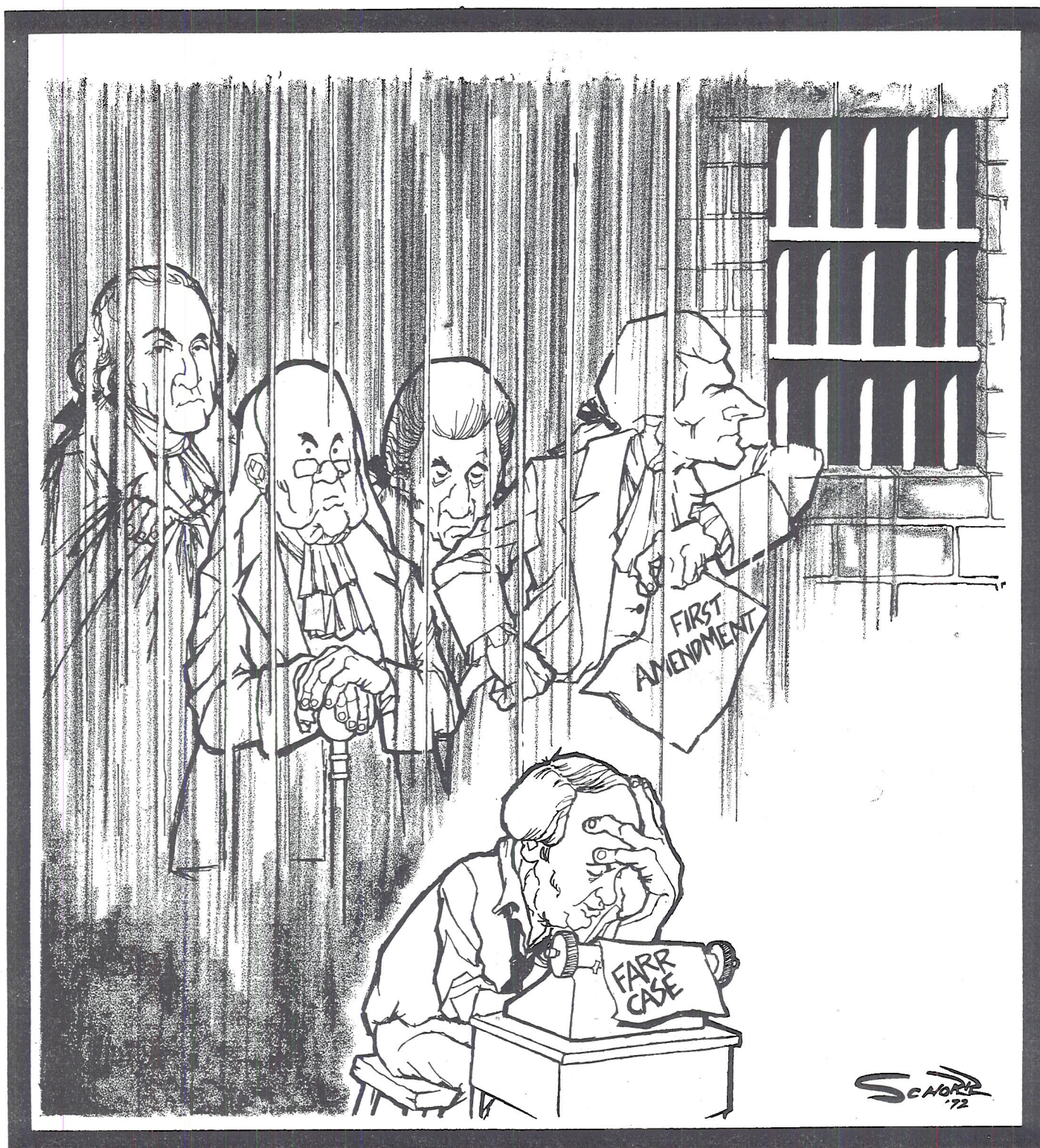


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It CAN Happen Here; Ask Bill Farr.

By Ben Cunningham

IN SINCLAIR LEWIS'S novel *It Can't Happen Here* it was the ignorance of the people on matters pertaining to a free press that made it possible for the government to arrest for printing "seditious" matter a decent small town, conservative, New England newspaper editor and put him in a concentration camp.

Only a novel--strictly fiction--maybe, but William Farr, a 37-year old ex-Marine, a "law and order" Republican and presently an investigative reporter for the Los Angeles *Times*, doesn't think so. What has happened to him is one of the strangest cases in modern American journalism.

It began when Farr, then a Los Angeles *Herald-Examiner* reporter, was assigned to cover the Charles Manson trial. On Dec. 10, 1969, Superior Court Judge William B. Keene, who presided over the preliminary proceedings of the Manson trial before he was challenged and removed, imposed a gag rule. The rule prohibited the news media from talking to a witness *before* a witness testified. It was not considered by the working press as an unusual gag rule. The trial began in June, 1970, with Charles Older presiding.

Sometime in July, 1970, Farr obtained information about a bizarre plot by Manson and his "family" to murder Frank Sinatra, Elizabeth Taylor, Richard Burton, Tom Jones and Steve McQueen. He wrote the story, but told his editor he could not release it until Susan Atkins' cellmate, Virginia Graham, had testified. This was the usual arrangement under a gag rule--after the testimony the press could talk to whoever had testified.

However, on Oct. 1, Older cautioned all the attorneys in the trial that the gag order would pertain to all witnesses *before, during and after* their testimony. This was considered unusual, and many veteran trial reporters complained.

Farr was concerned that his story,

which he said was based on Graham's testimony received off the record, would place her in danger of affecting her parole. He also thought there was a possibility she would have to face a hearing in which she would have to admit she had talked to Farr or perjure herself if she said no. To circumvent Older's gag order, Farr obtained trial transcripts of Graham's testimony from one or more of the defense attorneys. Then he suggested that Graham's attorney tell Older that he had a copy of the Graham transcript.

Older responded by calling Farr into his chamber and asking if he had the transcripts. Farr admitted that he did but refused to reveal his source, explaining that he was invoking the statutory privilege of a reporter's immunity to protect a news source under Section 1070 of the California Evidence Code. He added that his newspaper was running the story the next day. He said he told Older this so the windows would be covered on the bus that brought the sequestered jury to and from court. The windows were covered, and the jurors said later they never saw the front page story about the bizarre plot.

No further proceedings against Farr were conducted and this seemed to be the end of another clash between a trial judge and a trial reporter over the use of the gag rule. But it wasn't, and what happened next at first seemed to Farr to be a joke. It was not.

Older was still upset about the source of Farr's transcripts. He believed that the attorneys who gave Farr the transcript should be punished for violating his gag rule. The attorneys who gave Farr the transcripts faced possible disbarment if Farr named them. Farr said he promised the attorneys he would not reveal their names.

"I gave my word and I intend to keep it," said Farr. "I promised them no harm would come to them, and I'm not going to let them down. I have not even given

their names to my attorney."

On March 1, 1971, Farr left the *Herald-Examiner* and became executive assistant for Los Angeles Dist. Atty. Joe Busch. On May 5, he was served with an order by Older to show cause why he should not be compelled to answer the same questions he had been asked seven months earlier. Farr thought the order ridiculous because he believed he was protected by the California shield law. Not so, said Older. Many of Farr's court reporter friends said Older couldn't get by with this maneuver. Farr agreed and was not too concerned.

Meanwhile, Farr joined the Los Angeles *Times* as an investigative reporter.

After three hearings, Farr was found guilty on July 28, 1971, on 13 counts of civil contempt. A contempt charge normally carries a 5-day sentence and a \$500 fine, which means Farr could be sentenced to 65 days and fined \$6,500. Farr said he would serve such a sentence and pay the fine, but Older says Farr is guilty of *civil* contempt which carries an indefinite sentence, that is, the person remains in jail until he answers the questions.

Farr's attorney, Grant Cooper, told Older on the day the sentence was imposed, "Considering Mr. Farr's belief that he must keep his promise to his sources, you have just given him what could be a life sentence." Farr has said he will not answer the questions. Older says Farr will stay in prison until he does.

During the hearings, the attorneys suspected by Older of having given the transcript to Farr denied under oath of having done so. Farr decided to appeal the decision. Older allowed him to remain free to make the appeal.

The California Second District Court of Appeal on Dec. 17, 1971, ruled against Farr by upholding Older's action. However, the Court did not rule on whether the privilege had evaporated,

but rather ruled that Section 1070 was unconstitutional because the California legislature had no right to pass a law that interfered with a judge's ability to govern the proceedings in his own court.

Attorneys from the Los Angeles *Times*, *Herald-Examiner*, the L.A. professional chapter of Sigma Delta Chi, KNXT (CBS), the California Newspaper Publishers Association, Twin Coast Newspapers, Inc. (Ridder Publications), the L.A. Press Club and the Los Angeles Newspaper Guild entered amicus briefs for the California appellate hearing.

Finally Farr, now very concerned, requested a California Supreme Court hearing which was denied on March 20, 1972. The court said the question of whether the privilege evaporated now was moot. The California Legislature recently had amended Section 1070 to make the immunity in perpetuity. The Farr case had done some good, but not for Farr. He still faced prison.

By now Farr was convinced Older meant to get the name or names or else, and time had just about run out. He had one more chance—the U.S. Supreme Court—but it would be expensive. And, although he "had a good-paying job with the *Times*, he found he couldn't buy on credit.

To enter into a contract a person must show he can fulfill it. Because he could go to prison any day Farr could not legally sign a contract. He found this out shortly after he became a *Times* reporter and tried to buy a new car. The salesman recognized his name, and said he was sorry but he was a bad credit risk under the circumstances.

Farr rented an unfurnished apartment in downtown L.A., but could not get furniture. He slept in a sleeping bag on the floor for five months until some friends found out and bought him some furniture.

In the meantime, F. Lee Bailey and Mark Hurwitz offered their services to Farr, and an appeal was filed in the U.S. Supreme Court on June 19, 1972. They asked the high court to issue a writ of certiorari. Forty copies of the brief had to be printed and presented to the court (28 go to law schools). The printing bill was \$3,670. Farr is nearly broke.

He admits he has not pushed the news media to cover the story as hard as he should. He is a shy, modest and unassuming man. When he speaks to groups it is with such a soft voice he is frequently asked to speak louder.

"It is an awkward thing, especially when you're involved, because it seems as though it is self-promotion," said Farr. "But, I feel I have a right to urge the news media to give it more notice because I feel that my best chance of getting out of jail after a short time, if I go, and it doesn't look good, is geared to how much public

If Farr points his finger, there aren't going to be any more sources.

furor there is. I think the judge may think twice if the news media gave it more coverage."

He is critical of the L.A. *Times*, the *Herald-Examiner* (indeed most of the area news media) for not giving more extensive coverage of his plight before the U.S. Supreme Court rejected his appeal on Nov. 13, 1972.

Only after the Supreme Court handed down its decision was the Farr case treated as a major news story with prominent display and attempted backgrounding. Most of the public was confused if not bewildered by the intricacies of the case. (One notable exception was a well-written account of the case in the *Times* by Gene Blake the day of the decision.)

Two days after the decision Farr was notified by Older that he was to appear in his court the next day. Farr was stunned. He said he understood he would get at least two weeks to arrange his personal affairs.

On Thursday afternoon, Nov. 16, Farr stood before Judge Older and was sentenced to an indeterminate jail term for contempt.

Three and a half hours later the California Court of Appeal ordered Farr released on his own recognizance, pending the outcome of a petition for a writ of habeas corpus. Ironically, two of the three appellate judges ordering his release earlier had concurred in the original appellate decision upholding Older's contempt order against Farr.

Then Tuesday, Nov. 21, the California Court of Appeal denied Farr's petition, and he was ordered to return to jail. Before Farr could surrender to the sheriff, Older signed an order postponing his appearance in court until Monday, Nov. 27. Older also announced he planned to question the three prosecution and the three defense attorneys in the Manson case to find out who gave Farr the Graham transcript. The three defense

attorneys are Irving A. Kanarek, Paul J. Fitzgerald, and Daye Shinn. Dept. Dist. Attys. Vincent Bugliosi, Donald A. Musich, and Stephen R. Kay are the prosecuting attorneys.

Farr returned to court on Monday, Nov. 27. The six attorneys testified under oath that they did not give Farr the transcript, and they said they did not hold Farr to his promise to protect his sources. In his testimony, however, Farr said two of the attorneys privately had asked him not to reveal their identities. Older again ordered Farr returned to jail when he refused to reveal the names. Meanwhile, Farr's attorney, Mark Hurwitz, was waiting to hear from the California Supreme Court on a petition for a writ of habeas corpus.

How does the Farr case differ from the Caldwell, Branzburg, Pappas and Bridge cases, and what are its legal implications for the news media?

First of all the Caldwell, Branzburg, Pappas and Bridge cases involved appearances before grand juries (federal and county). Farr's appearance was before a California Superior Court. All of the reporters were cited for contempt. Caldwell, Branzburg, Pappas and Bridge received short sentences which expired with the terms of the grand juries (Caldwell did not have to go to jail and Branzburg is a fugitive from Kentucky, now working for the Detroit *Free Press*). The difference in Farr's case is the length of the sentence and its severity. His sentence is an undeterminate sentence, which means he remains in jail until he talks.

Another difference in the Farr case is the way Farr was brought to court. When he admitted to Older he had the transcript in violation of the gag rule it would seem then was the time for Older to declare Farr in contempt. He didn't.

Older ruled that Farr's action in soliciting a "willful violation of a lawful order" foreclosed Farr from immunity under the California shield law (Sec. 1070). The California appellate court upheld Older's ruling and did not rule on whether the immunity of Sec. 1070 applied to a former news person.

What has not been stressed by the news media in its coverage of the Farr case is that the California appellate court decision apparently denies *any* immunity to a news person in the case of a violation of a gag rule by a reporter. The appellate court said that Sec. 1070 was "an unconstitutional interference by the legislative branch with an inherent and vital power of the court to control its own proceedings and officers. In the matter at bench there is an undeniable need for disclosure of source if the court is not to be thwarted in its effort to enforce its order against prejudicial publicity."

What the court said was simply this--*the First Amendment does not protect a*

Bill Thomas: We didn't see where these gag rules were leading us.

news person's confidential sources if the use of that source violates the court's constitutional right to control its own proceedings and officers.

In other words, the judiciary placed itself above the legislative branch which appears to be a conflict with the concept of the separation of powers.

The way the Farr case was brought to court raises the question of why Older waited seven months to ask Farr those 13 questions, and why he waited seven months to convict him if he had the right to do so when he first questioned Farr in his chambers. Farr said Older admitted at the time of the first questioning that he did not have the right to hold him in contempt because of his immunity under Sec. 1070.

Another question is whether the immunity of Sec. 1070 evaporated when Farr left a reporting job for a nonreporting job. The California appellate court never dealt with this issue in its ruling on the Farr case, and, yet, it is an important question that needs answering even though the matter appears to have been remedied with the recent amendment of Sec. 1070 by the California legislature.

Whether it did evaporate, it seems, is the crux of Farr's defense. Older and the appellate court say it is not relevant. Older says Farr aided and abetted the lawyers in violating the gag rule, so he did not have immunity. In Older's ruling, however, he maintained that Farr was no longer a reporter and for that reason, too, he had no immunity. A question that may never be answered is whether Older would have charged Farr with contempt if Farr had remained a reporter.

There is also the question whether Older should have heard the case. Earl Klein, attorney for the Los Angeles professional chapter of Sigma Delta Chi, thinks Older should have sent the case to another judge.

"Although legally Older did not have to do this," Klein said, "I think he should

have asked another judge to hear the case because in a contempt matter the judge is usually the one who institutes the contempt proceedings. So at that point he is the prosecutor and the judge. That's why contempt cases don't stand up. Most of the time appellate courts throw them out, but not in this case, and I don't know why." Klein said he did not question the logic of the appellate court. "You know something can be logical, but be wrong. I think this decision although logical was wrong."

The legal implications of this case already spell trouble for the news media, according to Robert S. Warren, who prepared the amicus brief in the Farr case for the Los Angeles *Times*. Warren says the Farr decision has established a dangerous precedent and he believes other states may utilize this case to impose tighter restrictions on the news media. Klein agrees.

"Although this decision only has strength in California," Klein explained, "other states tend to look to California for guidance because California has an outstanding judiciary. A decision like this is going to get a lot of play in law journals and reviews."

Warren says the news media do not seem to realize what has happened to them in the Farr decision.

"They have made a lot of sound and fury about the case," Warren said, "but they don't act like they fully understand its implications. The net upshot of this case is that the court by punishment of newsmen, if necessary, achieves total control over the publication of news with respect to crime or criminal proceedings at least after it becomes subject to court proceedings."

Warren said that in every case of public interest in Los Angeles County that he can recall the courts have issued gag orders. "They don't miss a single one of them," he said. "Out comes one of these restrictive orders and it follows a model—the model is the one used in the Sirhan case. It survived Atty. Gen. Evelle Younger's appeals all the way to the Supreme Court."

Under these gag orders the people who are subject to them, according to Warren, are court attaches, all attorneys on both sides, all parties, all subpoenaed witnesses, and almost invariably the sheriff, police chief and subordinates, and other public officials.

"Now all those when you think about it are about all the sources of news respecting the crime other than rumor," Warren said. "These are all legitimate sources of news with regard to crime, and they have been told by the court on pain of contempt to shut up."

What all this amounts to, Warren added, is an infringement on the press that even the Reardon report never sought

to impose.

"The Farr case makes this report absolutely illusory because now when the press prints something the court feels has its origin in a deputy sheriff, policeman, attorney or any other person silenced by the gag order, the court will and can hail the reporter into court and ask him to point his finger at the source so the court can punish that source for violating the gag order." Warren says if the newsman does not comply, he goes to jail. "If he does point his finger then there aren't going to be any more sources," he said. "They'll dry up."

Warren is concerned about the attitude among judges that they are protecting fair trials by using gag orders. "I am not casting stones at the good faith of the courts. I just don't happen to agree that these gag rules are a necessary or desirable way of achieving fair trials. I think that courts feel that if they could only operate without restrictions and interference they'd produce perfect justice. Well, I don't think that nice, peaceful, and quietly reported proceedings would achieve perfect justice at all. Neither does the press. They feel that a vigilant eye on all this is rather necessary and so do I."

Los Angeles *Times* Editor William Thomas agrees with Warren. "I don't like any gag rule because it is too handy a crutch for those judges who would prefer to conduct court with a minimal of outside observance or criticism." He feels also that the news media probably waited too long before opposing gag rules. "Although there was some opposition from the beginning I don't think we saw where these gag rules were leading us," Thomas said.

And finally, another question raised is whether there is another avenue. Warren says there is. "The other avenue remaining is for the reporter not to identify his sources in particular and especially by description. We'll have to go through a Farr-like exercise again to test it out, and we'll have to see what happens then. I admit the prospects are not bullish."

Thomas is hopeful "the pendulum will swing the other way." He says he hopes the Farr case will cause a sufficient reaction to bring the courts to a more liberal position.

But maybe Klein summed it all up when he said, "It seems to me that somewhere in that case *something* is wrong."

Friends and fellow reporters have formed "The Farr Out Fund" and the "Farr 500" Committee to ease the heavy financial burden Bill Farr faces and to make the public aware of this miscarriage of justice. Address donations to The Farr Out Fund; 222 S. Figueroa, Los Angeles, CA. 90012.

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NTHONY DAY, the editor of the Los Angeles *Times*' editorial pages, finished typing the last of 1,400 words — "The *Times* recommends the re-election of President Nixon" — and made final arrangements for his paper's stand at that moment in journalism and U.S. history.

Editor William Thomas checked over the copy, which Day then took to Otis Chandler for the publisher's personal editing. The Sunday, Oct. 15 edition carried the expected statements, with a Paul Conrad cartoon showing "See no evil, speak no evil, hear no evil" pilots dropping more bombs on Vietnam.

Otis Chandler is bothered by the bombing and by Richard Nixon's narrow view of life. Frankly, he doesn't like Richard Nixon as a human being. But on that day he unhesitatingly put final touches on a massive editorial which placed the *Times* in the Nixon column along with 752 other U.S. daily newspapers and an anticipated majority of voters.

There was no late hour "tugging and pulling" over moral issues within the *Times* editorial board structure, Day said later, just as there was no anxiety in the minds of the two men who wrote the piece and edited it. "Perfectly consistent" with past editorials was Day's contented explanation when questioned about the intellectual development of this particular piece.

Why had the *Times* easily decided to help the man whose narrowness on civil liberties had been documented in its own editorial pages dozens of times since the previous Jan. 1? Why didn't the *Times* stand aside, neutralize itself, and howl for the need for true house-cleaning on the part of the group expected to win re-election?

In 1970 a poll of 130 publishers determined that the New York *Times*, Los Angeles *Times*, Washington *Post*, St. Louis *Post-Dispatch* and Louisville *Courier-Journal* were the five most respected newspapers in the land. Except for the *Times*, these papers were among the 56 which endorsed George McGovern this year, with Nixon's abuse of civil liberties and failure to end the war in four years heading the list of complaints.

The Los Angeles paper appeared to be as "liberally tough" as the others during the previous 11 months. Of the approximately 1,000 editorials published since Christmas, 1971, the paper had devoted several hundred to topics involving the Nixon administration. Of these a fair share, at least 105, contained criticism which ranged from severe to moderate.

"What Are You Doing, Mr. Nixon?" the *Times* agonized on May 10, as U.S. planes bombed and mined North Vietnam. At least 30 other extremely strong editorial appeals for withdrawal were made this year. Unlike Nixon, the *Times* admitted several times that the entire Vietnam adventure had been a mistake, a rare statement for an American newspaper. "Wrong policies maybe but not a complete mistake," most publishers argue.

"History will not look kindly upon a President who failed to give leadership" on the busing issue, the paper warned on Feb. 13. "The President is making a mistake," was the editorial lead four days earlier as the paper said, "Dissent is not the nation's enemy."

More than 30 editorials dealt with areas where the *Times* considered the Nixon administration guilty of narrow-mindedness. These did not include another 20 on welfare, education, busing and environmental topics where the paper said or implied Nixon did not really care about the fate of other humans. The most severe criticism of early 1972 came over Nixon's exploitation of the busing issue and what Chandler obviously considered a lack of moral leadership.

Other editorials dealt with Nixon's "bungling" of the Indian-Pakistani crisis, slowness to recognize Bangladesh, and "errors in

How The Times Picked Dick.

By Mike Emery

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American policy in that region (India) for 16 months." Great praise came when Nixon made his trips to China and Russia, with phrases like "successful summit" dotting the enthusiastic language. Note that the *Times* did not reflect on "big power cynicism"-- the ability of large nations to slap backs and make trade deals (wheat to Russia!) while allowing little nations to live under continued war and patched-together treaties.

Regarding the domestic economy, a Nixon strongpoint in the final Day-Chandler masterpiece, about a dozen editorials stand out. While most of them indicate satisfaction with Nixon's initial quick move to curb inflation, several, including one as late as June 28, indirectly accused Nixon of playing politics with meat prices in hopes of gaining rural votes.

Along the way the *Times* carried about a dozen editorials dealing with the shortcomings of Sen. McGovern. It was clear from the day McGovern became the frontrunner that the *Times* would not endorse him. And a check of these editorials, not ones talking of Nixon, gives definite clues as to Otis Chandler's view of the world and why he registered his paper for Nixon.

"Of course we should solve our problems at home-but without forgetting that when the Kremlin is pondering how far to go in the Middle East, it is less impressed by our domestic example than by the number of carriers in the Mediterranean." (Oct. 8)

"...free trading nations know they cannot afford delay in the task of building a new monetary system." (Sept. 28)

"Unilateral withdrawal of U.S. troops from Europe might, in combination with the McGovern posture on strategic weapons, set off a crisis of confidence among the Europeans..." (July 9)

"Military aid is not a prize for good behavior but a shield for strength in a common search for security," the paper added on July 31, in a major defense of Nixon's policy of supporting the Greek Colonels who had dominated all areas of life for four years. The paper coldly stated the so-called Nixon Doctrine grew from the failure of Vietnam, "eschewing moral tests in charting American foreign policy, whether that policy is trade with Moscow, tolerance of a Marxist experiment in Chile or participation in an alliance which embraces dictatorships."

A streak of imperialistic thought runs through such phrases as "tolerance of a Marxist experience." And a bit of the old John Foster Dulles "brinkmanship theory," however modified and liberalized, creeps into other Chandler-influenced editorials.

It was impatience with such ideas that caused some friction within *Times* circles during the summer and fall. Interviews with persons aware of editorial board thinking determined the details of what other *Times* staffers had thought earlier, that there was at least some "tugging and pulling" over the upcoming Nixon endorsement and foreign policy perceptions.

For example, foreign correspondent Joe Alex Morris Jr. was a guest at the meeting where the "Military Aid for Greece" arguments were being heard. Morris hotly argued against such a complete rationalization of aiding dictators for the sake of an anti-Communist image. It would have been possible to support the general concept of foreign aid without challenging McGovern's criticism of the Colonels, thus supporting them.

A major question---had the *Times* editors forgotten the Agnew visit to Greece which showed that the Nixon administration had no qualms about the press censorship there? Indeed, the editor who told of some anti-Agnew feelings and staged rallies was threatened with a prison term following the Vice President's departure. The Nixon support of Greece ran deeper than plain old military aid; Morris said so, but he was ignored and that is revealing.

During another meeting in early October, the then Op-Ed Page Editor, Ken Reich, argued against a Nixon endorsement. Reich questioned the need to endorse when it was obvious Nixon would win, and probably in a landslide. Instead, he argued, it would be better to stay neutral and aim darts at Nixon's horrible anti-media, anti-minority, anti-social ideas. Since Nixon was going to win anyway, why keep pushing his foreign policy "achievements" at the expense of a moral stand against a potentially dangerous

man? Why lose time in the fight to preserve civil liberties--in a few years won't it be too late? The idea was quickly blotted out.

National Editor Edwin Guthman is known to be open to such discussions, whether in the editorial meetings or in the corridor, along with younger people like editorial writer Phil Kirby. But for the most part *Times* policy is discussed---to quote one disillusioned staffer---"in front of Chandler by middle-aged men, well meaning to do the right things, with some liberal sentiments, but who, when it gets down to the nitty gritty, end up on the establishment side."

That description fits many newspapers, of course, although there is a feeling on the part of enough observers that no organization is more institutionalized than Chandler's business, which they say is first of all part of a corporation and secondly a newspaper. Fair or not, that feeling is strong.

During the preliminaries to the Nixon endorsement there were some hard feelings at one editorial board meeting over a related matter. Thomas and Day became "disturbed" at a floating notion that an editorial attacking McGovern's economic policies had been planned because of a fear the Times Mirror Corp. would suffer under the Democrats.

Despite the evidence that Chandler's will dominates the "committee meetings" each morning, it is also apparent that editors, editorial writers and others do both formally and informally discuss the paper's policies in an open manner. No one was told to be quiet in the days prior to the Nixon piece, despite some unhappiness. Later 118 employees challenged the endorsement in a Letter to the Editor which received prominent display.

All of this is somewhat of a contradiction. There is wide-spread feeling that the *Times* is and should be progressive. Day claims that Chandler's true desire is for more editorial independence and diversity. Yet the personalities and structure dictated that there would be no active debate on whether the paper should neutralize itself at one of the most crucial points in American history. There is a bland sort of homogeneity there, existing within the limits of comfortableness.

Criticizing Nixon's hostility toward the press, minorities and welfare recipients fall within those limits for this group. Perhaps it is asking too much for the publisher and his people to take that extra step in joining the New York *Times* and *Washington Post* in all-out battle with creeping fascism. In all likelihood they do not "perceive that reality" as the saying goes.

Of course there is less chance of such group reluctance and concreteness on the more routine daily issues, where more editors have specific information and Chandler can feel free to relax. Day openly described the *Times*' morning ritual. The half dozen editorial writers meet with him daily at 9:20 to prepare ideas for the major board meeting, which begins at 10:30. Each man is asked for his ideas and then Day and chief writer Louis Fleming carry the consensus forward. Outside of all of this is cartoonist Paul Conrad, who works separately with Day.

Listening at the main meeting: Otis Chandler (Norman Chandler attends about twice a week but plays a small role in decisions and apparently did not directly influence the Nixon endorsement), Thomas, Managing Editor Frank Haven, Guthman, Foreign Editor Bob Gibson and Metropolitan Editor Mark Murphy. Ideas for editorials are given freely, based on the flow of the news. And sometimes actual wording becomes part of the discussion, with Chandler in full charge.

There is common agreement with Day's assumption that "any fair-minded critic would find it difficult to say *Times* news coverage is biased because of the editorial board structure." While one could argue if Watergate were played down by Chandler that key editors subconsciously might tend to do the same, the overall feeling is that these are tough professional people with independent judgments who would resent being hinted at in private.

Then why no neutralization debate? Day summed it up: "It is quite clear that Nixon, with all of his faults and virtues, is

6 The Review

preferable to McGovern with his faults and virtues...this is an incredibly complex subject...the war was not the paramount issue."

The test of any newspaper which espouses its greatness--as does the *Times*--is to determine the degree of "conscience" exhibited when dealing with the most sensitive, vital and uncomfortable issues of the days allotted during its newspaper life.

The Hearst papers failed the test because for every noble idea and experiment pushed during those glory years, the Hearst empire builders managed to show narrowness and shortsightedness on issues which History later said should have been dealt with differently.

But Joseph Pulitzer's *New York World* outdistanced the historical second guessers and set a model for all other papers to follow. The memoirs of former U.S. Sen. Paul Douglas offer the ultimate in testaments. Douglas grew up in the Maine woods at the turn of the century, when the seeds of the Vietnam War were being planted through U.S. annexation of the Philippine Islands. His only knowledge of this and the moral issues of his day came from the *World*.

"I found ammunition in the pages for the *New York World*, which came to us three times a week full of documented exposures. It became my Bible and chief contact with the outside world. Although it died in the 1930s, I still rank it as one of the most useful papers ever published in this country. I owe an incalculable debt to its publisher, Joseph Pulitzer, and to the brilliant group of writers and cartoonists he gathered about him. James Creelman and Homer Davenport were my boyhood heroes."

Should we expect any less of the great papers of our times? Should we not hope that in 50 years someone could write the same of the *New York Times*, CBS News, maybe even the *Los Angeles Times*? Are we so sophisticated we ignore the poignancy and importance in Sen. Douglas' remembrances of a newspaper?

Unlike the other leading newspapers, the *Times* neatly arranged its pros and cons to produce a certain tone, one of partial indignation but one which carries a degree of confidence in Nixon, the moral leader of this nation. This was no "lesser of two evils" editorial. It becomes clear that Otis Chandler's view of the world causes him to mention--but for practical purposes to balance off--the bulk of the moral campaign questions, including press freedom abuses. In Day's words, "Those things were important, but not as important as long-range foreign policy consideration."

The *Times* is an internationally significant newspaper. But Joseph Pulitzer would be ashamed of its final stand in the 1972 election, when Richard M. Nixon was given his mandate.

How they differed on domestic issues:

New York Times-- Instead of bridging the racial gap he has widened it by repeated demagogic appeals to white racial feeling on the welfare and busing issues. . . it is not the familiar corruption of personal bribery but corruption in the more corrosive and destructive sense of deforming the processes of government for political ends.

St. Louis P-D-- Under this administration favoritism to big business and special interests has dominated the Washington scene...he has acquiesced in wire-tapping, indiscriminate arrests and attacks on the press...Mr. Nixon's appeal is to less noble instincts- he would obtain a consensus of mediocrity through a process of dividing the country into selfish self-interest groups.

Washington Post-- As it stands now, the allegations, if true, add up to the most arrogant assault ever mounted on the political process, institutions of government and the credulity of the people...what they (aides) determined to be in his best interest was that he obtain re-election by any means and at whatever cost.

Los Angeles Times-- The President, in his first term, let the expediency of narrow political advantage force him to play to the right wing of his party. His administration's concept of civil liberties is narrow. He cannot wholly disclaim responsibility for the Watergate affair, for after all, he is head of his party.

How they differed on foreign affairs:

New York Times-- President Nixon has sadly and spectacularly failed. For four years the war has continued, the most divisive force in the nation's life... Are we going to continue to pursue a foreign policy that, for all its success in certain areas, is essentially based on military supremacy, on a strident nationalism and on a cynical power game that could alienate this country from substantial segments of the international community?

St. Louis P-D-- Over and above all this, there is a moral issue that must dominate the election. The American people are called to answer the question whether they believe an official government policy of mercilessly bombing a little Asian nation and its people into oblivion, for no good reason, is an honorable course...he (McGovern) would rebuff the military-industrial complex..."

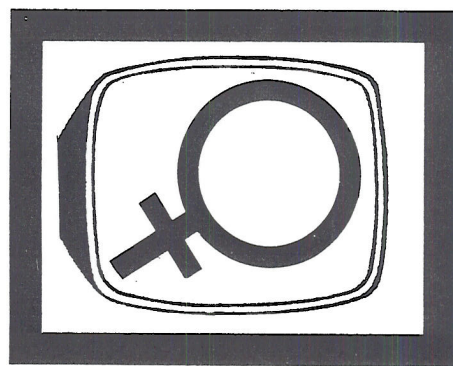
Los Angeles Times-- The sooner the President can complete the withdrawal the more surely will he be able to press forward with the new and immensely important moves he has made in that great part of the world which is not Southeast Asia.

The Times Syndicate Picks Dick (Wright)

Dick Wright, after a year as our cover cartoonist, has moved to the L.A. Times Syndicate with a new daily strip, "Party Politics." "We predict a bright future for both Wright and the strip. Our new cartoonist, Bill Schorr, is also a student at California State University, Long Beach.

Something is Missing in Broadcasting

The Majority Sex



Barbara Riegle began researching this article 10 years ago when she attended a broadcasting convention and discovered she was the only female there who was involved in news. The article is based on information gathered from three questionnaires to 500 women in broadcasting and from dozens of personal interviews. She has more than 20 years of experience in newspapers and broadcasting.

MORNING, noon and night, millions of people push buttons and switch dials to absorb news, opinion and commentary from "the men who know." In cities large and small, the population hears, sees and reads "keep informed, our *newsmen* do."

But do you recall ever picking up a newspaper and finding a female face under a television adline such as "Get The News From a *Woman Who Cares?*" Have you ever seen a billboard or a magazine ad featuring a feminine voice of authority on network television? On local television? On radio either?

Where is there any indication that women are part of the electronic news-gathering segment which observes, writes, reports, edits and broadcasts news?

True, once in awhile, here and there, the faces and voices of a few women do appear on network television. But, in television's 20 years, only one has reached the stature enjoyed by many top newsmen: NBC's Barbara Walters of *Today*.

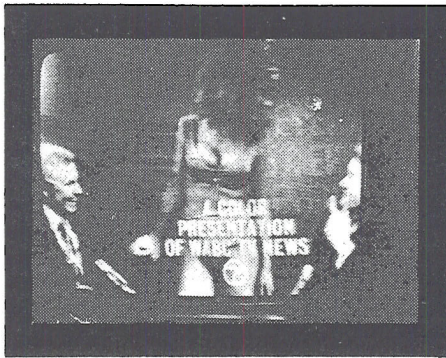
Pauline Frederick's name is almost synonymous with the United Nations to NBC viewers. But she is the lone woman broadcaster there, and few people know how many men tried to push her into second place when the UN became a popular news item for broadcasting, after Ms. Frederick had been buried there for years doing a job no male wanted.

Marlene Sanders appeared briefly in the ABC News anchor spot in the spring of 1971, but the viewer had to stay up very late on weekends to see her. She has surfaced on documentaries, too, doing a job which should have convinced those who control the fate of newscasters that she needs only exposure to take a place out front in news reporting. Where is she now?

NBC gave us Liz Trotta in Vietnam, but not often enough to build her image. NBC also produced Aline Saarinan who moved from coverage of the art world to head the Paris bureau before her death.

In the 1960s the name Nancy Dickerson was a household word, but an entire generation of new voters went to the polls this year without political comment from this astute woman. Ms. Dickerson is one of a long list of women who has climbed the stairs of broadcasting success only to find the door at the top leads not to the executive, or corporate network offices, but, up the stairs and out the door.

Esther van Wagoner Tufty is another whose voice and intellect should be available to American viewers and listeners. "The Duchess" brought news broadcasts to the public in the 1950s with Arlene Francis on *The Home Show*. She is still dominant on the Washington,



Of the 500 women broadcasters, only about 100 are in hard news.

D.C., scene, but not nationally.

Let's take a quick look at women broadcasters in Los Angeles. Channel 2 (KNXT) has Ruth Ashton-Taylor on the *Big News* (ever see her in those ads?), and Glenda Wina co-hosts the noontime program. Dr. Irene Kassorla sparkles on a daily program, and Nicole Pierce is listed as "temporary" with the news department as a field reporter.

Channel 4 (KNBC) has a constantly rotating stable of women broadcasters... weather girls, feature girls, promotion girls and two reporters, Gail Christian and Tricia Toyota. Myra Scott does the *Time Being* and *Sunday* (with Tom Snyder). Kelly Lang and Jennifer King give the weather, and Karna Small tells the audience what's on tap for the night, after the news.

Channel 5 (KTLA) features news by men only with Sumi Haru appearing once or twice a week on *Gallerie*.

Channel 7 (KABC) has recently added Christine Lund as a field reporter and has been airing Morgan Williams for over a year, both on news. Stephanie Edwards co-hosts the *A.M.* show and appears as an "eyewitness" with movie reviews, here and there.

Channel 9 (KHJ) has Treesa Drury with consumer news.

Channel 11 (KTTV) gives viewers Rona Barrett with *Hollywood*, Carole McEvoy doing a news wrapup vocally and in sign language and Terry Mayo — the one and only, sole and single, honest-to-God female anchoring news in Los Angeles now. Channel 11 also has a public affairs director (as so many women broadcasters are), Alicia Sandoval, who does a daily broadcast, *Let's Rap*.

Channel 13 (KCOP-TV) has three long-time women broadcasters: Mary Ann King on *Romper Room*, Hobo Kelly and Florence Thalheimer. How many people recognize Hobo Kelly as a strikingly beautiful redhead whose first love is news broadcasting? And Ms. Thalheimer, with *Essentially Sex* and other provocative

programs, is so far ahead of the times the men are just beginning to catch up.

There you have them... 23 women on nine major television stations serving 10 million people. And not one in an "impact" position as far as the average viewer is concerned.

Why are women excluded from status positions in news departments of the electronic media? General executive consensus is that they are not *excluded*, they are simply *not included*. The reason given most often is tradition: "It's just the way things are."

Men are the reporters, editors, writers, broadcasters, cameramen, etc. and the metamorphosis is complete at the top with anchorMAN.

During my years of news gathering I have compiled, through diligent research, a list of some 500 women who can professionally claim the title "broadcaster."

Before you say "that's more than I would have thought" or "that's pretty good," bear in mind that this is a total figure for the entire United States.

Of this total, about one-fifth are school teachers, employed by local school boards for educational television. A second sizeable group is employed to "teach" on a children's program with scripts provided by a national toy company which also provides the teachers' training.

About 200 women broadcasters have their own regular programs which run a half-hour to an hour daily, Monday through Friday. And the balance of the 500 are working as reporters/commentators/broadcasters in areas of hard news/documentaries. This balance teeters at about the level of 100 women.

The numbers are growing, very slowly, but still growing. Not so much because more women are becoming broadcasters as because those already on the air are finding ways of communicating with each other, making themselves known outside the local areas. The listing of women broadcasters has doubled in a year; the actual increase is probably less than 10 per cent in five years.

This expanding list is important because it can be used to refute a second reason network executives give for the lack of women broadcasters. After "tradition" they add, "There are no qualified women."

Producer David Susskind, who may pay more attention to the idea of women broadcasters than other TV executives, asked me, "Do you really think there is any marvelous woman who ought to be on TV who isn't? Nonsense, nonsense!"

Susskind has been closely involved with women in broadcasting. He backed his wife, Joyce, and socialite Barbara Howar with *For Adults Only*. He says he

intentionally looks at women broadcasting on local stations and mostly finds them "boring and pretty rotten." He agrees many male broadcasters are equally boring and rotten, but adds, "There are some good ones just from sheer force of numbers."

Why, then, can't audiences have the privilege of watching women in sheer force of numbers so the good ones can be seen?

In Salt Lake City, Jackie Nokes has been broadcasting *Midday* for 10 years on KSL-TV. She gets over half the viewing audience at noon, leaving the rest to the other two stations. One-fourth of her audience is male.

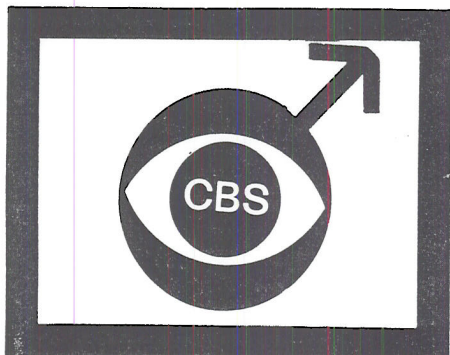
Great Falls' Norma Ashby (KTVR) has produced and broadcast *Today in Montana* since 1962, winning the Greater Montana Foundation award six times for the best television show in the state. This year she went statewide.

She is watched with proprietary interest by management and the audience. Since she is usually the ONE woman broadcaster there is nobody else to try a buck-passing routine on, even when exhaustion becomes routine for her.

Women television broadcasters write their own letters, cook half the night, get up at dawn to load the car, drive to work and unload before setting up the broadcast—which seems like an anticlimax at this point. After the cheery "see you tomorrow," they clean up the oven and sink while the crew devours the dish-of-the-day.

Then supplies must be checked, lists made for tomorrow, and finally, the woman broadcaster can head out to sell commercial time on her show or service clients. She can also shop for the next program which is probably titled "How to give a relaxing party for a tired executive husband."

The local female TV star also organizes special events, from getting viewers to sew hundreds of stuffed dolls to delivering food baskets on Christmas Eve.



**Women on the air?
They can always pick up
a phone to call a talk show.**

Once a year vacation time rolls around and the woman broadcaster does double duty, putting everything on tape in advance, ever mindful of the line of women waiting for her job. She is kept aware of this fact by the men with (and for) whom she works.

Even after preparation for protection she can't help but worry about what will happen if somebody erases her tapes, leaving her air-time unattended. This fear arises from the "we have one" syndrome. Perhaps it will disappear when hiring more than one woman broadcaster per station is the rule rather than the exception.

Keep in mind, also, that many women broadcasters, in order to be on the air, have regular staff jobs. They often head the copy department, promotion department, or that ghastly chamber of statistical horrors—the traffic department—where daily logs and books and sales are coordinated.

Some women say they handle both traffic and sales—and write copy, too. One broadcaster is a head bookkeeper. On occasion women broadcasters work under minimum wage laws. Most often they are assigned a devised title which belongs to the woman alone and carries with it a nebulous meaning and a salary to match.

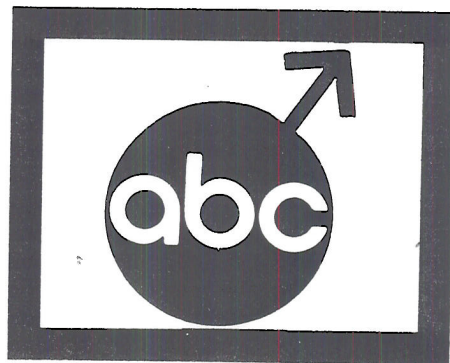
There are even a few women broadcasters who are completely "volunteer." Recently a woman wrote to tell me her station, after six years, has finally agreed to pay her a flat talent fee of \$25 per program. But she is now limited to a show once a week where before -- unpaid -- she could do more. She questions, "Did I win or lose?"

Statistics show that women broadcasters work for less, do twice the labor and have little chance to become executives. They are seldom thanked publicly or privately and often decried as they struggle to live happily on a lower standard than that afforded the male broadcaster.

Added to this, the longtime woman broadcaster now has the additional secret worry that the kind of show she is doing has become passe'. She sees other women retire not to be replaced. She knows of women forced out by the youth-kick, only to be replaced later by a man in his middle years.

Younger women are switching from cook-and-sew to what Claire Klees Lyon (*The Claire Show*, Washington, D.C.) calls the "shock show"...where ladies sip tea and discuss homosexuality with neither raised eyebrows nor lowered pinkies.

Virginia Graham (*Girl Talk* and *The Virginia Graham Show*, syndicated) keeps her format out of the stove although it's often in the fire. After 20 years with a talk-show-shock-conversation-double-entendre format,



**Women broadcasters,
says Susskind, are mostly
boring and pretty rotten.**

she still must live with "syndication" rather than outright network involvement.

Betty Groebli, who traveled from Santa Barbara radio to the nation's capital, takes the position that women's programs are "archaic" and a "woman's world" in newspapers is "barbaric." Although her program titles indicate "for women only," the content of her show is as varied as a high-class zoological garden. She says her mail indicates more men than women listen to her daily radio program, and other women broadcasters agree. Despite ratings and demographics to the contrary, my own mail and telephone calls during several years on CBS in Hollywood indicated a large audience of male listeners - particularly men at the executive level.

Still, women broadcasters are being eased out of the few "hostess" or "anchor" spots they hold and the "woman's" show is being replaced by "morning news," or a news-talk-show. The female hostess is moved over to make room for a male host. This format switch follows the successful lead of the *Today* show where every effort at equality for Barbara Walters still leaves the viewer watching her as an adjunct.

NBC has long taken the lead in putting women in good broadcast jobs. Not top jobs, but good ones. Not in numbers, but in terms of "we have one" here and there. Spokesman Russ Tornabene (NBC, New York) alleges there is a short supply of women available even though he admits there is a "less aggressive program" working to find women than there is searching out men. Tornabene also admits to having no women newscasters on NBC radio, but blames this on the network's 230 affiliates. He claims, "They tell us audiences do not accept women as news authorities." At the same time he agrees the practice of putting women in television news and excluding them from radio is "illogical." "That's prejudice," he says, "but it's old prejudice, nothing new."

That old prejudice takes some funny turns. For instance, while collecting statistics for updating information on local talent, one man told me his radio station has no women broadcasters but only because...well, they offered to let one girl on the air but she turned it down. I said I couldn't imagine why and his answer was, "Well, I guess she is happier doing what she is doing . . . less hassle, you know." As an insider, I know the difference in pay in working off air in this town and on air and I can't for one moment believe any woman turned down the opportunity to maybe double her pay because of the hassle. That's simply another phony "reason."

Is radio any better for women broadcasters than television? It's worse.

KMPC has Kathy Gori as a disc jockey coming on at midnight. KROQ has Inez Pedroza on with public affairs. KABC has Kelly Lang on weather and traffic and Millicent Braverman doing book reviews. KGBS has Marilyn Mitchell doing the *Consumer Hotline*, recently upgraded to eight times daily, and KGBS-FM has Jill Taggart on *Male Call*.

The two all-news stations, with 24-hour broadcasting, would seem likely places to find several women on the air. Not so. KFVB has Carol Sobel on consumer news but doing half what her predecessor did. Joy Nuell does field reporting, lately political, and Lee Richardson free-lances hard news out of Orange County.

KNX has never replaced its women's editor, and now lists Jackye Shun as a consumer reporter on the air at 1:15 p.m., Tuesday and Thursday. She is spelled in that time spot by Beverly Lee as an Action Reporter on Monday, Wednesday and Friday. And Natalie Best freelances the news reports from San Diego.

Everybody says the situation is great...much better than it was. But when you begin to take an actual body count, the sum isn't much.

Which brings us to the question "What do women broadcasters think of themselves?" How do those who are there already view any attempt to open the industry compared to the "we have one" situation? From experience, it's rather nice to be the ONE.

It's nice to have Presidents call you by name and members of Congress know who you are without explanation. It's an ego-trip to have the governor's wife include you in her dinner parties. Because of this many longtime personalities are jittery over the thought of losing "pedestal status" in return for equality.

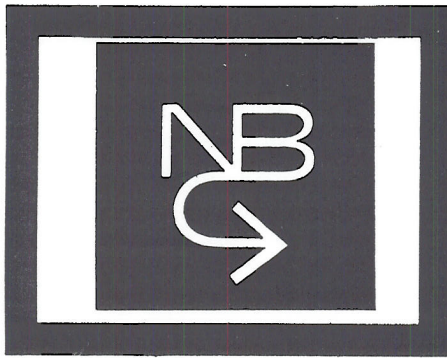
During a recent convention of women broadcasters in Washington, D.C., one woman called a special meeting in her hotel room to warn the others against my efforts to expand our job situation. She insisted "it would just mess things up for

those who have already made it."

It was during that same convention (American Women in Radio and Television, 1971) that Vincent Waslewski of the National Association of Broadcasters drew the wrath of a seminar by claiming he did not believe there is any discrimination against women in the industry.

Waslewski's position is similar to that of CBS executive Sam Digges in New York. To quote him from a taped interview on the subject of women, opinion, attitudes and broadcasting: "All they (women) have to do is pick up the phone and call in to any of the talk shows and they can express any opinion, anytime."

The Georgia Association of Broadcasters gave its 1970 award of Outstanding Broadcaster to Rozell Fabiani, whose morning women's program long ago expanded from cooking and sewing to exploration of social problems, notably the American Indian.



Many women are jittery about losing 'pedestal status' in return for equality.

But even with these women calling attention to excellence on the distaff side, few women have been able to move into executive positions, despite titles which give outsiders the impression they are in decision-opinion jobs.

Where did they come from, the women who are on the air today? The majority gained broadcast positions by taking jobs well below their qualifications, then being in the right place at the right time.

Secretaries, traffic girls, weather girls and copy writers, there when management began to look for something to put between cartoons and old movies, found themselves ad-libbing through a totally new environment with one eye on the little red camera-light which signals "you're on!"

This was true when television was an infant. It is true today. In Los Angeles, Westinghouse Broadcasting's Joy Nuell and KABC-TV's Morgan Williams each graduated from "secretary" to "broadcaster" within the past year.

What is it like for those who have breached the male bastion? Statistically, the average woman broadcaster works 14 hours a day, six days a week, and earns an average of less than \$5,000.

True, reporters such as Connie Chung (CBS, Washington, D.C.) are moving from one professional job to another, counting take-home pay of over \$20,000 annually.

Equally true, a qualified reporter in Indiana says her fantasy goal is to take home \$100 a week. After 10 years of local broadcasting, she earns less than \$75.

But, no matter where you slice the money-pie—high or low, east or west—it always comes out smaller when the word "woman" precedes "broadcaster." Dorese Bell, with Mutual Broadcasting Co. as its token woman covering the political scene for 10 years, estimates her paycheck was probably \$5,000 a year less than those of the 10 men working the Washington newsbeat with her.

This discrepancy is not unusual even where base pay is set by union regulation, because of on-air "fees" and the exclusion of women from anchoring newscasts.

Latest statistics show the average pay scale for women is increasing because more young women are being accepted in news and documentary jobs where big money is paid. It doesn't take many earning five-figure checks to upgrade the numbers for those at the lower pay of \$50 a week.

The average woman broadcaster today has been on the air about 14 years. There is a very large group which falls between 10 and 22 years; a scattering between five and 10 years, and a newcomer trend crowding the "under two" category.

What is it like for women broadcasters? Are conditions for the newcomer different from those which existed, and still exist, for the long-time personality? Apparently not.

Regardless of time and age, the story they tell is the same. Women say they lack status, get no advertising exposure and must battle harder than men for special ideas—even for "just another camera for the show." They report exclusion from executive and sales meetings, even when decisions are being made about what women call "my show."

In a business where "putting down" is a way of life, women say they are given a double dose. "Putting down" women in broadcasting has more than one managerial benefit. It keeps the lid on importance and thus effectively depresses salaries. It also keeps alive the trap of dual responsibility.

Because of the "put down," television—and radio, too,—gets more than double its money's worth from a woman on the payroll. The "Women's

Editor," or "Director of Women's Activities," or "Public Affairs Coordinator" does more than fill air time.

She is the volunteer representative of her station or network at civic affairs, teas, fundraisers, and usually judges the local beauty pageant too. She often makes speeches for her boss when he finds he must be two places at once.

After considering the position of women in broadcasting, the question must be asked and answered: What difference does it make? What difference would there be if the doors suddenly opened and 50 per cent of the opinion-decision-making broadcasting posts were filled by women? One can only conjecture.

For instance, elected female officials might find their speeches getting better coverage. Expanded numbers of women newscasters, in turn, might lead to an equal sharing of hard-news coverage in local papers rather than minimal exposure in women's pages.

Feminists recently shrugged off the almost total lack of coverage by the media at a national convention of NOW (National Organization of Women) in Los Angeles. They aren't pushing for press coverage since it became apparent that male editors expect male reporters to come up with a "cute-sy" piece of tape or film to be used in the "kicker slot" to close a newscast on a light note. Perhaps women editors, reporters and newscasters would concentrate on the mental rather than physical status of females.

Women political candidates might find themselves treated as intelligent people rather than "some freak who ought to be home in the kitchen," thus being elected in greater numbers. More elected women would mean more appointed women. In the long run, it might even change the entire legislative and judicial systems, from police departments and city councils to the U.S. Supreme Court.

Certainly there would be an end to stories such as "will Grandma Reed" change things after appointment to the Federal Communications Commission. What has Congresswoman Charlotte Reed's capacity to breed have to do with her ability as a commissioner, unless one considers the sexual ability of Dean Burch in the same thought process.

Think about it. If you see no women on your television screen and hear nothing about women -- what they are doing or saying -- is it because women are still and silent? Or is it because they are systematically excluded?

And if you see "one" and hear "one" isn't it possible the product of broadcasting is out of balance?

Something *is* missing in broadcasting—the majority sex of the United States population.

Freep Reporter Faces Year in Jail

Ridenour's Own

A

BROAD-BASED defense committee has thrown its support behind me, a radical *Los Angeles Free Press* reporter who witnessed and photographed a police outrage last May, then found that I faced a year in jail for doing my job. I also face six months from a 1970 incident when I told strikebreakers to join a strike at Chic Lingerie Co. in Los Angeles.

In the first case, I was on assignment from the newspaper to cover an anti-war demonstration in front of President Nixon's Los Angeles headquarters. The protest followed Nixon's disclosure that Vietnam harbors had been heavily mined for the first time in the war. Things were quiet May 9 but the next day it became apparent the protestors were determined to be heard.

The police declared an illegal assembly because some demonstrators had blocked street traffic. The protestors complied with the dispersal order. Suddenly two plain clothes police agents, Joe Robinson and Mike Moran, who earlier had posed as demonstrators, pounced on Ron Kovic, a paraplegic Vietnam veteran. They threw him from his wheelchair and beat him with a blackjack as he lay helpless.

I photographed a frame-by-frame testimony of the brutality. Police intelligence officer Stanley Frugard, who has watched me at other demonstrations, shouted to uniformed officers to arrest me. The uniformed cops told me they did not know why I was under arrest but I was later booked for interfering with police. When I was bailed out, my film was returned to me exposed--ruined beyond use. The next morning charges of unlawful assembly and failure to disperse were added.

My jury trial lasted six days and ended in a conviction on the interfering charge. The state dropped the failure to disperse charge and the jury found me not guilty of unlawful assembly.

There was no testimony that I injured anyone, destroyed anything or in any way demonstrated. It was clear I was a newsman doing my job. The Reagan-appointed judge, ex-cop Armand Arabian, sentenced me to one year.

Four eyewitnesses (two were uninvolved in the demonstration) testified that I was no closer than 15 feet from the cops who were beating Kovic. DeWayne Johnson, president of the L.A. Professional chapter of Sigma Delta Chi and a journalism professor and deskman at the L.A. *Times*, testified that I was doing the job of a reporter.

The jury ignored his testimony and believed I must have interfered somehow. They did not believe the cop who testified I had pushed him but they could not believe that the cops were out to get me.

But it was the strange role of the judge on which my appeal mainly rests. Arabian dismissed the probation report which recommended a fine at best. He insisted his decision had nothing to do with my radical beliefs and activities. Yet the transcript shows his true feeling... "if this were the only incident in which you were involved, I would have taken a different view from the

Pepperdine and the POW

“Like sheep we were lead away
from the newsmaker we came to cover.”

WHEN I WAS assigned to cover a story on the Pepperdine University South Los Angeles campus, I had no idea I would become involved in one of the most unusual examples of “news management” (or mismanagement) I have ever encountered. Lt. Norris Charles, recently released POW, was being honored at Pepperdine with a resolution of commendation from the California State Assembly. Assemblywoman Yvonne Brathwaite Burke was going to present the award at a student body assembly.

What I didn't know until after I arrived on the campus was that the University's public relations man, A.S. Young, had established “ground rules” for all news media covering the Charles story.

In a telegram news release to the local wire service (City News), Young stated there would be a student “rap” session with Charles after the presentation but this would be closed to the news media “due to rigid military and government restrictions. He (Lt. Charles) cannot participate in a press conference. The student rap session will not be open to the communications media ...”

After the presentation, the provost of the campus, Dr. Jack Scott, invited the news media to leave because of “rigid Department of Defense regulations governing the activities of Lt. Charles.” This came as quite a surprise to me and several others covering the story. City News Service had neglected to run the full text of Pepperdine's telegram news release. Our respective Assignment Editors did not have all the information before them when they made the assignments. No one in the news media, with the exception of City News, had the opportunity to check the validity of the claimed “rigid military and government regulations.”

I disliked the way we were ushered in to cover only what the University wanted us to cover. The news release statement to the contrary, Charles did speak with reporters before the ceremony but he said nothing new, nothing of any consequence. The real story, it seemed, would be the questions and answers in the rap session. So like everyone else covering, I had two choices: leave as the University officials requested or stay and create an incident. Neither I nor the other reporters felt we should create an incident on the campus of a “private” university, so like sheep we were lead away from the newsmaker we came to cover.

When I returned to my office, I immediately called the 11th Naval District Public Information Office in San Diego. (Charles is under that office's jurisdiction.) Lt. Mark Day was shocked at the University's news release. He was more shocked to hear the University issuing public statements in the name of the military.

Armed with this information, I called Young. He was very hostile at the outset. Assignment Editor Harvey Sachs and I spoke with him for the better part of half an hour. Young gave various reasons for the origin of the “no news media rule”. He said Pepperdine did not want the news men to take the “rap session” away from the student body and, that was one reason for keeping the media out. He suggested the military might be lying, since Charles had reportedly said during the closed session that he was very much under the thumb of the military. He finally suggested the idea of keeping the news media out might have originated with Charles and he referred us to Alvin Smith. According to Young, it was Smith, a former high school classmate of Charles, who had arranged the visit. Smith, who is enrolled at Pepperdine, invited Charles as part of a class project. Young did not indicate what, if anything, Smith had to do with the assembly resolution or commendation.

I made another phone call to the Navy Public Information Office in San Diego. Day had contacted Provost Scott and according to Day, Scott had apologized for the apparent mixup and said the University would attempt to clarify the situation with the local news media.

By late afternoon, there was no indication the University intended to do anything. So I called Scott. His secretary informed me he was gone for the day. She also suggested the University might have been telling the truth about the restrictions on coverage of Charles. She noted that I was the only newsman who had called to complain. When I informed her that I was the only newsman covering who happened to be a Board Member of Sigma Delta Chi, the tone immediately changed. When I stated that I intended to bring this matter before our board that very evening, she asked where Scott could reach me before the meeting.

Scott called within 30 minutes. He didn't seem to understand what I was complaining about. When I suggested there might have been an error in the University's news release, he still didn't appear to feel that it was anything of significance. I said I thought the University should issue a press release to explain what had happened. I further pointed out the conversation with Young, who suggested I call a student to get the “real” story of what happened and why. Scott said he would take up the matter with University President Dr. William Banowsky the next day.

That night I took up the matter with Board Members of Sigma Delta Chi. They voted unanimously to write Banowsky to state the chapter's strong disapproval of what happened and the University's part in it. A copy of the President's letter was also mailed to the editor of City News Service.

So far, there has been no response from Pepperdine.

To some journalists this might sound like an insignificant incident. I don't believe any newsman should let institutions or individuals responsible for these kind of incidents get away with it. Freedom of the press and especially freedom of access is too fragile for reporters to allow themselves to be used or abused by unchallenged phrases like “government and military regulations.” What regulations? Who issued them? Do you have those instructions in writing? Where did they come from?

In checking with the 11th Naval District office in San Diego, I discovered no one from the University in any official capacity *ever* bothered to check with the Navy. No one ever inquired about restrictions, if any existed, on Charles. Day told me Charles was as free as any military officer. The only things he couldn't do were the same things ANY military officer can't do: 1) discuss classified information or 2) participate in any election campaigning for any candidate or issue while a member of the armed forces.

If Pepperdine University wanted to have a “private” meeting between Charles and the students, why did it send a news release? I suggested to Scott that perhaps it would have been better if the University had not advertised Charles, a newsmaker who would certainly draw media attention. But even that would have been managing a person of interest to the news media and denying access.

What's the answer? Speak up when something like this happens. Bring it to the attention of Sigma Delta Chi and other professional news organizations. Report the story “completely.” Let your readers, listeners and viewers know what happened and what's happening. The First Amendment belongs to them too.