plead her case.

The News Council thanks the Society of Professional Journalists for allowing us to reprint various checklists from their book, “Doing Ethics in Journalism.”

Last, we thank all the News Council members, past and present, who dedicate their free time and so much energy in giving careful consideration to the complex issues that come before them.

Quality journalism doesn’t just happen; it’s a joint effort. It requires the support of management, which allocates resources and upholds expectations of excellence. It requires the dedication, energy, talent and high ethical standards of each individual journalist. And it requires a literate and demanding audience that won’t settle for anything less than excellence.

# Council Member Materials

## Introduction

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Anyone who wants to report and write news is in for a stimulating career: finding out what's going on, writing about it in an appealing and dramatic way, seeing the fruits of your labor make a difference in your community.

Besides that, there's the pressure of time under which journalists work. They do well to keep in mind the great New York Yankees catcher, Yogi Berra, who was told by his manager to think in the batter's box. Berra replied, "I can't think and hit at the same time." Berra was playing a game; journalists are working at a trade where people's reputations are at stake, so they must think and write at the same time.

Journalism produced without thought or without conscience can produce ethical lapses. Not only can journalists be sued for libel, they may have their integrity questioned. Without integrity, journalists lose public trust, and without public trust, news outlets cannot do what a democracy needs them to do: report accurate, useful information thoroughly and independently.

The scenarios in this handbook challenge you to consider the ethical questions raised by complaints against news outlets. They are actual cases consid-

ered by the Minnesota News Council to promote fairness in the news media by helping the public hold news outlets accountable for their work.

You are asked to read the background material, just as News Council members have done before you, and to work your way through a public hearing process. First, the complainant and respondent present their cases. Then you and other Council members ask questions of the parties to clarify the issues. Next, with the parties silent, you and your fellow Council members deliberate the issues until someone makes a motion to uphold or deny the complaint, in whole or in part. Finally, you vote.

After you reach your determination, you can compare it with the one the Minnesota News Council reached. If you've reached a different determination, you may feel strongly that yours was the wiser one, and you may be right. Like everyone else, the News Council makes mistakes. But the vote is not as important as the discussion. That's because the purpose of the process is to generate a public discussion, so that people will begin asking news outlets what their standards are and begin holding news people to those standards, or perhaps insisting that they raise them.

# Council Member Materials

## Case Background

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On October 31, 1996, the Fairlawn Mansion and Museum, located in the Twin Ports area of Duluth (Minn.) and Superior, (Wisc.), hosted a Murder Mystery Dinner.

Guests were asked to dress and act as if the year were 1918 and they were attending a Mother Goose costume party at the home of a wealthy widow, played by the complainant, Rachael Martin, executive director of the museum.

One woman attended the party in black face and, as part of the evening's program, recited the nursery rhyme "Ten Little Nigger Boys," (the actual text of which is in dispute).

On Thursday, November 7, Duluth News Tribune reporter Chuck Frederick called Martin to ask about the Murder Mystery Dinner. Martin answered several questions, then asked why he was interested. Frederick said the paper had received a complaint from one of the guests about the guest in blackface and he was working on a potential story. He met with Martin later that day.

On Friday, November 8, the News Tribune published a story describing the Murder Mystery Dinner and reporting that a guest had attended in blackface and had won first prize for her costume. The story also reported that some guests and community members were offended by what they perceived as a racist incident. After reading the story, Martin faxed the paper a letter to the editor apologizing to anyone in the community who was offended by the guest's blackface costume and poem.

gizing to anyone in the community who was offended by the guest's blackface costume and poem.

On Saturday, November 9, the News Tribune published a follow-up news story about the event that contained quotes from Martin's as-yet-unpublished letter to the editor. (There was no letters-to-the-editor section on Saturday.) The same day, the paper ran an editorial denouncing the event at Fairlawn.

On Sunday, November 10, the News Tribune published Martin's letter to the editor in full.

During the two months following the event, the paper published numerous letters on the subject (20 in total; 11 decrying racism and/or opposing Martin, eight defending Fairlawn or Martin or pointing out the educational value of the incident). Stories about the controversy were reported in papers and on radio and TV reports around the country.

The museum's board of directors issued a press release on November 19 apologizing for the situation but supporting Martin.

On November 22, the News Tribune published a story reporting that the NAACP was considering asking for Martin's resignation. Two days later, the paper published an editorial criticizing Fairlawn and Martin for the way the incident was handled, but saying Martin should not lose her job.

Martin complained to the Council the following February.

# Blackface costume wins Fairlawn contest

**“I was appalled. I was hyperventilating. I was so shocked and ashamed.”**

*Theresa Jette, party guest*

By **Chuck Frederick**  
*News-Tribune staff writer*

For a historical Halloween party at Fairlawn Mansion, one contestant appeared in blackface while a nursery rhyme that 10 times mentions a racial epithet was read aloud. She won first place.

One couple at the party was so outraged they complained to the Duluth NAACP, whose members see this as another example of subtle racism in the Twin Ports.

Fairlawn’s director said the costume was appropriate

*Racist poem offends NAACP, others; mansion director defends outfit as period piece*

for the 1918-era party. Guests at the Superior mansion were encouraged to wear Halloween garb that represented a Mother Goose fairy tale character of the time.

With her face painted black, one guest based her costume on an 1869 nursery rhyme about 10 boys who, one by one, choke to death, burn up, get chopped in half, or otherwise are elimi-

nated. In the end, none of them is left.

The rhyme, which guests said was read aloud at least once during the dinner party, begins: “Ten little nigger boys went out to dine./One choked his little self and then there were nine...”

“I was appalled. I was hyperventilating. I was so shocked and ashamed,” said

Theresa Jette, a Duluth woman who attended the party and murder mystery dinner with her husband. “I was just livid. I couldn’t even talk. I hope to heavens we weren’t the only couple offended by this.”

**No complaints**

The Fairlawn Mansion and Museum didn’t receive any complaints about the woman’s costume.

“It was very tasteful, very well done and extremely inventive,” Fairlawn director Rachael Martin said. “This party was supposed to be happening in 1918. And it

**“It was very tasteful, very well done and extremely inventive.”**

*Rachael Martin, Fairlawn director*

*Please see **BLACKFACE**, back page*

# Blackface costume offends some

## BLACKFACE

*Continued from page 1A*

would have been very appropriate for that time period to have someone dress up in blackface.”

Martin and other Fairlawn employees judged the woman’s costume to be the best.

“It certainly was the most unique. Everyone praised her for the lengths she went to,” Martin said. “Our guests all seemed to have fun. Everyone was laughing and having a good time. I am distressed to know that someone left unhappy. This is the craziest thing. Imagine, someone being upset by a Mother Goose nursery rhyme.”

Although today’s nursery rhymes and fairy tales often are seen as soothing, throughout history they’ve been notorious for violence, Martin said. Cinderella’s sister cut off her own toe. Children were shoved into an oven in “Hansel and Gretel.” A rock-a-bye baby falls out of the treetops.

“Many things from those Mother Goose rhymes aren’t acceptable now,” Martin said. “Women weren’t exactly treated well. Animals were constantly victimized.”

### NAACP members outraged

Theresa and William Jette aren’t the only ones upset about the costume worn at Fairlawn, however. The couple contacted the National Association for the Advancement of Colored People. Members of the NAACP’s Duluth chapter discussed the incident at a meeting Wednesday night and plan to write letters to Fairlawn leaders and to members of the Douglas County Historical Society.

“The only thing we can try to do is educate,” said Claudie Washington, president of the chapter. “We can’t file a lawsuit. It isn’t against the law to do something in poor taste and to perpetuate racism. But we feel very strongly that there are things from

## About the rhyme

The nursery rhyme about the 10 black boys originally was written in 1969 by Frank Green. It’s a spinoff of the better-known “Ten Little Injuns.”

Set to music, the song was popular around the turn of the century at vaudeville-like minstrel shows. With their faces painted black, entertainers used the song to mock people of color and to reinforce negative stereotypes — much to the delight of unsophisticated and often uneducated white audiences, said Karen Richgruber of the Duluth Public Library.

Variations of the song have been published many times, including on the pages of a 1924 volume of “Mother Goose Nursery Rhymes.”

Both Duluth and Superior public libraries have copies of the rhyme, but not on their shelves. The Oxford Dictionary of Nursery Rhymes is an academic reference book and must be requested, Richgruber said.

the past that shouldn’t be brought back.”

“It isn’t only the racial aspects of this, either,” said NAACP member Mary Cameron. “It’s the violence. It was such a violent nursery rhyme for someone to choose for a party. I can’t believe adults in our community could sit around and laugh about this sort of thing. Especially with all the recent efforts to curb violence.”

It’s another example of the subtle and not-so-subtle forms of racism that Twin Ports’ people of color endure every day, Cameron said. Sometimes it’s unintended; sometimes not.

“It’s scary,” she said. “I often sit around

and wonder, ‘Will our world ever be OK?’ I think of all the strides we’ve made in improving relations (between races here), but then I hear about something like this, I’m reminded that we still have so far to go. It’s sad.”

### ‘Defend free speech’

No African-American attended the Fairlawn gathering. The museum would not release the names of the partygoers. “We feel we should defend their rights to freedom of speech,” Martin said.

Martin did agree to contact the woman dressed in blackface, on behalf of the News-Tribune. The newspaper tried for two days to reach the woman and other party guests. The woman hadn’t contacted the News-Tribune by Thursday night.

Halloween costumes long have raised questions about appropriateness. Violent movie-character costumes have been banned in many schools. And while it might have been seen as acceptable by many to dress up as an Indian chief a generation ago, the same costume would raise eyebrows today.

“We can’t whitewash history, though,” Martin said. “We should be compassionate and try to understand the way things were. People were different. We shouldn’t say, ‘Let’s not talk about 1918 because there are things we didn’t like.’ And we can’t apply today’s standards to values of 1918.”

Our community was a far different place then, Martin said. The Ku Klux Klan was active in northern Minnesota. And Duluth was only two years away from its darkest day — when three young black men were lynched by a white mob on a downtown street corner.

“We have a reputation for portraying history accurately here at Fairlawn,” Martin said. “The costume was accurate, so it was appropriate.”

November 8, 1996

Back page

Martin v. Duluth News Tribune — Story 1, Page 1 (reprinted with permission and formatted to fit this handbook)

# Duluth News Tribune

Volume 126 • Number 212 • Nov. 9, 1996

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## Blackface incident spurs debate

By **Chuck Frederick**  
*News Tribune staff writer*

*The Fairlawn controversy also points up a question: Where do you draw the line on ugly history?*

A woman who won a Fairlawn Mansion Halloween costume party dressed in blackface has thrust the Northland into a debate about appropriate ways to handle ugly parts of history.

It's a hot topic whenever American Association of Museums members gather in Washington.

And it's something historians and historical interpreters have struggled with for years.

"We need to show our history, warts and all. We need to learn from it, hopefully so we don't repeat past mistakes," said Dick Welch, a professional historian for more than 20 years who now heads Lake Superior Museum of Transportation in Duluth. "But we have to do that in an educational way," he said.

The costume party and murder mystery dinner at the Superior mansion were open to anyone. Guests were encouraged to wear Halloween garb that represented a nursery rhyme from 1918.

One guest painted her face black to depict a nursery rhyme that mentions a racial epithet 10 times and describes how, one by one, small black boys choke to death.

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*Please see MUSEUM, Page 6A*

# Next step for museum?

MUSEUM from Page 1A

death, burn up, or otherwise are eliminated. Fairlawn employees singled out the costume as the night's best. The nursery rhyme was read at the gathering.

Fairlawn has refused to release the woman's name, though an official did agree to contact her on behalf of the Duluth News-Tribune. She hadn't called the newspaper as of Friday night.

## What were intentions?

"If her intentions were to send a message that old fairy tales can be violent and demeaning, then I applaud her for being gutsy," said Christy Matthews, the director of African-American programming at Colonial Williamsburg, Va. "But I question the context in which she brought it up. This nursery rhyme is really about the destruction of black children and how we all should think it's humorous."

To present the rhyme at a party emphasizes the humor, Matthews said. A more appropriate arena could have focused discussion on the more important issue of offensive and violent nursery rhymes.

Colonial Williamsburg has faced similar flak. Two years ago, Matthews was in charge of re-enacting a colonial-era estate sale that included a slave auction. Matthews, who is black, was auction off.

People across the country were outraged. Matthews still stands by the re-enactment.

"Offensive parts of history can't be ignored," she said. "You just need to create a forum where people can talk to each other and respond. Then it can be a valuable experience."

A community discussion followed the re-enactment, Matthews said. It was a chance to express outrage, ask questions and discuss ways to prevent tragic history from being repeated.

## Educate community

Fairlawn should do similarly, Matthews said. "It's important for (Fairlawn) to now fill in the blanks for the community," she said. "They should have a follow-up on this fairy tale. Why was it written? Why did it disappear? They should use the issue to educate the community."

Fairlawn Director Rachael Martin said Friday that she has composed a letter to be published in newspapers, but has made no other plans.

Martin's letter, scheduled to appear in Sunday's News-Tribune, reads in part: "I wish to apologize to any guests or members of the community who were offended by the Mother Goose nursery rhyme blackface costume worn by one of the guests.

"The guest meant no offense to anyone," the letter continues, "and we certainly did not intend to offend anyone by allowing this person admittance to the event. We had no idea in advance which Mother Goose nursery rhyme costumes the guests would wear."

Martin also wrote that the costume was judged on "thorough research done on historical costuming."

Other letters are expected to be written by members of the Duluth chapter of the National Association for the Advancement of Colored People. They also plan to write to leaders of Fairlawn and the Douglas County Historical Society.

In addition, Duluth's newly formed Human Rights Commission will discuss what happened. "We were formed to educate, educate, educate. This is an opportunity for us," member Toni Meierhoff said. "This is the challenge we face — how do you put different histories into

an appropriate context for today?"

Superior has no human rights panel. A Superior NAACP chapter is in the works.

## Act can't be justified

Communities of Color United, which earlier this year focused attention on alleged police misconduct in Duluth, is planning a public statement — probably sometime next week.

"People are attempting to justify something that's not justifiable," member Kwiesi Jahi said Friday. "Anyone with common sense should know the difference between a depiction of history and an attempt to belittle or degrade another group.

"We're not opposed to talking about African-American history or Native American history or any other history," Jahi said. "But it has to be within the appropriate educational context. Once you take it out of that, it's very offensive."

Missouri Historical Society President Bob Archibald, who has headed several national museum organizations, said he would have asked the woman to go home and change.

"Blackface is always an insult," he said. "Part of a museum's mission ought to be to convey sensitivity. The way to deal with controversial topics is to get people together from different points of view to discuss and maybe even reach consensus.

"Museums should never shy away from controversial issues," Archibald said. "But to tackle them at a Halloween party probably isn't the best thing."

November 9, 1996  
Page 6A

*Duluth News Tribune*  
**Editorial Page**

Saturday, November 9, 1996

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*Views in editorials are those  
of the editorial board named above.  
Columns, cartoons and letters  
represent the views of their authors.*

OUR VIEW

**Blackface incident insulting**

*Participants  
in Fairlawn  
Museum's  
Halloween  
party  
should have  
known  
better than  
to allow  
and reward  
racially  
insensitive  
behavior*

The scene on Halloween at Superior's Fairlawn Mansion Halloween party, in which a guest appeared in blackface and a poem containing racial epithets was recited, cannot be defended on any social or historical basis.

A spokesman for the Duluth Chapter of the National Association for the Advancement of Colored People is right, however, when he says legal action is not possible. Free-speech guarantees protect such untoward behavior.

But the act displayed such bad taste and insensitivity to today's standards it is indefensible.

Yes, as a museum spokeswoman said, you can't white-wash history, and you can't apply today's standards to the past. True, but they must be applied to the present. The party was last week. To sanction such behavior in the 1990s is inexcusable and the museum's expected apology is appropriate.

The Halloween event was keyed to a 1918-era theme. All guests were supposed to be costumed and behave as people from that era. Blackface burlesques and racist attitudes and writings were common at that time. The doggerel recited was a nursery rhyme dating from the mid-19th century using the word "nigger."

It's important in our time to recognize and learn from these unpleasant and harmful aspects of our history — they should never be denied. But at the same time, they should not be emulated when they hurt people, such as this has hurt our African American community.

Quite simply, those directly involved should have known better. That participants awarded the blackface costume the top prize for its historical accuracy and detail shows they didn't.

Martin v. Duluth News Tribune — Editorial #1 (reprinted with permission and formatted to fit this handbook)

*Duluth News Tribune*  
**Letters to the Editor**

Sunday, November 10, 1996

*The following Letters to the Editor are reprinted with the permission of the authors. From November 12 to December 13, a total of 20 letters were published about this subject: Three were in support of Rachael Martin personally, four were negative about Rachael Martin personally. Other letters expressed dismay and anger about the incident, suggested educating children to respect others, raised issues of historical accuracy and questions of how to live with our country's racist past, and compared the incident with ethnic humor.*

**Costume not meant to offend**

**C**oncerning the News-Tribune's article on a guest's costume at the "1918 Murder Mystery Dinner" sponsored last month by Superior's Fairlawn Mansion:

As an executive director of the Douglas County Historical Society and director of Fairlawn, I wish to apologize to any guests or members of the community who were offended by the Mother Goose nursery rhyme blackface costume worn by one of the guests.

The guest meant no offense to anyone, and we certainly did not intend to offend anyone by allowing this person admittance to the event. We had no idea in advance which Mother Goose nursery rhyme costumes the guests would wear.

I feel that the newspaper story was incomplete in describing the costume contest. This guest's costume was judged on the thorough research done on historic costuming and the detailed, hand-crafted effort in making the costume pieces. The decision to award a prize for the costumes was made before the guests were asked to recite their nursery rhymes. After this particular nursery rhyme was read, I exclaimed in my 1918 character what a shocking tale this was!

Again, I am deeply sorry if anyone was offended by this guest's costume. I felt that everyone acted very graciously in allowing the guest to participate in this event.

**Rachael E. Martin**  
*Superior*

Martin v. Duluth News Tribune — Letters, Page 1 (reprinted with permission and formatted to fit this handbook)

*Duluth News Tribune*  
Letters to the Editor

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Friday, November 15, 1996

**Blackface no more  
horrible than Hagar**

I am surprised at the News-Tribune coverage and editorial on the person who showed up in blackface at the Fairlawn Mansion Halloween party. The same issue as your Nov. 9 editorial calling the blackface incident insulting, had a comic strip of “Hagar the Horrible,” with a hatchet buried in Hagar’s head.

If you think the blackface and Indian chief costumes are insensitive, you must agree Hagar is insensitive and insulting to the local minority of Scandinavians. How about the “Ole and Lena” books in bookstores? What is the News-Tribune’s position on those? Do you find them humorous? How about the schools with the nickname of “Vikings” and all the braids, horns and helmets that depict us as war-like barbarians?

The difference is that Scandinavians have a sense of humor and values. We were raised to laugh at ourselves before we laugh at others. We also have a sense of pride that wants our heritage to be remembered. My ancestors were funny, much like those of everyone else.

We want things like helmets with horns and lutefisk to remind us of our great history and heritage, lest we forget. With these values we can laugh and enjoy Hagar and Ole and Lena and treat them for what they are: refreshing.

The world is becoming ridiculous if we cannot put blackface on or dress up like

and Indian chief at a Halloween party without offending minorities. Your editorial only adds fuel. If you disagree, then you must agree it is hypocritical to run “Hagar the Horrible.”

How about those Minnesota Vikings! The way they play and act off the field is just as insulting to the Viking culture. It is shameful to call them Vikings and use our mascots and symbols.

John M. Peterson  
*Hibbing*

Martin v. Duluth News Tribune — Letters, Page 2 (reprinted with permission and formatted to fit this handbook)

*Duluth News Tribune*  
**Letters to the Editor**

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Thursday, November 21, 1996

**Lesson Sadly Missed at Fairlawn**

**A** participant at the annual Halloween murder mystery dinner theater performance at Fairlawn has publicly registered her concerns with the NAACP about another participant's costume and poem. Regrettably, what was a powerful educative act among a group of mostly adult participants has been sadly misunderstood.

The goal of the evening's entertainment was the multifaceted re-creation of events and attitudes of 1918 within an improvisational theater format. In a briefly presented but many-layered portrayal, the guest participant — within her character in costume and poem — clearly brought forward the casually accepted and deeply entrenched racism of that time. To the modern ear and eye, the thoughts and presence were disconcerting.

But as I understood her statement, the participant was erecting a powerful challenge to those attitudes, not endorsing them.

As a longtime volunteer and actor at Fairlawn, I know racism has absolutely no place in our events nor our activities, and anything done in a racially negative spirit is not tolerated. It is easy to understand how this complex context and statement could lead to misunderstanding, yet it is tragic that its lesson could have been missed.

I personally apologize to anyone offended by our portrayals.

James C. Pellman  
*Maple, Wis.*

Friday, November 22, 1996

**Be consistent when it comes to outrage**

**E**motions have run high in response to the Halloween reading at Fairlawn Mansion. The "artful" reading of the 1850s poem must have been done with artistic and historical significance since it won due to quality of presentation.

At first, I was also appalled at its description of murder of minorities, yet I had another thought. Graphic and explicit violence in movies, books and television is not put down due to "artistic license." Minorities and majorities are often raped, tortured, murdered in scenarios more graphic than in the poem.

The issue we should address is equality of outrage. If it is inappropriate in a small group in a poem, shouldn't it also be inappropriate in a public movie, etc.? Can't we at least be consistent in our outrage? It is either acceptable because it is "art" or not acceptable because it demeans humans and glorifies violence. We are hypocritical to ignore the inconsistency.

**Susan J. Isernhagen**  
*Duluth*

*Duluth News Tribune*  
**Editorial Page**

Saturday, November 9, 1996

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*Views in editorials are those of the editorial board named above.  
Columns, cartoons and letters represent the views of their authors.*

OUR VIEW

**Don't fire Fairlawn head**

*Blackface  
incident  
should have  
been nipped  
in the bud,  
but a lapse  
in judgment  
is not  
grounds for  
forcing  
resignation*

Rachael Martin, director of Superior's Fairlawn Mansion and Museum, should have immediately barred a guest in a blackface costume from participating in a Halloween party. And she should have prevented the recitation of a 19th century nursery rhyme that is shockingly racist by today's standards — even if it is historically accurate.

But she should not be fired over this incident.

The Duluth chapter of the National Association for the Advancement of Colored People is considering calling for Martin's resignation.

While it's understandable that members of the African American community would be upset over this (everyone should be, regardless of race), they should recognize that one lapse in judgment should not result in Martin's losing her job.

With the party's old-time nursery rhyme theme, Martin had no way of knowing a guest would arrive in an inappropriate, racially insulting costume. Under the social pressure of any such gathering, it's understandable that Martin and other guests didn't refuse to let the costume party continue with that guest included, even though that's what they should have done. There's no excuse for her not taking action at that time.

At the same time, Martin's past performance in her job, said to be exemplary, should be considered and her bad judgment on this one occasion forgiven.

The Douglas County Historical Society Board, which operates Fairlawn, has issued a statement of regret, vowing it will "not tolerate behavior that is demeaning to others" and pledging it will be "fair, inclusive and respectful to all cultures and aspects of our society."

There's no reason to doubt their sincerity. Everyone has learned from this incident, and now it's time to move on.

Martin v. Duluth News Tribune — Editorial #2 (reprinted with permission and formatted to fit this handbook)

# Council Member Materials

## Museum Director's Complaint

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My complaint with the Duluth News Tribune is that its reporting was inaccurate and its editorial decisions were unfair. I believe the News Tribune sensationalized and exploited this event, causing great suffering to the community and our organization, and damaging my professional reputation.

Although lawyers encouraged me to sue the News Tribune for defamation of character, I chose instead to file a complaint with the News Council. I do not want to cause an adversarial relationship with the News Tribune. I feel that the News Tribune owes me an apology with an admission of responsibility for their errors and unfair coverage.

I met with the News Tribune editorial board in February to discuss the following mistakes and ethical lapses:

### Errors of fact

- It was not a costume party; it was a Murder Mystery Dinner.
  - It was not a Halloween party, it was performed on November 1 also.
  - The guests were not contestants; they were guests.
  - The guest in black face did not win first place; no one did. Everyone got a prize.
  - The 1969 nursery rhyme that appeared in the paper was the wrong version. Was anyone asked to verify the correct rhyme? NAACP member Mary Cameron said, "It was such a violent nursery rhyme," but the version read was non-violent. It did not have a stanza about boys burning up or getting chopped up.
  - It was not read aloud "at least once"; it was read only once.
  - It was not Fairlawn employees, but actors (hired by Fairlawn for the event), who judged.
  - The costume was not judged "the best."
- Cameron was quoted saying she "can't believe adults in our community could sit around and laugh about this." No one laughed at the costume or the poem.
  - How did the reporter verify that no African-Americans attended? I was not asked.
  - I did not say, "We feel we should defend their rights to freedom of speech." I said, "We do not suppress the right of freedom of speech." I never used the word "defend."
  - I said the KKK was active in northern Minnesota against *Catholics*.

**I feel the story was skewed by the way the interview was conducted.** I was asked to describe the costume. I described the knickers, shoes, jacket and hat. The reporter then asked "Was the costume garish and offensive or was it tasteful?" "Very tasteful," I replied. The headline read "mansion director defends outfit, it was very tasteful." I described it and explained it as requested; I never defended it. The word "defend" was used several times, when "explained" or "described" would have been more accurate.

I believe the News Tribune's editorial decisions violated journalistic ethics:

- How did they decide this was newsworthy? In an editorial on Nov. 24, Jim Heffernan wrote that the News Tribune doesn't publish "subjects that aren't public issues... Publishing one customer's complaints about a business is unfair to businesses that might please thousands of others." Wasn't this one customer's complaint about a reputable and respected organization?
- How did they decide to place two articles at the top of page one?
- The selection of headlines [is biased]: "wins contest," "defends outfit" both incorrect

# Council Member Materials

## Museum Director's Complaint

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- Pullouts and enlarged type — “It was very tasteful,” “Defends free speech,” “NAACP outraged,” are meant to isolate extremes and make story polarizing.
- They released the story to the AP with all the mistakes.
- Selection of inflammatory cartoons with inaccurate facts.
- They printed a volume of 28 pieces between November 8 and December 29.

**It was unethical to hold my letter of apology** to the editor from Friday to Sunday, and printing another story and editorial Saturday, with the story quoting parts of my letter before it was printed in full on Sunday.

# Council Member Materials

## Newspaper's Response

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The News Tribune values the reactions and comments of its readers, and we are especially interested in hearing from anyone who thinks we have been unfair or inaccurate.

I think it would be helpful to talk about the assignment of the story, why we felt it was newsworthy and how hard we worked to ensure the stories were accurate, fair and sensitive.

The Twin Ports is a metropolitan area that is predominantly white (97 percent in a survey completed last fall). The issue of "subtle racism" has been raised by minorities in this community for some time. A coalition of minorities, including African-Americans, American Indians and Asian-Americans, has challenged this community to reconsider how it treats its minorities and to try to understand how difficult it is to live in a community that is predominantly white.

Newspapers, I believe, have a responsibility to explore such issues thoroughly in the hopes that we can help the community understand and be sensitive to the different people who live in it. That responsibility is only increased in a community that lacks diversity, and therefore has limited opportunities for people of different races and ethnic groups to get to know each other and understand each other.

These stories — and our decision to cover this incident — are all part of our "master narrative" on the issue of subtle racism in the Twin Ports. That is why we deemed the story newsworthy and why we took such care with the story, seeking balance and context both locally and nationally. We wanted to make sure our coverage helped people understand what happened, why it upset some minorities in our community and what majority members might do to make it easier for everyone to live in this community.

It is important to know that we delayed publication

for two days to ensure that we could talk in-depth with Martin, to other guests (including the person who had worn the costume) and to make sure that we could provide a larger context for our coverage, including the concerns about "subtle racism," past controversies about Halloween and the national debate on how to deal with historical racism.

We had hoped to talk to a number of participants at the dinner to find out what happened and what people thought about it. We were unable to reach other participants and Martin was unwilling to share their names. That meant Martin's role as spokesperson for what happened became more central to the story.

We took an extra step that we encourage our reporters to do: We read the story to Martin in advance to ensure that it was accurate, fair and balanced. There's some disagreement about whether that happened. I do know that our reporter went to Superior in person prior to publication of the story.

### News Story

- *At no time did we think these were "investigative stories." This was not a project; it was a story Frederick was assigned and expected to report in a few days or less. We always try to talk to numerous sources; we always try to put stories in context so that we can offer depth and understanding.*
- *It was not a costume party; it was a Murder Mystery Dinner.*
- *It was not a Halloween party, it was performed on November 1 also.*
- *The guests were not contestants; they were guests.*
- *The guest in black face did not win first place; no one did. Everyone got a prize.*
- *The costume was not judged "the best."*

These five statements in the letter of complaint are

# Council Member Materials

## Newspaper's Response

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contradicted by the press release and by the letter to the editor Martin submitted to us.

The fourth paragraph says “a costume contest will be held,” hence our use of the word contestants. Martin’s letter to the editor also talked about the “costume contest,” and it talked about judging the costumes and awarding prizes. It doesn’t mention any inaccuracy about the costume winning first place. During our reporting for the story, a guest and Fairlawn employee who did not want to be identified and an actor who attended the event and did not want to be identified, all told us the costume was judged the best, hence our saying it won first place.

- *The 1969 nursery rhyme that appeared in the paper was the wrong version. Was anyone asked to verify the correct rhyme? It did not have a stanza about boys burning up or getting chopped up.*

Frederick asked three people to verify the rhyme: Martin, Jette and the Fairlawn employee. He started out by going to the Duluth Public Library to find a copy of the nursery rhyme. Library employee Karen Richgruber found a copy for him and then explained the history of the poem — originally written in 1869 and rewritten many times, including in 1924, which was the version this library and the Superior Public Library carried. Chuck says that he read that version to Jette, Martin and a Fairlawn employee who all confirmed this version was the one recited at the party. He described it as an 1869 poem in the story because that was when it was originally written. It might have been better to state clearly the year of the version that was used. He did do a sidebar detailing the history of the poem.

- *The nursery rhyme was not read aloud “at least once”; it was read only once.*

Four sources — Jette, her husband, the Fairlawn employee and the actor — all said the poem was

read aloud for everyone to hear. They also said that later other party guests asked the woman in blackface to read or re-read the rhyme. Not knowing whether she read all of the rhyme again or how often, we chose to report that the rhyme was read at least once.

- *It was not Fairlawn employees, but actors (hired by Fairlawn for the event), who judged.*

The reporter understood that it was the actors who did the judging, but called them employees because they were contracted for and paid by Fairlawn for their evening of work. We could have been more precise.

- *Cameron was quoted saying she “can’t believe adults in our community could sit around and laugh about this.” No one laughed at the costume or the poem.*

The story never says people laughed at the costume or poem. The quotation from Martin described people laughing at the event. The Jettes told us that everyone laughed with joy over the woman’s blackface costume, although that was not included in the story.

NAACP member Mary Cameron said, “It was such a violent nursery rhyme,” but the version read was non-violent. It did not have a stanza about boys burning up or getting chopped up.

Cameron was commenting on the nursery rhyme, not necessarily the version read at the party. Her quote is simply her opinion of the nursery rhyme from her point of view as a member of the NAACP and a minority group in the community. We felt it was an important point of view to include.

- *How did the reporter verify whether or not African Americans attended; I was not asked.*

The reporter said he did ask you because it was a critical piece of the story (i.e., who attended and

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## Newspaper's Response

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whether it was a diverse crowd that reacted positively to the historic costume). He said that you told him no African-Americans were at the party, which he then verified with the Jettes, the actor and the Fairlawn employee.

- *I did not say, "We feel we should defend their rights to freedom of speech." I said, "We do not suppress the right of freedom of speech." I never used the word "defend."*

The reporter does not have the notes of the quotes since we do not usually keep notes after 30 days. His practice is to use in quotes only material that he specifically takes down in quotations so he believes they are accurate.

Having been the subject of stories myself — and having heard myself in interviews on radio and television — I no longer believe that what I meant to say is what I say or how it will be heard or reported. That is why it is important to me that we take the extra step on sensitive stories to read back portions of the story, particularly quotations, so that communication is as effective as possible.

- *I said the KKK was active in northern Minnesota against Catholics.*

Frederick was able to confirm with other local historians that the KKK was active in northern Minnesota. He was unable to confirm that they targeted specific groups, such as Catholics. He was also unable to confirm that Gary-New Duluth was built for black workers at the steel mill just as Morgan Park was built for white workers. In fact, local historians disputed that. Therefore, we put neither point in the story.

**How the interview was conducted:** Frederick says he does not ask leading questions and that garish is not a word that he uses, so he doesn't believe he asked the question in the way you described. But he did say he read to you some of the accusations

and concerns which put you in a position to defend the costume. It would have been better if we had said "explained" or "described" instead of defended.

### Editorial decisions

- *How did they decide this was newsworthy?*

Jim Heffernan's column was about *letters to the editor* and what topics we include. He did point out that we would not publish a letter from an individual complaining about a business because we have no context for that one complaint.

There are several key differences between the topic of his column\*\*\* in this community that can play a constructive role in helping our community be more tolerant, understanding and sensitive. When we hear complaints of an incident that minorities find offensive, and our reporting verifies the incident occurred, I believe it is our obligation to share that story with the community.

- *How did they decide to place two articles at the top of page one?*

A lot of factors come into play when we make decisions about where stories will be displayed in the newspaper. The most important is the content of the story itself. This was a topic — subtle racism — that has been on our front pages for some time in the community. Another factor is what else is happening locally and throughout the state, country and world. The best 4-6 stories each day earn a place on 1A. Where they go on 1A depends on how they stack up against other 1A stories.

In this case, we felt strongly that this was an incident that clearly offended some of our minorities and it was our responsibility to offer readers an accurate, fair and contextual account of what happened. Then, it was our responsibility to immediately follow up with a story on how that even fit into similar occurrences and debates locally and nationally.

# Council Member Materials

## Newspaper's Response

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- *The selection of headlines (is biased): "wins contest," "defends outfit" both incorrect*

Our reporting had shown the costume was judged the best and summing that up as "wins contest" was correct. What Martin left out of this statement is the rest of the headline "Defends outfit as period piece," which I believe is an accurate headline for Martin's comments that day.

- *Pullouts and enlarged type — "It was very tasteful," "Defends free speech," "NAACP outraged," are meant to isolate extremes and make story polarizing.*

We took great care displaying quotes and writing subheads within the text of the story to provide balance. We chose quotes from both Martin and the upset party, not just one side, and balanced them on each side of the front page story. Martin fails to point out the first one, which reads "No complaints." That drew attention to the fact that Fairlawn had received no complaints about the event. Of the three subheads in the text, two highlighted Martin's points, one highlighted comments by the NAACP.

- *They released the story to the AP with all the mistakes.*

We are a contributing member to the Associate Press and we share our local stories with them every day. We would not release a story if we thought there were errors in it. We do not think there were.

- *Selection of inflammatory cartoons with inaccurate facts.*

An editorial page is a forum for the community to share its points of view and debate public issues. We have a number of local columnists and cartoonists who also contribute their points of view to this page. We try very hard not to censor people. It is important in a community to hear the voices of all of its people, even those who you think are uninformed, who hold viewpoints you don't agree with, who say things quite demeaning to some people in the community. We have a couple of individuals

who write letters to the editor regularly who are homophobic. To not include their letters is to represent to the entire community that these people do not exist. They do.

So, even when something makes us cringe and uncomfortable, we lean over backward to give our columnists and cartoonists — and our regular readers — the opportunity to say with candor whatever they want to say.

Cartoons probably cause the greatest ire for people who become subjects. Editorial cartoons deliberately exaggerate points to make them more effective. They aren't about accuracy. Often, in stating a point of view, they are trying to show the people who hold it how foolish they are.

- *They printed a volume of 28 pieces between November 8 and December 29.*

We wrote three stories about the incident at Fairlawn: the initial story, a follow up story on how other institutions and communities deal with the larger issue of covering race issues from the past, and a story on the NAACP calling for Martin's ouster. We also mentioned the Fairlawn incident when writing about a student performance of *To Kill a Mockingbird*.

We had three editorials: deploring the insensitive response to the initial incident, calling attention to the Esko student's sensitivity, and saying Martin shouldn't be fired.

The other pieces were letters to the editor.

### **Letter to the editor**

We received Martin's letter to the editor on Friday. Most letters to the editor are typed in by our news assistants with follow up calls to ensure they were written by the individual and appear in the newspaper within 7 to 10 days. We made sure Martin's letter got in the newspaper in less than two days, on Sunday, the day of our largest circulation and in

# Council Member Materials

## Newspaper's Response

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a prominent position.

Since we didn't have any letters to the editor on our Opinion Page that Saturday, we also took the extra step to make sure we included Martin's letter in our news story and our editorial on Saturday.

This took some scrambling, first by editorial page associate Jim Heffernan, who received the letter late Friday but realized its content merited immediate attention. He shared the letter with the assigning editor Steve Aggergaard, who was the one responsible for getting portions of its content in our news story the next day. Both acted in a desire to be fair to Martin.

Should we have just published the letter as part of our day coverage on Saturday — or just published it as a single letter to the editor on Saturday's opinion page? I really don't think either option would have been better, but I'm certainly willing to consider them.

In conclusion, I believe every Duluth News-Tribune staffer involved with this story was taking great care to cover a sensitive issue well and to put it in context in fairness to you and our small minority community. We strove to play an educational role with the subsequent story on how other institutions handle similar issue. We did not do it to sell newspapers or to fill space, or to create a controversy. The controversy came to us, as it came to Martin. It was our job to cover it in a balanced and fair way.

We are truly sorry that these incidents have affected Martin, both emotionally and physically. Unfortunately, sometimes a newspaper's job is to present information that makes us all uncomfortable, angry or unhappy — and sometimes we have to point out that something done with the best of intentions still had negative consequences.

I understand Martin's reluctance to work with us at this point, but I think such reluctance will make

things worse, not better. We want to provide coverage that creates a "master narrative" over time that accurately reflects what roles institutions and individuals play in our community. The Fairlawn incident was just that: one incident that deserved coverage. But the larger story of what Fairlawn provides in the community — who Martin is and what her leadership offers — also needs to be covered.

We are willing to do that, with Martin's help. We invite her to reconsider a point-of-view column about Fairlawn and the incident.

Vicki Gowler, Executive Editor  
Duluth News-Tribune

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## Issues to Consider

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Both parties in the **reporter-source relationship** have a responsibility to see that what's published is true. Reporters maintain their credibility with their sources by accurately quoting what the source has said, and by accurately representing the situation. After all, they may need to get information from that source again in the future.

The Duluth News Tribune encourages its reporters to verify quotes with the source as one way to ensure accuracy. The executive editor said the reporter also took the unusual step of reading the story to Martin in advance of publication. Martin said the reporter did not do so, but simply read her quotes without putting them into context. She also said he did not read the nursery rhyme to her in full, and so she was unaware that he had the wrong version.

1. Did the reporter take adequate precautions to ensure accuracy?

Sources — especially those in leadership positions within organizations — are responsible for communicating the facts of a situation to the extent that they are able. However, they aren't obligated or legally required to provide information to the media (in this case, the guest list), to provide requested information as fast as a news reporter might like to receive it, or to respond to a reporter's questions at all.

2. What role did Martin herself play in the way this story unfolded? Did she contribute to the inaccuracies she cited?
3. How might the reporter have worked around this reticent source?

Martin felt the story was a personal attack upon her, not simply a report of the incident. Letters that followed in the Letters to the Editor often did attack her personally.

4. Did the paper unfairly target Martin?
5. Did Martin's behavior contribute to the situation becoming focused around her?

At first, it appears that Martin thought the entire incident did not warrant newspaper coverage. She seemed to believe the paper was giving it front-page play because it was sensational. Later, when it became apparent that the issue struck a nerve with the public, she saw a learning opportunity. As a historian, she wanted to frame the issue in this way: How do we today deal with and talk about our racist past? She was frustrated with the way the newspaper framed the story: "We're not so far away from our racist past if incidents like this can happen today." The paper framed the story in keeping with its year-long investigation into subtle racism.

6. What does it mean to "frame" a story?
7. Martin would say that the way the paper framed the story introduced bias. The paper might respond that there are many ways to frame a story and their way was as valid as her way. What do you think?
8. Was it reasonable for the paper to run this story on the front page? Are there any other elements of the story that might have caused Martin to cry "Sensationalism."

Martin said her quotes were used in a way that polarized the community.

With a deadline approaching for his follow up story, the reporter used excerpts from her as-yet-unpublished letter to the editor. He felt it would be unfair to Martin to leave out her side of the story.

Martin felt it was unfair for him to use her letter in the news story without telling her, and without publishing the letter in its entirety.

Complicating this turn of events is the journalistic concept of a "firewall" dividing the news, editorial, and advertising departments to ensure that the news remains unbiased by opinion or revenue sources. If there had been a complete firewall, the letter would never have gotten into the newsroom.

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## Issues to Consider

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9. What are the possible ways the paper could have handled this situation?
10. Given the desire of the paper to tell both sides of the story and to be fair to Martin, was it reasonable to print her letter in the news story? Was it important enough to break down the “firewall.”

Martin complained about editorial cartoons as well. She said they were inaccurate and inflammatory. What’s humorous and insightful to one person, is upsetting and wrong-headed to another.

Finally, Martin complained about the volume of coverage. The paper carried three news articles, two editorials, two editorial cartoons and referenced the incident briefly in three other pieces (not included). The remainder of the coverage was in the Letters column. A selection of letters have been included here. All together, there were 18 and 11 about the incident. Evidently, there was a lot of community interest.

11. Did the paper give the story altogether too much play or did the response from the community justify this much coverage?

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## Excerpt from the Society of Professional Journalists' Handbook, *Doing Ethics In Journalism*

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### Fairness Checklist

- Is the meaning distorted by over- or under-emphasis?
- Are the facts and quotations in proper context?
- Have you given this story the length and display appropriate to its importance and have you presented it with dignity and professionalism?
- Are the headlines and teases warranted by the text of the stories?
- Have you done your best to report all sides of the story, and not just one side, or just as problematic, two artificially polarized points of view?
- Have you been compassionate in your reporting?
- Have all relevant people, particularly those who may be affected or harmed by the story, been given an opportunity to reply? If they have not been reached or have no comment, have you explained why in the story?
- If sources are not fully identified, is there a justifiable reason?
- When substantive errors or distortions appear in your paper or on the air, do you admit and correct them voluntarily, promptly and with a prominence comparable to that given the inaccurate statement or statements?
- Are you fostering an open dialogue with your readers, viewers and listeners Do others, both in the newsroom and outside it, feel the story is fair to those involved?

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## Voting Questions

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1. Was the Duluth News Tribune's coverage of the Fairlawn event and its aftermath unfair to Rachael Martin, executive director of the Mansion and Museum?
2. Was it unethical for the Duluth News Tribune to quote from Martin's as-yet-unpublished letter to the editor in its new story

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Produced by the Minnesota News Council  
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