



Minnesota News Council  
**Mock Hearing Project**

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# Teacher's Handbook

## Rachael Martin v. Duluth News Tribune

[also includes student actor materials]

# Teacher's Handbook

## Index

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### Teacher's Materials

Introduction .....	1
Introduction of the Minnesota News Council .....	2
Pre-hearing preparation .....	3
Discussion points for the class .....	5
Actual News Council hearing determination .....	7
Post-hearing worksheet .....	9
Feedback form .....	11

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### Student Actor Materials

Student actor preparation .....	12
Complainant actor's background and sample Q&A .....	13
Complainant actor's script .....	16
Respondent actor's background and sample Q&A .....	19
Respondent actor's script .....	21
Authors .....	23

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# Teacher's Handbook

## Introduction

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The mock hearing project was begun to try to introduce the idea of alternative forms of advocacy and adjudication to journalism students and students interested in media ethics. The First Amendment compels us to have most of the discussions about media ethics in public. The courtroom isn't where most newsroom decisions get made. But the News Council's hearing process allows interested parties and their community to have that public discussion dealing with specific cases where media standards are questioned.

The mock hearings help students understand the nature of the News Council, and it let's them become participants in the process. The hearings here are based on actual Minnesota News Council cases. We chose cases that were intriguing, sometimes controversial, and demonstrated key ethical principles in journalism. These are the kinds of cases that generate the most lively discussions and debates at a hearing.

### The Hearing

The hearing itself should last an hour at the least.

Introduction of student actors and explanation of the hearing process	10 min
Complaint reads statement, then respondent reads statement	15 min
Question and answer period	20 min
Deliberation period	15 min
Vote	5 min

If you have more time to work with, it might be helpful to read from the News Council's determination of the case and compare the votes.

Please see *Discussion Points* in this handbook for issues you might want to discuss with students before and after a mock hearing.

### The Materials

#### Hearing preparation materials

This includes the complaint, the newspaper's response, articles, questions for voting and issues to consider. This is similar to the packet of materials news council members would receive.

#### Teacher's Manual

The front section includes the teacher's preparation notes, discussion points, the Minnesota News Council's determination of this case, a worksheet, and a feedback form.

The back section contains prep notes for the student actors, their background information, a sample Q&A, and the script to be read at the beginning of the hearing.

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If you have any questions about the facilitating a mock hearing, contact the Minnesota News Council at 612/341-9357 or [info@news-council.org](mailto:info@news-council.org).

# Teacher's Handbook

## Introduction to the Minnesota News Council

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The mission of the Minnesota News Council is to promote fair, vigorous and trusted journalism and to help the public hold news outlets accountable. The Council does this through various activities, all designed to engage the media and the public in public to discuss standards of fairness. We do this because we are convinced that journalism is the most important institution in a democracy, because it holds all other institutions accountable, or it should. The question is, how do you hold a news outlet accountable, other than by canceling a subscription or switching stations?

The News Council was founded in 1970 by the Minnesota Newspaper Association, which represents the interests of about 370 newspapers. The association's leaders recognized that public trust in the news media was declining, and they felt they could reverse that trend by making news outlets accountable to the public. They followed the model of the British Press Council, which entertained complaints against news outlets, and they held their first public hearing on a complaint in January of 1971, against a labor newspaper that reported a certain legislator was taking bribes from liquor lobbyists. At the hearing the editor admitted that he did not check the facts because he did not want to lose the story. The Council, made up of 12 journalists and 12 lay persons, upheld the complaint, and the decision was widely publicized.

The newspaper association wisely cut the News Council loose after a couple of years, so that it would be independent. The Council's success stems from its total lack of authority. If it had authority, it could come from one of only two places. If it came from the government, the news business would not make itself available for public discussions. If it came from the news business, the public would not trust it.

Over the years, the Council has upheld about half the complaints it has heard and has denied about half. Even in cases where a news outlet's position earned the Council's support, news outlets have been known to respond to what they heard about themselves in the hearing by changing policies or raising standards.

The journalists who serve on the Council do not represent their organization; they act independently. Anyone can apply for membership. Our youngest member ever was recruited from a class here at the U of M, Zoua Vang, a journalism student who was 20 at the time. We never ask what anyone's politics are; we are interested only in whether a candidate for membership believes in the value of a free press and in high standards of fairness.

# Teacher's Handbook

## Hearing Preparation

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### Preparing students and the classroom

We strongly urge you to do a practice session with your actors before the mock hearing so they are prepared for questions that might be asked. Ask the rest of the class to prepare a few questions to pose at the hearing.

A real hearing would take place in a room in which tables are arranged in a horseshoe, and the complainant and respondent are sitting next to each other facing the group from the open ends. You can, if your class is small, use a typical classroom formation with the two parties at the front of the class at a table. They should have name cards in front of them, identifying them by character name and title.

### Introducing the hearing process

Remind students that just because a complaint has come to a hearing, that does not mean it has merit. It means that the parties have been unable to resolve their dispute. Generally, in about half the cases, the Council finds the paper has done a good job.

The hearing has five stages: opening statements, question-and-answer period, deliberation by Council members, final statements by actors to correct any errors introduced in the deliberation stage, and the vote.

### Opening statements

The complainant goes first in reading the prepared statement. The news organization then responds. The opening statements do not repeat the language of the initial complaint. The parties are there to argue the merits of their positions.

### Question-and-answer

The teacher takes the role of the News Council chairperson and recognizes each questioner.

Students may need to be reminded to keep their questions neutral and brief. Ask them to rephrase multi-part or confusing questions.

Students often wish to engage in debate at this stage. Remind them that there will be time for arguments and deliberation in the next phase. The question period is to gather information and to understand the arguments of the complainant and respondent.

If the student-actor doesn't know or can't think of an answer to a question, it's up to you to decide if that is critical information. If not, it's okay for the student to simply pass. If it's important, *you* provide the answer.

Once questioning dies down, ask if anyone needs more information to make a decision on the votable questions. Re-read the votable questions. Ask a question yourself if you think something vital has been left out.

# Teacher's Handbook

## Hearing Preparation

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### **Deliberation**

Now students can engage each other in discussion and debate. They should speak to each other, not to the two parties or the teacher. They should state a position and try to convince each other to support that position.

**Final statements:** The two parties can make a final statement if they need to correct errors that came up during the deliberation. Otherwise, they should refrain from speaking.

**The Vote:** Read each question and have the students vote on each one separately. Hand out the actual News Council Determination for discussion afterwards.

*PLEASE keep track of any questions that our material does not prepare the student to answer and send them, along with your feedback form, to the Council office. We can upgrade our materials with your help.*

# Teacher's Handbook

## Discussion Points for the Class

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Both the editor and the reporter were present at the original hearing in this case. The Council holds the news outlet responsible for the actions and work of its reporters, not the reporters themselves. Often the reporter is not present at the hearing. You can choose whether you would like to have two persons representing the paper. The script has been written for the editor but you can divide it so the editor talks about the overall picture and policy questions and the reporter only talks about reporting techniques.

The race of the parties *may* be significant. All the original participants were white.

### Framing

There are several key elements for discussion in this case, but the primary issue — the point of dissension between these two parties — is framing. The paper framed this as a story about a racist incident. It said the complaining guest identified the incident as racist, therefore the paper was accurate in its framing. They also talked at the hearing about a “master narrative” of subtle racism that they had been exploring that year.

The museum director thought the story should have been framed to examine ways to approach an unpleasant history, rather than focusing only on the race issues, and to consider that the discussion falls within the boundaries of the First Amendment.

- Was it unethical for the paper to frame the story the way it did?

### Racism issue

Because racism is a button-pushing issue, students may have a difficult time with the Rachael Martin case. Racism may leap out at them before they are able to consider the journalistic issues, such as bias and sensationalism. Students must be prepared for this article before they read it, in order to have success dealing with its complicated issues.

- Ask students to consider what they would find fair if their school were involved in a similar incident. Suppose a student were to read a racist poem in a front of an American History class. What would be the school paper's responsibility to report on the incident?
- What if the poem was read at an all-school talent show? Should it be reported then?
- If the school paper were to cover the incident, what details would be important to include? Whom should the paper contact to assure that all sides are considered? What should be the paper's intent in publishing such a story?

Your goal in asking these questions is to move the student away from an emotional response toward consideration of the story on its journalistic merit.

Some students may need historical background before they are able to understand the context of the incident. They may not know what “black face” is. The News Tribune story does give a very brief description of the vaudeville performers who painted their faces at the turn of the century. You can find more information on the minstrel stage shows at [www.racematters.psu.edu/information/raceandhumor.html](http://www.racematters.psu.edu/information/raceandhumor.html).

# Teacher's Handbook

## Discussion Points for the Class

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### **Bias**

At this point, most students will be prepared to analyze these articles. When examining the issue of bias, it may be useful to ask the students to make a chart. Across the top of the chart, students can identify different “sides” (NAACP, Rachael Martin, Fairlawn Museum, the black face guest). Beneath each name, students can list what comments were made by and about each. Students can then look to see if any one side was given more positive or negative press, or if one side’s viewpoints were used as fact or if any side was ignored.

- Were there any sides missing?

### **Sensationalism**

The issue of sensationalism relates to the intent of the articles. Ask students to examine the details included in the stories, and discuss whether they were included to engage people’s emotions or to provide accurate information and to inform for the public good.

- Based on the details that were included or not included, what do you think was the paper’s intent when it published the story?

It may be best for students to read the two main articles first and analyze the above components. The editorial, letters to the editor and complaint will then help them fill in any needed details. This case should challenge students to consider situations from many different points of view. It has the added value of a history lesson. The question of how to handle history is always a timely issue.

— Karen Ernst

# Teacher's Handbook

## Minnesota News Council Hearing Determination 117

### Rachael Martin against the Duluth News Tribune

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Minnesota News Council Determination 117  
In the Matter of the Complaint of Rachael Martin against the Duluth News Tribune

Attending the hearing was the complainant, Rachael Martin, director of the Fairlawn Mansion and Museum in Superior, Wisconsin. Representing the Duluth News Tribune were Craig Gemoules, managing editor; Steve Aggergaard, city editor; Chuck Frederick, reporter; and Jim Heffernan, editorial page editor.

**Discussion:** Council member Carol Pine asked Martin if she had reviewed the first news story before publication as the paper had claimed she had. Martin said she had not seen the story in full, but that when Frederick called back after interviewing her on November 7 to confirm that a story would appear on the next day's front page, he read to her only the parts that quoted her. Council member Mollie Hoben asked the News Tribune when it had let Martin review the story in full. Frederick said that he let Martin read the story when he interviewed her in her office in the afternoon of November 7, he remembered, because it was the only time they had a face-to-face meeting. Martin disputed Frederick's answer, saying that when he came to her office, he said he still did not know if the paper would publish a story.

Council member Don Smith asked Martin if she agreed that the event was newsworthy, and if so, how she would have liked to see it reported. Martin said she did not think the incident itself was newsworthy, but that it presented opportunities for good journalism – opportunities the newspaper missed. For example, she said, the paper could have explored the First Amendment rights of the guest in blackface who paid to attend the event in a public building, or what the private, nonprofit organization hosting the event could have done had it considered the guest's costume inappropriate, or how to present parts of history that offend certain groups.

Council member Terry Thompson asked Martin to explain her reaction to the guest in blackface. Martin said that blackface offends her deeply, as she is a strong proponent of civil rights. She said that while she was horrified by the costume, she also had a job to do. She asked the woman which nursery rhyme she was representing. Martin said the guest showed her the copy of the poem, which was not the same as the one quoted in the paper.

Council member Dave Hage asked the News Tribune if the version of the nursery rhyme quoted in the story was shown to Martin prior to publication. Frederick said several lines of the nursery rhyme were contained in the story that he showed to Martin, but conceded that it was later edited. He said he obtained that version of the nursery rhyme from the library and read it to the guest who complained and to the two anonymous sources, all of whom agreed that that was the poem the guest in blackface recited at the event.

Council member Nedra Wicks asked the paper if it had sought out a spokesperson other than Martin; for example, the president of the museum's board of directors. Frederick said that he contacted as many board members as he could, but none was at the party or knew about the incident, and they referred him back to Martin.

Council member Maureen Reeder asked the News Tribune if it traditionally excerpts parts of letters to the editor in news stories. Editorial page editor Jim Heffernan said that that issue doesn't come up very often, but that it has happened before. Heffernan added that the paper considers anything written to it usable on receipt, and that readers understand that letters may be edited for style and syntax.

Martin responded that she never would have ex-

# Teacher's Handbook

## Minnesota News Council Hearing Determination 117

### Rachael Martin against the Duluth News Tribune

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pected her letter to the editor to be used in the news pages.

Council member Syl Jones asked the paper if, in the future, it would excerpt letters to the editor in news stories without a writer's permission. Gemoules answered yes, and clarified that in this case, when the reporter called Martin for her comments for the follow-up news story, he reasonably interpreted Martin's statement that she was submitting a letter to the editor to mean that her comments could be taken from her letter.

**Deliberation:** Wicks said that she would have liked the paper to expand accountability for what happened at the Fairlawn event. Reeder agreed, saying the paper placed the blame for what happened only on Martin when it could have asked why other guests or employees didn't speak up at the event. Barkelew countered that when Martin refused to release the guest list or the name of the guest in blackface, she allowed for fewer sources that could have taken the focus off of her.

Smith said he felt the incident was a news story that needed to be printed. "I don't believe the article itself was inflammatory, I think it's an issue that inflames the public," he said. "You can't write about it without reaction, and I'm impressed with the balance in the coverage." Council member John Kostouros agreed: "This was one of the better jobs I've seen in a long time," he said. "These things stir up a hornets nest."

Kostouros said that although he could understand why Martin wanted her letter published in its entirety, he could not see the problem with how it was used, considering it quoted her letter accurately. Smith agreed, saying its use actually made a stronger argument for fairness in that her statement was published twice. Hage said he has worked in both news and editorial departments and is "troubled by

leakage through the firewall." In this case, however, he was satisfied that the paper was acting in good faith.

Other members were troubled by the use of Martin's letter to the editor in the follow-up news story. Reeder said that readers think of the news and editorial departments as separate entities. "I know if I'm not happy with the news, I can go to the editorial page," she said. "It lessens my trust in the editorial page if I think my opinions may be shuffled over to the news department." Reeder added that she would not be so bothered if the news editors had obtained Martin's permission.

#### **The Vote:**

The Council voted to deny the complaint that the Duluth News Tribune's coverage of the Fairlawn event and its aftermath was unfair to Rachael Martin, director of the Fairlawn Mansion and Museum.

**Concurring:** Amaris, Barkelew, Hage, Hoben, Jones, Kostouros, LeGrand, Pine, Pumarlo, Reeder, Sellers, Smith, Thompson, Wicks

**Dissenting:** Keller

**Abstaining:** Anderson

The Council voted to uphold the complaint that it was unethical for the Duluth News Tribune to quote in a news story from Martin's as-yet-unpublished letter to the editor.

**Concurring:** Amaris, Barkelew, Hoben, Jones, Keller, Reeder, Sellers, Thompson

**Dissenting:** Hage, Kostouros, LeGrand, Pine, Pumarlo, Smith, Wicks

**Abstaining:** Anderson

# Teacher's Handbook

## Worksheet

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### Balance

1. Do you think you have heard both sides of this story?
2. What, if anything is missing? Who didn't we hear from?

Count the number of paragraphs sympathetic to Martin's point of view. Then count the paragraphs that include criticisms of Martin or the museum.

3. Has each side been covered equally?

Now do the same count for the first page of the story only.

4. Does this affect the balance or fairness of the story?

The newspaper used this story as part of a master narrative on racism in the community.

5. How might this have affected the way they covered the story?
6. Did the paper miss any important information framing that way?
7. Write an entry for an ethics codebook outlining a newspaper's standard for balance in a news article.

### Sensationalism

8. Did you find any examples of sensationalism in the story? If so, write down an example and explain what makes it sensational.
9. Do these elements make the story more readable?
10. Do they make the story less believable?
11. When is sensationalism unethical? Use an example.

### Firewall

12. What is a firewall, and what is the reason for it?
13. What are the ethical standards the firewall helps maintain?
14. How important is the firewall?

# Teacher's Handbook

## Worksheet

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### Conclusion

16. Do you believe that the paper erred in its coverage of this story? If so, how?
17. If it erred, what should the paper do to correct its error?

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### ESSAY QUESTIONS (choose one)

1. Why does the First Amendment allow potentially offensive speech?  
Why is the protection necessary?
2. Suppose a student read a racist poem in front of an American History class in your school. How should the school newspaper report on this?
  - Should the newspaper cover it?
  - What details are important to include?
  - Who does the newspaper need to include to ensure each point of view is heard?
  - How should the story be framed?
  - What should be the newspaper's intent in publishing the story?
2. Chart out an article using Martin's suggested framework (choose one or both to frame the story).
  - The First Amendment right to free speech and the implications of this right when speech is inflammatory
  - The question of how to present controversial history

Include: ideas for the first paragraph; interviews needed; main points; and a conclusion

When you are finished:

Does this make a more important story than the story the News Tribune published? Why or why not?

# Teacher's Handbook

## Feedback Form

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The Minnesota News Council appreciates your feedback.

Your name: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

1. What kind of course do you teach (and what level)?
2. How many students participated in the mock hearing?
3. Were the materials provided sufficient to performing the mock hearing?  
If not, what was needed? what was overwhelming?
4. Are the materials and worksheet content appropriate to your course of study?
5. Did you run into any problems with the materials or making the process work?
6. How can the News Council improve its mock hearing project?

### **For our curiosity**

What issues in media ethics are your classes most interested in?

Do your students have faith in the media?

Where do your students get their news?

Please fax or mail this form to the Minnesota News Council  
12 South 6th St., Suite 940  
Minneapolis, MN 55402  
**Fax: 612/341-9357**

# Student Actor's Handbook

## Student Actor Preparation

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You might want to do a practice session with your teacher in advance of the mock hearing in class so you are prepared for the range of questions that might be asked. Remember, you are playing a part. Even if you disagree with the position of the party you are playing, you should stake the position of that party.

### **Some guidelines**

1. You only need to answer the question at hand. Don't give more information than you are asked to give.
2. Do not get involved in debates with class members.
3. It's okay to show some emotion. The real people did.
4. If students ask the same question over and over, simply say: "I believe I've answered that already."
5. If you don't know what they are asking, ask them to rephrase it.
6. If you don't know the answer, try to make one up that makes sense. If you can't figure it out, say "I don't know the answer to that." Look to your teacher; he or she may be able to help you out.
7. Don't be afraid to soften your position as the hearing goes on. Parties do learn from each other during this process and they become more flexible (usually). However, don't bend too early. You have strong convictions you need to defend.

# Student Actor's Handbook

## Complainant Background Material

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### Background on the Museum Director

The museum director is a woman in her 50s who has been working as a historian in the Duluth-Superior area for 20 years. She teaches history at several university campuses and has developed and conducted several living history exhibitions. Her focus has been on women, immigrants and Northern Minnesota. While Martin has had years of experience with the media and has taken some workshops on media relations, she had never handled a PR crisis.

This experience has been stressful and emotionally draining. Although publication of a couple of stories in the News Tribune may not seem very serious to the distant reader, it precipitated coverage all over the country and drew many angry calls and letters, including calls for Martin's resignation. The perception of racism evoked strong responses.

Martin feels this amount of coverage is far out of proportion to what actually happened, and she blames the News Tribune for creating a crisis.

As a historian, she has a different understanding of the event and different concerns from those of the general public: The costume was appropriate for the historic period, the poem was appropriate to the period and the version that was actually read at the event, while it may accurately be described as racist, was not violent and was historically accurate.

Many of the letters call Rachael Martin herself racist. Martin won't say this unless it becomes pertinent, because she is a very private person, but she was married to a black man. When she met with the editors about this complaint she told them this, and they wanted to do a story about her and this incident. She refused. She does not want the attention.

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### Sample Q & A

**These questions can help you prepare for the question and answer portion of the hearing. These are some examples of how the complainant might have responded to questions at the hearing.**

**Q: What was your role in the murder mystery party and for the museum?**

A: I am the executive director of the museum. I supervise staff, oversee the museum and grounds, and plan educational public activities.

I supervise costuming for the actors, but not for the guests, so I had no idea that one of the guests would come in black face.

**Q: Why do you believe the event wasn't newsworthy?**

A: I don't know how the editors define newsworthy, but this is one accurate way to describe what actually happened: A nonprofit organization held a public event in a government building. One person attended in black face. The executive director determined she was not a troublemaker so there was no legal grounds to exclude her. Another attendee was offended by the presence of the attendee in black face, but didn't say anything to anyone until a week later when she complained to the newspaper.

# Student Actor's Handbook

## Sample Q&A for the complainant

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**Q: Is that newsworthy?**

A: The Duluth News Tribune found it newsworthy because the paper allowed one guest to define this incident as racist, and perhaps it would be, in a different context, but in this context, I don't believe it is.

Context is very important here. I do not believe it is racist to acknowledge our racist past... A guest attended a historical re-enactment in a period costume. The fact that the U.S. was a very racist country in 1918 does not make it racist to wear that costume. It does, however, acknowledge our racist past.

Yes, the guest took an unusual and objectionable form of expression to bring this to our attention. It was shocking and we might wonder what she hoped to accomplish by doing so.

**Q: Doesn't the huge response the story drew from the community demonstrate that the event was newsworthy?**

A: The paper provoked that community response by its inflammatory and inaccurate coverage.

The community did respond and I'm certainly in favor of letting the community contend with the issue of racism. I just don't think this was the way. It's sensational, contentious and it divides the community more than it unites them in examining an issue.

As well, it was hurtful to the museum and to myself.

**Q: How do you believe the paper should have covered this story, if at all?**

A: As I said earlier, I think there are several good angles: 1) First Amendment rights in public spaces (could the woman in black face have sued us if we had denied her access?). 2) What can an organization do when a guest does something inappropriate in public? 3) How should our controversial his-

tory be presented today?

**Q: Did you try to get the paper to pick up any of those angles?**

A: I did. I argued the case forcefully with the editors. I was very cautious about talking with the reporter because his reporting was not accurate and because of advice I received from the museum's lawyer.

**Q: When did you talk to the editors?**

A: A few months after the story appeared. I was in a state of shock and under attack for quite a while when the first two stories appeared and didn't have time to deal with them right away. But I later sent them a letter of complaint and had a meeting with the editors and the reporter.

**Q: Are you saying you condone the behavior of the woman in black face?**

A: I'm saying that, as a historian, I am interested in seeing the accurate portrayal of history. This costume was accurate and the poem was accurate. Did I want someone to come in black face? No, I didn't. I'm personally offended by the costume, but I don't believe I had a right to tell that person to go away.

**Q: Why not? Why didn't you exclude that person from the event? Surely you had some idea that people might be offended?**

A: Fairlawn Mansion is a nonprofit museum and this was a public event. This guest made a reservation in advance and paid her money. To exclude her from a public event at a public site is tantamount to violating her First Amendment rights of freedom of expression. I don't believe that is appropriate. Constitutional rights supercede public discomfort.

**Q: Did you know the woman who came in black face?**

A: No

# Student Actor's Handbook

## Sample Q&A for the complainant

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**Q: Why didn't you give reporters the name of the person in black face when you were asked? Or the guest list?**

A: I don't know the name of the woman in black face. I didn't hand over the guest list because the museum's lawyer advised me not to do so.

The Mansion is a private organization and its guest list is not public information. I don't believe I am compelled to hand it over. What happened was not illegal, but the paper is treating it like it was. They are acting like police, but they don't have a search warrant, so I'm not turning over the guest list.

**Q: The poem - how could the paper have known that the one printed was not the same version as the one read at the event?**

A: The reporter could have asked me. He SAYS he did ask me, but actually he just read the first line to me and that was the same.

Furthermore, when I told the paper they had the wrong version of the poem in the paper, they never printed the correct version so people are still misinformed.

**Q: Did you give the reporter a copy of the poem that was actually read?**

A: No, I don't have it.

**Q: The reporter says he read his story back to you to confirm the facts and yet you say there are inaccuracies. How can that be?**

A: The reporter did not read the story back to me, nor did he give it to me in advance. When he showed up at my office he only had a note pad, not a completed story. It wasn't until he called at 5 p.m. on Thursday night that I knew for sure it would even be a story.

**Q: You refused to respond to the reporter and told him that your response would be in your letter to**

**the editor. Why, then, were you offended that the paper published part of your letter in the news story? You wanted it published anyway?**

A: I wanted it published in whole, in the letters column, as my statement to the community. They never told me they were going to put it in the news section, or that they would use only part of it. I had no idea that that could happen. This is my turn to have my say and they manipulated it.

This whole experience has been terrible. I don't trust the paper or the reporter.

**Q: If they had asked your permission to use portions of your letter in the news story would you have given it?**

A: No. I think they would have manipulated it, which they did.

**Q: You are the only one quoted from Fairlawn. Why didn't the board of directors respond?**

A: None were at the party. I don't know why they didn't choose to respond later.

**Q: Did the person in black face win first prize?**

A: No, there was no first prize. Everyone who attended "won" something (for example, most original costume, best historic costuming, etc.).

# Student Actor's Handbook

## Complainant's Script for Hearing Opening Statement

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Members of the News Council, representatives of the Duluth News Tribune and guests... I feel privileged to be here today, and I applaud the existence of the News Council for creating this opportunity.

We all share the common goal of ensuring fairness in the media. I'm sure you know of times when the media has crossed the boundary of fairness, and has caused great damage and suffering to people who don't deserve it. This is one of those times. The Duluth News Tribune did cross the boundaries of fairness, and I am one of the people who has suffered.

When the Duluth News Tribune printed its first headline story, I felt as if the first shot was fired in what became a very lengthy war. My name was spread across newspapers and heard on TV and radio from New York to San Francisco. I shuddered when I picked up a newspaper. I was afraid to watch the news on TV. Now I truly appreciate the tough skin that politicians and movie stars must have to live with constant negative media exposure.

As a result, I no longer aspire to work in a public position. I am extremely wary of the media; scared to death, in fact.

The Duluth News Tribune damaged my reputation in the community and the community *still* does not know the truth about this event, due to the inaccurate coverage. For example, the head of adult services at the Superior Public Library — a man who is a former board member, has acted in our Murder Mystery Dinners in the past, who had helped me with historical research on scripts — said he couldn't believe I'd write a black-face character into the script. I didn't! But he drew that conclusion from the coverage.

The head of Lake Superior College, who is African-American, called me to complain about our event and said he sent a letter to the editor. When I explained the mistakes the paper had made and what really happened, he immediately apologized, on the phone and in writing. His critical letter to the editor is, however, a matter of public record now.

The News Tribune's coverage offended numerous people throughout the country, not just me. I have files of letters and calls from con-

# Student Actor's Handbook

## Complainant's Script for Hearing Opening Statement

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gressmen, government officials, history professors, college administrators, professional historians, museum administrators and newspaper editors and columnists who denounce the News Tribune's actions. I know I don't stand alone in believing I was wronged.

This community misunderstanding is not over. I recently saw an article in "The Superior Vision" newsletter, describing the fact that the Lake Superior Greens cancelled an event at Fairlawn because a Duluth African-American radical group threatened to picket them. The article stated that Fairlawn "pulled a racist stunt." I called the editor, who told me that's what he thought the Duluth News Tribune had reported. The editor printed a retraction with accurate information in the next month's newsletter.

The Duluth News Tribune hasn't corrected inaccurate information because, according to their letters to me, they stand by their story and their coverage. They have also put the burden of responsibility for fairness in *their* news coverage upon *me*.

The paper says that their coverage focused on me personally because I did not provide them with a guest list of other people to interview. Is it my responsibility to do their reporting and provide sources for them?

The paper could have provided fairer coverage by: 1) being accurate; 2) not being so polarizing, with its "he said / she said" orientation; 3) not focusing on my personal life; and 4) coming up with better story angles for this complex set of issues.

I listed a number of inaccuracies in my written complaint, but by far the most damaging was the inaccurate version of the poem. The paper should have verified that they had the right poem, with me or with their other source, prior to publication. And after I told them that the one printed was *not* the right version, they should have printed the correct version.

In their efforts to appease me, the Duluth News Tribune offered to do a story about me and my personal experiences with racism. I not only think that is irrelevant to the Murder Mystery dinner, but it fuels my fears of attack and misrepresentation from the media. It is hard for me now to trust the media to do fair and unbiased coverage.

# Student Actor's Handbook

## Complainant's Script for Hearing Opening Statement

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Finally, the New Tribune missed several excellent opportunities for worthwhile and relevant coverage. Instead of attacking me for admitting a guest to a public event, how about an article on a person's First Amendment right to express themselves, using this event as an example? Frankly, I would think First Amendment issues would be of great interest to the media.

Or they could have framed the story as a look at the predicament a public institution finds itself in when a guest displays inappropriate behavior. Or the story could have explored how history should be portrayed when that history offends some people. These angles are far more fruitful paths for our community to explore than the limited story that focused people's anger at me alone. And far more relevant to the paper's stated mission of exploring subtle racism.

I appeal to you today to take a stand for fairness and accuracy by concluding that the News Tribune was unfair to me. Give ordinary people hope and confidence that cooperating with the media should not be harmful to them because the media does have *some* standards.

# Student Actor's Handbook

## Respondent Background

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### Background on the Editor

Two people came to the hearing representing the paper: the editor and the reporter. In this case, you — the editor — will have to answer for some reporting practices that you would not normally know about.

Both the editor and the reporter are in their late 20s or early 30s and have worked at the paper for a couple of years. Both are white. The reporter wrote a number of articles earlier in the year about the effects of subtle racism on the community so the topic is fresh in the minds of the paper's editors and the community.

Minnesota is a predominantly white state and Duluth, a medium-sized town with an international port, is 80.5 percent white (2000 census). People of color who live in Minnesota say that beneath the veneer of "Minnesota nice" there lies as much racism as they've experienced elsewhere in the country. The paper was exploring how racism is experienced and expressed.

There are only two people of color in the newsroom and none of the editors are people of color. No one spoke with these staff about this story.

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### Sample Q & A

**These questions can help you prepare for the question and answer portion of the hearing. These are some examples of how the respondent might have responded to questions at the hearing.**

**Q: You talked about working from a master narrative. Do you believe that predisposed you to see this as a story about racism?**

A: No. It was brought to us by the source — the complaining guest — who saw the incident as racist.

**Q: You say Martin saw the story before publication. She says she didn't. Why the discrepancy?**

A: Our reporter said he remembered giving her a copy of the story on Thursday and that she wasn't happy about it. She said it would damage the museum's reputation and she said she didn't think it was newsworthy.

But this whole thing happened many months ago — Ms. Martin didn't complain until three months after the story ran — so he is unsure of his recollection except that he definitely remembers reading her the poem, or at least the first line of the poem, over the phone and her confirming that that was the poem.

**Q: The story does seem to focus primarily on Martin. Did you talk to anyone on the board of directors for their opinion?**

A: The reporter did call some of the directors, but none of the directors had been at the party and they had no statement.

**Q: Did you think of taking legal action to get a copy of the guest list?**

A: No we didn't. It would have taken a long time to access legal recourse.

**Q: Why did you say the black face costume won first prize?**

A: We were told by our source, and a couple of other sources who wished to remain anonymous, that the black face costume was voted best costume.

**Q: So you did have other sources?**

A: Yes, but they wished to remain anonymous. We

# Student Actor's Handbook

## Sample Q&A for the Respondent

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didn't quote them. They were only corroboration of information that we got from the main source.

**Q: Was the poem in the draft of the story you showed Martin?**

A: Yes, but the story was edited heavily after I showed it to her. I did the research to find it at the library and I read it to the other sources who said it was the one read at the party.

**Q: Did you know there was another poem?**

A: No. I only found this one.

**Q: Why didn't the paper publish the other poem when Martin told you this one was incorrect?**

A: Our other sources say that this is the correct version.

**Q: Is it common to quote from a letter to the editor in the news pages?**

A: No, it's uncommon, but it has happened before. We have done it if the letter contains information that is news and the lag time will be significant.

**Q: Did you ask permission to excerpt it in the news story?**

A: No, we consider anything written to us as usable.

**Q: Would you do it again?**

A: Yes, given the circumstances.

**Q: Ms. Martin thinks it would have been better to cover the story from some different angles. Do you agree? Why didn't you do so?**

A: There are always many angles one can take when doing a story. We chose to do a straight-forward news story for the first story, based on what we heard from the complaining guest. In the follow-up story we did explore the historical angle, but

some of what Ms. Martin finds interesting is just too academic for most readers.

**Q: There is supposed to be a firewall between news and editorial. How did the letter get to the newsroom?**

A: Martin told our reporter that she would be sending it so he alerted the letters editor that he wanted to see it when it arrived.

**Q: Did you ask Martin's permission to print her letter in the news story? Do you think you should have?**

A: We did not ask her permission. She had submitted the letter with the intent that it be published so we considered it publishable information. However, in hindsight, it would have been reasonable to ask her permission.

# Student Actor's Handbook

## Respondent's Script for Hearing Opening Statement

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It was not our intent to hurt Rachael Martin or the reputation of the Fairlawn Museum. And I am truly sorry that she feels she was maligned, but I don't believe that we covered this story incorrectly.

For the past year, the News Tribune has been working with a master narrative examining subtle racism in the Twin Ports. It's not so much that we announced a special project on this topic, devoted a lot of resources and put out a special series; we don't have the resources for that. But within the newsroom we became sensitized to the perceptions of people of color in our community that there is a problem with racism, it's just more subtle in Minnesota and in Duluth. As we became sensitized to the issue it has affected the way we see stories.

We see the Fairlawn incident as a part of that master narrative, and for that reason we judged it to be newsworthy. But we're not beating our readers over the head with this idea of subtle racism. We leave it up to them to decide if this actually was an example. Judging from the letters to the editor, our readers seem to have decided that it was.

I believe we at the paper acted properly in covering the story. We heard from the unhappy party guest on Tuesday after the event and the story didn't appear until Friday because we took extra time to be as thorough as possible in reporting.

This was a difficult story. Our reporter called Ms. Martin and asked her a few preliminary questions on the phone, but she wasn't very forthcoming so he asked to come out and talk with her. She agreed to an interview so he drove out to the museum, but by the time he arrived she had already talked to the museum's attorney who evidently told her not to say anything.

The reporter had two primary sources: the offended guest who didn't know the identity of the woman in black face, and Rachael Martin, who knew the woman's identity but wouldn't release it. He did try to develop other leads on the identity of the woman in black face, but didn't get anywhere. He asked Martin if she would call the woman and let her know that he wanted to speak to her, but never heard back from anyone.

We didn't try to make Ms. Martin the focus of the story, but because

# Student Actor's Handbook

## Respondent's Script for Hearing Opening Statement

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Martin was shielding the woman in black face and because Martin herself came forward with an apology, her actions *made* her the focus of the story.

Our reporter tells me he took the unusual step of letting Ms. Martin preview the story. That's not something we typically do, but because we didn't have a lot of sources for the story, he felt it was necessary to avoid any errors. He said that Martin did identify some errors, which he corrected.

As for using excerpts of Martin's letter in the news story: On Friday, when the reporter called her for comment in preparing the Saturday story, she told him that she was preparing a letter to the editor that would e her statement. She would not make any other comment to him so he assumed she meant for him to read the letter and get his answers that way. Otherwise why would she tell him about the letter?

Since our paper does not have a letters column in the Saturday, the day the follow-up article ran, we felt that excerpting from her letter — and we used almost the entire letter — was the best way to give her her say.

We understand that Ms. Martin feels the coverage was unfair and that she didn't get her point across. We met with her in person in our offices and offered to do a story about her. We were intrigued to find that she had been married to a black man. It really changed our perception of how the story could be told. But she declined the opportunity to get her views across.

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