

To Publish or Not to Publish: That is the Question

Purpose:

In this lesson students will understand that a free press is the glue that binds our nation. A free press provides the information that allows us to make personal choices. If we abandon our right to know and thereby to think for ourselves, somebody else will make our choices. Students will examine how the press balances its First Amendment right to provide the public with all the news and opinion available with the responsibility to be honest and fair. At the end of the lesson students will be able to propose guidelines for journalists to follow in balancing First Amendment rights with the responsibility to be ethical.

Procedure:

1. Discuss with students the following quote: "The problem with you journalists is that you have confused the right to do something with the right thing to do." Justice Potter Stewart
2. Ask students to imagine that they work for a local newspaper or television station. Several staff members are discussing the following story. Three teenagers have been killed in an automobile accident. The driver, who survived, had been drinking prior to the accident. The two girls in the back seat, both of whom were killed, were nude at the time of the accident. Do you have a right to publish (or air) these two pieces of information? (Yes, the First Amendment protects that right.) *Should* you publish (or air) these facts in reporting the accident? Allow time for the students to discuss the latter question in small groups or as a whole class. Encourage students to develop a list of factors to consider in deciding whether to report on this information. Ask them to share their lists. Have them discuss if the lists result in different decisions for the two pieces of information? Why or why not?
3. Point out that this case highlights conflicts that may arise between the press's First Amendment rights and what is ethically right or what the public expects from the media. Explain that there is nothing in the First Amendment that says that a journalist must be responsible. On the other hand, journalists make tough decisions regarding whether or not to print (or air) something based on a professional code of responsibility. Their decisions have to do with knowing what readers or viewers want and will tolerate, the possible consequences of reporting certain information and the respect they hold for the people about whom they are reporting. The Supreme Court has said that if you have information, you cannot be prevented from telling the story, but this ruling does not mean that you are required to tell the story. The publisher and the editor (or owner and producer, in case of television) must face the economic realities of running a business as well as adhering to their journalistic duties and responsibilities.

4. Distribute the handout *Proposed Code of Ethical Responsibilities for Journalists*. Provide some examples to help students understand the implications of these guidelines. For example, in discussing the first guideline, you might ask students to consider whether it is acceptable for a reporter to accept flowers as a thank you for a favorable story or a travel editor to accept free lodging from a bed and breakfast when he/she plans to do a feature story on the industry. Do students think these are good rules for the media to follow? Do these rules conflict with the First Amendment? What are the tensions between the proposed ethical code and the First Amendment?

5. Ask students to consider whether dilemmas faced by journalists would be different based on the roles they fill at the newspaper or television station. How would a newspaper reporter's role differ from that of a columnist or editor? How would a T.V. news anchor's role differ from that of a commentator or producer? Put students in groups of three to five students and assign each group one of the roles at a newspaper or television station. Ask students to review their roles and specific ethical responsibilities. Would the information in the code of ethics and the role responsibilities change students' thinking about the case that opened the lesson? Why or why not? What are the costs and benefits of a stronger code of ethics for journalists?

6. Share the following update on the case.

Breaking News: Additional information has emerged about the circumstances of the two girls killed in the car accident. Earlier in the evening, the two high school girls worked on the school's homecoming float. They left the school, went to a nearby restaurant to eat dinner and when they returned to their car, it was carjacked in the restaurant's parking lot. The thieves drove the girls to a remote location, took their clothing and left them to fend for themselves.

The terrified girls flagged down a passing car. Although he had been drinking earlier in the evening, the driver offered to take the girls to the police. En route to the police station, an animal darted out in front of the car. In an effort to avoid hitting it, the driver swerved, lost control of the car and hit a tree, killing the two girls in the back seat.

How does this change the story? What would you report as a follow-up story to the initial new report in Step 1? Discuss the ethics of what was reported based on the new information.

7. Have students discuss the following questions:

- Does the press have a responsibility to be objective in news coverage, or is a point of view natural and unavoidable?
- Where is the line between healthy criticism by the press and destructive, cynical reporting?

- How do a journalist's First Amendment rights compare with their ethical responsibilities?

8. Conclude the lesson by asking students how they might revise the *Proposed Code of Ethical Responsibilities* in light of their discussions. What difference do they see between the "public's interest" and "what is in the public interest"?

Enrichment/Extension:

1. Have students apply the above activities to Internet publishing and web blogs. What are the differences? What are the similarities? Should there be a code of ethics for people publishing on the web or using sites such as Facebook and MySpace?
2. Invite a newspaper editor or reporter or television reporter to class. Have the person discuss with students how decisions are made about which stories will be published or aired and what details will be included. Have the person discuss the scenario presented in Step 1 and how the situation might be handled from a First Amendment perspective and from an ethical perspective.
3. Have students research cases where a student has been suspended from school for comments made on web sites such as MySpace, Facebook and other similar sites and have them report on the outcome of the cases.

Proposed Code of Ethical Responsibilities for Journalists¹

Journalists must be free of obligation to any interest other than the public's right to know the truth. Journalists must rely on their personal sense of what is right and wrong as well as on a shared sense of ethics. Generally, the following list is agreed upon:

- Do not accept gifts or special treatment.
- Avoid holding secondary employment without the editor's approval. Do not seek or hold public office.
- Do not communicate unofficial charges affecting reputations of individuals without giving the accused a chance to reply.
- Make prompt and complete correction of errors.
- Avoid pandering to morbid curiosity.
- Seek the truth and report it as fully as possible.
- Act independently – remain free of associations and activities that may compromise your integrity or damage your credibility.
- Show compassion for those affected by your actions.
- Consider possible harm to concerned parties. Is the harm caused justified by the value to society of having the information?

1. Do you think these are good rules for journalists to follow?

2. Compare the code with the First Amendment, which says:

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

3. *Is there a conflict between the ethical code and the First Amendment? Why or why not? What gaps do you see between the ideals and realities of this proposed code?*¹

¹ Source: *Doing Ethics in Journalism: A Handbook with Case Studies*, by Jay Black, Bob Steele and Ralph Barney (Greencastle, IN: Sigma Delta Chi Foundation and the Society for Professional Journalist, 1993).