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NEWSWORTHINESS GUIDELINES FOR A SOCIALLY RESPONSIBLE PRESS:
ALIGNING DEFINITIONS AT THE INTERSECTION OF JOURNALISM, ETHICS, AND
THE LAW

by

MEGAN HODGKISS

Under the Direction of Carrie Freeman, PhD

ABSTRACT

Journalism, ethics, and the law all function in tandem. While media scholars have previously focused on traditional news values, ethical issues, and on the development of communication law, there exists a gap in academic literature concerning these three fields and their shared relationship to “newsworthiness.” This dissertation, using textual analysis and social responsibility of the press theory, examines how journalism textbooks, journalism ethics textbooks, journalism professional codes of ethics, and U.S. Supreme Court cases define and describe newsworthiness and story selection. The goal of the project is to draw from these

sources to develop theoretically-informed newsworthiness criteria and make recommendations to the journalism professional codes of ethics concerning news value and story selection.

The dissertation narrows down newsworthiness factors in categories of objective news values (who, what) and evaluative values (presentation and storytelling) in light of ethical and socially responsible considerations (what should be considered newsworthy and of public interest). These findings will be helpful to working journalists and journalism students, as refined criteria will serve as professional and ethical guidelines concerning socially responsible story selection and reporting.

INDEX WORDS: Journalism, Journalism Ethics, Law, Privacy, U.S. Supreme Court, Newsworthiness, News Values, News Judgment, Public Interest

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THE LAW

by

MEGAN HODGKISS

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2017

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2017

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December 2017

ACKNOWLEDGEMENTS

The completion of this project would not have been possible without the guidance of my talented and knowledgeable advisory committee. I also owe a big “thank you!” to my friends and family for their continued support and patience throughout this challenging academic process. Finally, I want to acknowledge my mother, who was the first to predict that a doctoral degree was in my future and who assured me that I could accomplish whatever I put my mind to.

Thanks, Mom.

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1 INTRODUCTION

1.1 Introduction

News is foundational to society. It shapes and defines the environment “within which events and issues are viewed as important [and are] made available for public discussion” and action (McNair, 1998, p. 49). At the center of the news industry and freedom of the press is newsworthiness -- the idea that journalists are independently deciding what topics are most important to share with the public, and how. The press is not acting solely as a for-profit industry, but as a profession with a social responsibility to help maintain an informed citizenry in a democratic society (Hodges, 1986). In order to continue serving this role, journalists must maintain their editorial judgment and news values.

In the current political landscape, U.S. President Donald Trump and the Trump Administration are openly challenging the credibility of the press. Not only is the Administration calling many mainstream press organizations “fake news” and either denying them or outright banning them from White House press briefings and other communication-related activities, but the President has also been including more alt-right bloggers and non-traditional news media into the briefings (as well as using them as a source of information himself). The latter points to a larger, pre-existing issue – the news profession needs to distinguish itself from other myriad sources of information seen as either competition (infotainment) or dilution of the profession (misinformation, citizen journalists, etc.). Current market and political forces are calling for increased professionalism from journalists, especially around ethical practice and editorial decisions. Journalists need to distinguish themselves as a credible and unique source of information in the digital age, and they can accomplish that by being socially-responsible

professionals who serve the public interest. They should follow ethical standards, especially regarding their curation of news content that is newsworthy and appropriate to prioritize for discussion in the public sphere.

With news being foundational to a democratic society, and journalists having a social responsibility to maintain an informed citizenry, it so follows that it is vital to examine news selection and notions of the public interest from the perspective of social responsibility theory of the press - the notion that the press is meant to serve the public. If one were to examine news selection from a more market-based view on journalism, one that focused more on journalism as a business, the interpretations and conclusions would be different. Business interests change the motivation of news away from serving the public and instead toward trying to interest the public in order to drive ratings and profits (Day, 2006; McChesney, 2003). To privilege the perspective that journalism is a profession with ethical obligations more closely aligns with the accepted role and responsibility of journalism to the public.

Meanwhile, as the profession of journalism deals with the onslaught of challenges from the U.S. government and President Trump's administration, journalists are also addressing the evolving relationship between the media and legal fields. This research project examines a new pattern of litigation in which the judges place themselves in the role of news editor. More and more frequently¹, judges have been injecting themselves into the role of news editor and forming black-letter law² decisions about what is "newsworthy" and of "public interest."

¹ See Section 1.3.3 "Newsworthiness from a Legal Perspective - The Development of Privacy Law"

² "Black letter law" is a phrase used in the legal field to describe basic, standard, or generally-known principles of law. So, a "black letter law" definition would be a definition that is concise and well-known by legal professionals.

Newsworthiness, from a legal perspective, is based on traditions and precedents – there is no specific definition. Issues of news values typically arise in cases related to First Amendment and privacy law. Privacy law and newsworthiness are related insofar as newsworthiness is a lawful defense against claims of privacy invasion. For example, if a plaintiff files suit against a reporter or news organization for intrusion upon seclusion or public disclosure of private facts, the defendant may claim that the information was “newsworthy” and therefore publication of that story is legally protected.

This new pattern of litigation could have a drastic effect on journalism. Judges and journalists have different educations and career training. They are subject to different institutional pressures and are responsible for adhering to different professional and ethical standards. Some may argue that judges *should* place limits on the press in defamation, intellectual property and privacy cases; otherwise, the First Amendment will overwhelm people’s existing right to privacy. But having a judge decide what is a newsworthy item, rather than a journalist making that decision as part of their mandate to report on the public’s behalf, would move the journalistic profession even further away from citizen autonomy and independent news judgment. The judicial system could become an imposing or influential force on par with political economy (market forces, government reliance, and division of labor). It also could lead to a cooling effect within the Fourth Estate concerning editorial independence.

One of the focuses of this dissertation is the lack of a universal understanding of newsworthiness, and how this ultimately leads to an influx of journalism privacy law cases on court dockets, and the blurring of the professional lines between Judge and Journalist. This problem has been decades in the making, with no solution yet in place.

This dissertation examines the concepts of “newsworthiness” and “news values” from the perspectives of professional training texts (journalism textbooks and journalism ethics textbooks), journalism professional codes of ethics (such as the Society of Professional Journalists, National Press Photographers Association, Radio Television Digital News Association, Associated Press Standards and Practices, and American Society of News Editors), and U.S. Supreme Court cases. The idea is to first evaluate how these different fields of professional education, professional ethics, and the judiciary define (or fail to define) newsworthiness, and compare and contrast the different definitions and criteria in light of the theory of social responsibility of the press. Next, I propose a theoretically-informed guide on newsworthiness considerations in story selection and reporting for socially-responsible journalists. Finally, I propose additions to the primary professional journalism codes of ethics based my newsworthiness criteria for socially responsible journalists. Social responsibility of the press is the perspective through which the different news values will be evaluated and around which my news criteria will be created.

I chose to develop theoretically-informed newsworthiness guidelines and professional ethical recommendations rather than a new theory of newsworthiness altogether because of the potential application and practicality of the project. To create a theory of newsworthiness would be to develop a new body of knowledge that incorporates abstract or generalized ideas of news values. The fields of journalism, ethics, and law, as this dissertation shows, already have some generalized ideas or notions in place when it comes to newsworthiness – the issue is that these three areas are working in tandem but without a shared understanding and application of newsworthiness. With the purpose of this dissertation being to synchronize functions of journalism, ethics, and law by filling the gaps concerning socially-responsible story selection and

reporting, developing more concrete newsworthiness criteria aligns closer with those goals than creating a new theory of newsworthiness.

1.2 Significance and Contributions

A thorough analysis of the concept of “newsworthiness,” as proposed in this dissertation, could provide new insight for the evolving fields of law and journalism. This dissertation goes beyond analyzing the traditional journalism standards of truthfulness, accuracy, credibility, and objectivity. I will be focusing more on analyzing the foundational news values and how journalists are taught to prioritize what the news content should be, in light of ethical and legal considerations, and with social responsibility of the press theory guiding the analysis.

There exists an overlap between the fields of journalism, professional ethics, and law, in that all three areas work together. Journalists adhere to a code of ethics. Courts determine whether journalists’ work is protected or a violation of privacy. Legal language incorporates policies of ethics and morality. All three areas have some sort of definitions or guideposts (direct or implied) in place concerning news values or newsworthiness. This dissertation examines exactly what those definitions are and how the various descriptions overlap or conflict, with the goal of proposing theoretically-informed and comprehensive criteria of newsworthiness, which will ideally increase clarity to these disjointed fields. My research does not privilege either the journalism textbook language or the court language per se – it incorporates both.

My findings could help journalism scholars and students by addressing the gaps in academic literature concerning the relationship between journalism, professional ethics, and communication law. There is a wealth of research on news discourse and its importance to a democratic society. Media scholars’ body of research is vast and diverse. They have focused on the traditional journalism news values, on the ethics of journalism, and on the development of

communication law³; however, these scholars have not yet examined how newsworthiness operates within the Venn diagram that is media, ethics, and law. Through my analysis of contemporary journalistic norms and definitions, communications students may develop a fuller understanding of how newsworthiness is evaluated and created through different professional contexts

Within the profession of journalism, the creation of new guidelines could potentially serve as a guidepost for news organizations. These guidelines could reinvigorate journalists' professional expertise in socially responsible news selection, so they serve as expert curators in determining what constitutes newsworthy topics in the public interest, adding to the overall perceived credibility and authority of the profession.

While the primary goal of this dissertation is to create newsworthiness guidelines for socially responsible journalists, a secondary benefit of this research would be to contribute to the development of newsworthiness-related laws, so that journalists can better understand the newsworthiness exemption, their protections under the First Amendment freedom of the press, and to potentially avoid costly litigation over privacy law cases. These two goals, while both related to journalism, ethics, and communication law, are similar but not necessarily mutual or even complementary. Fear of litigation over newsworthiness and First Amendment press protections can cause a "chilling effect" on media organizations and independent news judgment (Hart, 1987; McChesney, 2008; Schauer, 1978). This fear can motivate a call for more concise laws or professional journalistic guidelines, which would benefit two different groups or audiences. Newsworthiness guidelines driven by social responsibility of the press theory would ultimately benefit the public, whereas newsworthiness laws would be beneficial to journalists

³ See Literature Review for a full examination of these areas, as it relates to newsworthiness

and newsrooms looking to avoid litigation. Newsworthiness guidelines for socially responsible journalists are focused on ethical story selection and reporting, whereas clarity of law or doctrine is not always inherently ethical – but it can produce ethical knowledge through litigation or determine behavior tied to ethical issues. In addition to the two goals of formulating newsworthiness guidelines for socially responsible journalists and producing newsworthiness-related law so that journalists can avoid litigation, journalism and legal scholars could also potentially utilize my research findings to clarify issues in their own work concerning the relationship between journalism, ethics, and law.

1.3 Existing scholarship on various perspectives on newsworthiness

This dissertation will explore the concept of newsworthiness and news values from several substantive perspectives: a traditional academic journalism approach, journalism ethics (also from a textbook approach), professional and journalism codes of ethics, as well as the legal field as it relates to communication, the First Amendment, and privacy law. In this section I introduce some of the existing media and legal literature on these topics, including the close relationship between newsworthiness and the public interest.

1.3.1 Journalism and “Newsworthiness”

To understand the concept of newsworthiness is “pivotal to understanding the practice of journalism” (Devereux, Haynes & Power, 2011, 509). Some media scholars define newsworthiness as a cognitive construct (Shoemaker, 2005), a gut feeling (Schultz, 2007), or a measure of journalistic credibility (Joseph, 2012) with which journalists evaluate certain news factors and values in determining which stories make headlines.

Every day, journalists must make difficult yet important decisions about what the readers need to know, and they separate the conversations into “news” and “non-news” categories, based

on a system of professional news judgment and news values (Lanson & Stevens, 1994, p. 10; Stovall, 2009, p. 77). They also must present the news in a way that is interesting, appealing, and easy to comprehend – news that is attuned to the public’s everyday lives (Cappon, 1991, p. 7; Stovall, 2009, p. 210).

In journalism textbooks, newsworthiness often encompasses specific news values such as timeliness, proximity, prominence, consequence, human interest, novelty, etc.⁴ (Dominick, 2011, Rich, 2000), dramatic damages or breaches (Lippmann, 1922), potential impact, and editor’s preferences (Kepplinger & Ehmig, 2006). Further, some scholars describe newsworthiness as how journalists value events based on their political importance, social effect, novelty, pathos or public interest (Herbert, 2000). Other factors may include format and source considerations, the need for new variety, or the perceived audience interest (Stromback, 2012). Determining what is newsworthy in the newsroom is “not an exact science”: newsworthiness for journalists is shaped by tradition (news values and operations precedents), the digital revolution (the availability and share-ability of media), organizational policy (newsroom policies), and economics (resources) (Dominick, 2011, p. 304).

The term “newsworthy” is malleable in nature, and can encompass many different contents and contexts; however, for this research project specifically, “newsworthiness” is the selection criteria which newsmakers use to deem a story valuable and worthy of inclusion in their newscast, platform, or publication. There is no specific legal definition of newsworthiness – instead there exists a “series of guideposts” based on public record and case law (see section iii. Newsworthiness from a Legal Perspective) (Pember, 1968, p. 17).

⁴ Each of the news values will be defined and explored at length in the dissertation research involving journalism textbooks and definitions of newsworthiness

1.3.2 What is Public Interest?

One of the primary roles of journalism, and the basis of both traditional and socially responsible news values, is to protect the public interest – that is, to keep the community informed and serve as a watchdog on government and corporate entities. Journalists functioning under any iteration of democracy are expected to serve the public’s interest by gathering information with critical awareness, accuracy and independent news judgment (Curran, et al, 2011; Josephi, 2013). Information “of public interest” may include how society operates, the character and behavior of public figures, and what the public can expect from the innovation and availability of certain communication channels. In the current political landscape, issues of race, religion, gender, and equality are all major themes in the coverage of public interest reporting.

The legal definition of “public interest” differs from the journalism definition in that it relates strongly to privacy law. It is more focused on information protection, and less about information gathering. In privacy law cases, judges serve as the “news editor” by making decisions about what is newsworthy and of public interest – and is therefore protected under the First Amendment. When an incident is a matter of public interest or public investigation, then it is not a privacy violation to publish information associated with that person or event. Lawmakers tend to think of newsworthiness as it relates to public interest stories, accounts involving public figures, or information pulled from public records (Hart, 1987; Pember, 1968). Hart (1987) explains that under the scope of law, “public interest” covers the wide range of communication necessary for people to govern themselves (p. 59). This may include educational issues, arts which enrich the general welfare, and public debate (p. 59). Bartholomew (2011) writes that “public interest” has a broad legal interpretation, as it may include a public event, a public concern, or a story that fulfills the public’s need for amusement. In U.S. legal history, the

newsworthy privilege first extended to crime-related stories (Gajda, 2009). In the early 20th century, courts began to recognize the privacy exemption for reporting of public interest stories, as well (Gajda, 2009). Some years later, courts expanded the scope even further, shifting the boundary from the public's need to know, to the public's interest in knowing (Gajda, 2009). In the current legal landscape, judges take into account the people's interest level in a story (in addition to its informational value) when evaluating whether a story is newsworthy or not protected.

1.3.3 Newsworthiness from a Legal Perspective: Development of Privacy Law

The current conception of newsworthiness and news values, from a legal standpoint, is based on legal traditions and precedents. Historically, courts have viewed newsworthiness as related to First Amendment freedom of expression and Privacy Law cases (Hart, 1987; Pember, 1968), as “newsworthiness” is a lawful, recognized defense against claims of invasion of privacy. For example, if a private individual files a lawsuit against a media organization for misappropriation, placing them in a false light, disclosing embarrassing private facts, etc., the media organization may present the defense that their work is protected under law because the materials are “newsworthy” in nature. However, as there is no black letter law definition of “newsworthiness;” the concept is fluid, and open to legal interpretation.

Taking a closer look at the history of privacy law and the development of “newsworthiness” in a legal context, many legal scholars agree U.S. privacy law originated in 1890 when Samuel Warren and Louis Brandeis published their article, “The Right to Privacy,” in the *Harvard Law Review*. The pair voiced their concerns about the current state of the news media, writing that “yellow journalists and gossip mongers” had eroded the “respect for private repose” (p. 205). Warren and Brandeis called on the courts to create official, legal protection

against unwanted invasion of privacy. The concept of newsworthiness began to develop as a means of protecting the news that people should care to know (Gajda, 2009). A few years later, in *Pavesich vs. New England Life Insurance Company*, 50 S.E. 68 (Ga. 1905), the Georgia Supreme Court held that:

“[S]o long as the truth is adhered to, the right of privacy of another cannot be said to have been invaded by one person who speaks or writes or prints, provided the reference to such person, and the manner in which he is referred to, is reasonably and legitimately proper in an expression of opinion on the subject” (p. 73-74).

Soon thereafter, courts began to recognize the *Pavesich* privacy exemption for news reporting, extending the newsworthy privilege from crime-related stories to public interest stories (Gajda, 2009). Later, *New York Times vs. Sullivan*, 376 U.S. 254 (1964), broadened the scope of “newsworthiness” so as to encourage robust political debates. In *Time, Inc. v. Hill*, 385 U.S. 374 (1967) the Supreme Court extended First Amendment protection to Right of Privacy cases (Pember, 1968). By the 1970s, “legal protection for the freedom of the press to determine the content of news coverage had emerged in full bloom” (Gajda, 2009, p. 1061). Newsworthiness expanded from the “public’s need to know” to what the “public wanted to know” (p. 1061). In making decisions about privacy law, courts considered newsworthiness and news values a flexible concept, based on public curiosity and shifting cultural influence.

From the 1950s through 2000, judges presiding over privacy law cases typically deferred to journalists in determining what was newsworthy or not (Gajda, 2009). These judges were hesitant to pass judgment on the character of news, unless forced to do so under privacy or constitutional claims (Hart, 1987). In *Jenkins v. Dell Publishing Company*, 251 F.2d 447, 451 (3rd Cir.,1958), for example, the court commented “it is neither feasible nor desirable for a court to make a distinction between news for information or news for entertainment in determining the extent to which the publication is privileged” (p. 977). According to Gajda (2009), 20th century

judges feared acting as superior to news editors or were uninterested in second-guessing reporters' editorial decisions; therefore, they allowed the news media to create their own "legal" conceptions of newsworthiness. But in the past decade, concerns about the loss of personal privacy, fears of unwanted public exposure, and a declining public respect for journalism have put new pressure on judges to restrain the press (Gajda, 2009). As a result, judges have begun to assert their own opinions and determinations about newsworthiness and legitimate newsgathering.

While journalists and judges have different functions and serve different purposes, they do come into contact with each other in cases involving First Amendment freedom of speech issues or privacy issues. The courts, with the U.S. Supreme Court at the top of the legal hierarchy, make decisions about newsworthiness that affects media organizations. The public relies on the Court to conduct thoughtful debate on important ethical issues, such as the protection of constitutional values. As one of the goals of this dissertation is to create theoretically-informed newsworthiness criteria that benefits the social responsibility of the press and incorporates aspects of journalism, law, and ethics, it follows that the dissertation needs to include a textual analysis of U.S. Supreme Court cases which address newsworthiness as it relates to journalism and media organizations. This legal analysis provides insight into the Court's notion of newsworthiness (who or what is newsworthy, and what falls under the newsworthiness exemption), which helps inform newsworthiness criteria for journalists and provides ethical guidance for the profession. On a secondary level, the legal insight and analysis could also help journalists to better understand what qualifies as protected expression, meaning fewer First Amendment and privacy cases on the court dockets.

1.3.4 Privacy Law and Journalism Ethics

“Excellent journalism and concern for privacy are not mutually exclusive” (Steele, 1994). Privacy is an important issue being played out in newsrooms today: whether journalists have a responsibility to protect citizens from the public disclosure of private facts, or whether they are accountable to the public concerning their right to know and have access to information. Hodges (2009) defines privacy as “the condition of being protected from unwanted access by others, either physical or personal” (p. 282). He sets forth privacy guidelines for journalists, which depend on the vulnerability of the individual and whether their public presence is voluntary. Hodges (2009) creates special provisions for public officials (report, if private activity affects official performance); public figures (publish, if private activity may significantly affect public duties); celebrities (print private information if audience is interested and sharing does not seriously harm the celebrity); criminals (report all aspects of the criminal’s private life that might help the public to understand him or her, and their crime(s)); and victims of crime or tragedy (only publish the information that the victims give permission to publish). He argues that privacy has an overriding public importance, and that journalists have both a moral right and a legal right to preserve an individual’s privacy (Hodges, 2009).

According to Johnson (1994), journalists consider “privacy” to be a person’s right to control information about themselves (p. 226). Lawmakers, alternatively, tend to think of “privacy” as a matter of property, and “newsworthiness” as related to public interest stories, public figures, or information pulled from public records (Hart, 1987; Pember, 1968). This means that these two professions are viewing “privacy” with different value systems. The law views “privacy” as personal, and “newsworthy” as public; whereas journalism views “privacy” as a balance between personal and public, depending on the content of the story.

There exists under the U.S. Constitution an absolute right to publish, but not an absolute need to publish or an absolute right to know (Smith, 1994). Further, the First Amendment does not provide any protections or immunities from the effects of publication. Journalists and media professionals are constantly going back-and-forth about the public's right to know and the responsibility to prevent public disclosure of private facts. These professionals are evaluating whether a story is newsworthy and of public interest, or alternatively, whether the information should be kept private or else the news organization be subjected to a lawsuit for invasion of privacy. (Of course, this is not always an either/or situation; some stories are of public interest and can be shared publicly without legal repercussions, just as there are some stories that are not newsworthy or valuable to the public and likewise would be an obvious violation of anyone's legal privacy). As courts have historically favored a journalist's First Amendment rights, this means that the restraint that journalists show for individual's privacy is governed informally by the ethical realm – perhaps even more so than the legal realm. This notion makes professional codes of ethics and newsroom culture especially important.

Codes of ethics function within the journalism field by providing a professional guide to the contemporary principles and practices of journalism. These codes help journalists maintain their professional credibility by presenting the normative professional ideals and specific guidance on journalistic behavior (Robinson, 1971). Further, the codes often echo certain aspects of privacy law. For example, the Society for Professional Journalists' Code of Ethics includes instructions to “minimize harm” by “realiz[ing] that private people have a greater right to control information about themselves than public figures...” (SPJ, 2014). Similarly, in privacy law, Courts have stipulated that private figures have greater protection than public figures or officials when it comes to the disclosure of information pertaining to them (*New York Times Co. v.*

Sullivan, 376 U.S. 254 (1964))⁵. In this sense, the codes of ethics might serve as a sort of bridge between the two fields of journalism and law, providing professional guidance while reinforcing certain legal principles.

1.4 Preview Research Questions and Background Literature

The research questions for this dissertation walk the researcher and reader through the different phases of the project, including both descriptive and prescriptive elements. First, I explore journalism educational textbooks, journalism ethics textbooks and Supreme Court cases, looking for any definitions of newsworthiness or descriptions of news value. Second, I identify any themes/commonalities or major contradictions in those definitions or criteria. Third, I consider whether there is adequate commonality in these definitions or criteria to develop a more precise definition of newsworthiness, and whether a definition would be useful for journalists, courts, or both to incorporate in their own practice. Finally, I determine whether it would be feasible and beneficial to provide further guidance within primary journalism codes of ethics concerning newsworthiness and ethical practice.

RQ1. What are the various ways that U.S. university-level journalism textbooks address or define newsworthiness and the criteria for news value(s)? Which, if any, are the most common?

RQ2. What are the various ways that U.S. journalism ethics textbooks address or define newsworthiness and the criteria for news value(s)? Which, if any, are the most common?

⁵ In *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), the U.S. Supreme Court developed the “actual malice” standard. The Court held that the First Amendment protects the publication of all statements about the conduct of public officials, with the exception of when those statements are made with “actual malice,” meaning with knowledge of falsity or reckless disregard for the truth.

RQ3. What are the various ways that professional journalism codes of ethics in the U.S. address newsworthiness and the criteria for news value(s)?

RQ4. What are the various ways that the U.S. Supreme Court cases have addressed or defined newsworthiness and the criteria for news value(s) relevant to journalists? Which, if any, are the most common?

RQ5. What themes or issues arise when comparing and contrasting the various definitions and criteria from these journalism textbooks, journalism ethics textbooks, codes of ethics, and Court cases?

RQ6. Is there a definition of newsworthiness that would clarify and better incorporate both ethical and legal views? If so, how could this be applied? Discuss the implications.

RQ7. What guidance, if any, should be added to journalism codes of ethics to better address newsworthiness as a part of ethical practice and why?

The literature review topics in the next chapter will provide the background context pertinent to understanding the research questions. First, I will explore the role of journalism within a democratic society – how journalism and Western media theory are linked, and how journalism helps to inform citizens and enable them to participate and be represented in political activities. Next, I will review literature related to journalism as a profession: how to define the criteria, how journalism meets those requirements. Having established journalism's role within society and both its professional and ethical obligations to the public, the literature review will then cover the political economy of journalism – how the market economy, reliance on government, and the division of labor within the newsmaking industry both challenge and shape the definition of newsworthiness. Finally, the research will examine journalism within the new, digital landscape, including international newsworthiness and the future of interactivity.

Collectively, these topics clarify how newsworthiness developed and is currently viewed within the fields of journalism, ethics, and the law.

1.5 Personal Interest

This topic is of particular interest to me, based on my own educational and professional background. I have worked for more than 15 years as a journalist within the fields of print, broadcast and online media. Additionally, I am a licensed attorney, with a practice focused on media and communications law. It was when I first started researching privacy law cases that I noticed that while journalism, journalism/media ethics, and courts all deal with the issue of newsworthiness and news values, that the three groups did not share an overlap of texts, definitions, or criteria. As all three are tied together (courts are tasked with evaluating the work of journalists, who in turn are taught to adhere to professional ethics), I thought it might be beneficial for at least one of these fields to develop some sort of concrete definition, objective standard, or ethical guideline. This notion serves as the motivation or foundation for my doctoral dissertation.

2 LITERATURE REVIEW

2.1 Introduction

In order to understand the relationship between the journalistic, ethical and legal perspectives of “newsworthiness,” and new values, it is best to take a step back from the issues and first examine journalism’s role within society, journalism as a profession and its ethical obligations, the influences of political economy on journalism, the ever-evolving communications technological landscape within which journalism operates today, and how newsworthiness criteria affect international news coverage in the American press.

2.2 Role of Journalism within a Democratic Society

Journalism is in a constant state of evolution. While the practice and profession may have deep historical roots, the concept of “journalism” changes with society’s views on politics and news, our cultural value systems, and with the advent of new communication technologies and platforms. The role of journalism within a democratic society is to inform citizens about current events and information, enabling them to contextualize this knowledge and make informed choices about their future (Karam, 2009). This notion is the basis of social responsibility of the press theory (which will be discussed further in Chapter 3). Under the umbrella of this theory, journalists are the information “experts” responsible for providing people with the knowledge and motivation to participate in political and deliberative activities (Lippmann, 1922).

Journalists help people to become better educated, informed and connected (Cooper & Johnson, 2009). They also “arm people for vigilant citizenship” (Schudson, 2002, p.263) by serving as a watchdog (Kennis 2009; McChesney, 2003; Schudson, 1999) and drawing attention to possible problems within society, the government, or in the economy (Cooper & Johnson, 2009; Shoemaker, 2006).

Socially responsible journalists are expected to adhere to the chosen values and conceptions of the “common good” (Bagdikian, 1971; Baker, 1998). They can engage and mobilize disadvantaged groups by giving a powerful voice to marginalized individuals or excluded social movements (Curran, 2011). Ethical journalists should also facilitate the development of the public sphere – which is a conceptual space for the exchange of information and views on common, public concerns (Hackett, 2013). This may be accomplished by publishing reliable information (McQuail, 1977) which promotes the expression of diverse interests (Curran, 2011) on an array of media platforms and channels (Hackett, 2013).

Journalism and politics have long been linked in Western media theory, whether concerning public opinion (Gurevitch & Blumler, 1990), freedom of expression (Meiklejohn, 1948), public service (Cohen, 2005), equal representation (Glasser, 1980; Schudson, 2002), or self-government (McChesney, 2003). Many scholars suggest that democracy and journalism have similar historical origins (Joseph, 2012) and that over the years they have become “inextricably intertwined” (Meiklejohn, 1948), to the point that “journalism is another name for democracy...you cannot have journalism without democracy” (Carey, 199, p. 373). James Madison wrote,

“A popular government without popular information or means of acquiring it is but a prologue to a farce or tragedy, or perhaps both... a people who mean to be their own Governors must arm themselves with the power which knowledge gives” (as cited in *Assault on the Press*, 2013).

A primary feature of a democracy is a “form of government that respects people’s equality and affirms their autonomy” (Baker, 1998, p. 1). Democratic societies, in theory, encompass diverse cultures, a plurality of associations, and a division of governmental authority (Glasser, Allen & Banks, 1988). A democracy aspires for people’s equal rights to participate in “matters of collective self-determinism,” equal status as moral agents, and the ability to help

define and advance the public good (Baker, 1998, p. 1). Hackett (2013) claims that democracy's strength is its protective character: protecting citizens from each other, protecting people from the government and its possible abuse of power, protecting human rights and dignity, and maintaining political stability.

Over the past century, political scholars have turned to the study of news and journalism, in order to ascertain journalists' "important and autonomous" force in the political realm (Coyne & Leeson, 2009; McNair, 2000; Schudson, 2002). In the 1920s, specifically, journalist Walter Lippmann wrote about an American democratic society in which "experts" such as public-spirited elites and well-educated journalists would manage political activity and provide citizens with the knowledge and motivation to vote (Lippmann, 1922). He saw journalists as being responsible for creating a marketplace of democratic ideas while also embracing First Amendment rights and serving as watchdogs on government officials (Lippmann, 1922).

Building upon Lippmann's theory of journalism and democratic society, the philosopher, psychologist and educational reformer John Dewey believed that Americans were capable of more than just voting. Dewey argued that citizens ought to participate in the deliberation process itself (Dewey, 1927). He claimed that democracy is a mode of association and community, and as such, journalism should highlight local issues, foster robust debate, and take its role in politics seriously (Dewey, 1927). Also during this time, the corporate media began to actively cultivate the idea that "capitalist media are synonymous with democratic media, and that democratic media are synonymous with American media," hence, incorporating a new political-economy perspective to the study of democracy and journalism (McChesney, 1995, p. 3).

2.3 Journalism as a Profession

Arguably, one of the most important roles in life is what we do for a living, colloquially known as our “profession.” Professions and professionals affect society in a significant way, because people rely on them to perform specialized duties. These duties can benefit individuals, as well as society at large. Tomhave and Vopat (2013) claim that professions “contribute to the protection or realization of fundamentally important [societal] goods” such as rights, freedoms, bodily integrity, opportunity, income and wealth (p. 97-98). If this is accurate, that people uphold professions as protectors of human rights and public goods, then a closer look at professional responsibility and ethical obligations is absolutely warranted. As Davis (2003) writes, “if philosophy consists, in part at least, of arranging our thoughts on a subject until they make sense as a whole, then there is philosophy to be done... about the history of professions” (p. 434).

There is an ongoing debate as to the exact definition of the word “profession.” Many philosophical scholars seem to define this concept by its qualities and characteristics. Tomhave and Vopat (2013), for example, describe a “professional” as a person with a certain level of occupational expertise, who is paid for that expertise, and who possesses a certain type of authoritative attitude when engaging in that area of expertise. Klugman (2008) lists six categories related to professionals and professions: standards of excellence, performance for pay, an historical pattern of societal acceptance, jurisdiction over particular work activities, economic power, and the virtue of specialized education and community service. Barber (1963) writes that there are four sufficient conditions for professions: it requires a high degree of systematic knowledge, it is oriented toward the interest of the community, it is associated with voluntary organizations and internalized codes of ethics – which result in a high degree of self-control - and finally, that it has a system of rewards based on work achievement. Bayles (1981) sets forth

what he describes as three necessary conditions for a “profession”: it requires extensive training, possesses a strong intellectual component, and provides some sort of valuable service to society. Finally, Davis (2010) attempts to concisely define a “profession” as “a number of individuals in the same occupation voluntarily organized to earn a living by openly serving a moral ideal in a morally-permissible way beyond what law, market, morality, and public opinion would otherwise require” (p. 230).

By comparing the definitions provided by these oft-cited scholars, it would seem they would agree that a “profession” involves: 1) an elevated degree of specialized training or knowledge, 2) compensation or reward for that level of authority, 3) societal recognition that the profession benefits the community, and 4) some sort of adopted standards or ethical code. Based on these shared characteristics, I argue that journalism can be considered a profession.

First, many journalists have some level of training or knowledge above other citizens, whether that be training in writing and reporting, Associated Press (AP) stylebook, on-air presence, or the technical skills associated with radio or television news broadcasts. As of 2017, there are 118 accredited U.S. college and university journalism and mass communication programs specifically designed to educate future journalists and prepare them to work in the field of journalism (ACEJMC, 2017). Additionally, many newsrooms offer on-the-job training in the different aspects of journalism, such as writing, reporting, editing, digital editing, graphic design, on-air broadcasting, producing, directing, camera work, etc. Here, some may argue those who do not have specialized training and choose to share stories largely via social media may still be considered journalists. Based on *my own experience* in the journalism field, I agree that advanced education is not a requirement of the journalism profession, but many journalists do have a media-related academic degree, on-the-job training in a news environment, or both. This

dissertation is not designed to address exactly *who* is and is not a journalist, but rather how journalism fits the criteria for a profession. A more specific discussion could be the subject of an additional or subsequent research project.

Second, journalism meets the criteria for a profession in that journalists are compensated for their work, either in the form of payment or by some sort of reward or recognition. Journalists can be a full-time or part-time employee of a news organization, writing or producing news stories for pay. They could also work as a freelance journalist, reporting on topics and collecting checks from a number of media groups. In addition to payment or compensation, there are also a number of high-profile awards specifically for journalists and the journalism profession. The Peabody Award, for example, is bestowed upon approximately two dozen individuals or communication groups each year for their journalistic accomplishments in radio, television, or online media. The Pulitzer Prize, as another example, annually recognizes journalistic achievements in 21 categories including magazines, newspapers, and online journalism.

Another reason to work in this field is because of its ability to benefit society – the third characteristic of “profession.” Journalism benefits society in its capacity as the Fourth Estate⁶. It helps educate citizens and keep them informed about current events, issues, and public figures. Journalism also serves as a watchdog on government and corporate entities, alerting the public to any potential problems. Journalists provide the public with knowledge, information, and motivation, and in turn, the public is able to participate in political, deliberative activities which directly affect their future (Baker, 1998; Curran, 2011; McChesney, 2003; McNair, 1998; Schudson, 1999).

⁶ Journalism is referred to as the Fourth Estate because it is supposed to serve as a check-and-balance system on the three government estates: executive, legislative, and judicial.

Finally, journalism is a profession in that it has adopted specific standards or ethical codes. The Society of Professional Journalism's Code of Ethics, which many journalists hold as their ethical guidepost, is designed to "stimulate high standards and ethical behavior in the practice of journalism" (<http://www.spj.org>). There are other ethical codes that guide the profession as well, including the American Society of News Editors (ASNE) code of ethics, the National Press Photographers Association (NPPA) code of ethics, and Radio Television Digital News Association (RTDNA) code of ethics⁷. (These codes will be further explored in the analysis portion of the project). Some professions, such as legal or medical, require a test to enter the field, and their codes of ethics are enforced, or else practitioners could lose their license. Journalism is not a licensed profession, but those who do violate the codes are often ostracized by both those in the news industry and by the public at large (Barker, 1992).

The concept of a "profession" involves certain parameters upon which scholars have yet to fully agree. However, by examining the commonalities of the author's definitions, one can construct a basic formula of the traits that are associated with professions. Journalism satisfies all of the common traits, and should therefore (and for the purposes of this research project) be considered a profession. That being established, the next step is to examine "professional obligations" and how they attach to professions such as journalism.

2.4 Journalism and Professional Obligations

Journalism is a complex profession in the sense that it benefits society as a whole and that members of society have historically relied on journalists and journalism organizations.

Journalists help preserve basic human rights and societal goods, such as freedom of expression

⁷ SPJ is the oldest of these organizations, having formed in 1909. It was followed by the ASNE (1922), and the NPPA and RTDNA (both 1946). All of these organizations periodically update their codes to reflect the evolving nature of the profession.

and economic opportunity, by keeping watch on government and corporate conglomerates, giving voice to the voiceless, and ensuring that citizens remain informed. Because of journalism's important role and its complex structure, this profession carries with it special obligations (Kultgen, 2014; Tomhave and Vopat, 2013). The nature of the service journalism provides to citizens, and their reliance on this profession, necessitates "a different set of moral standards" (Tomhave and Vopat, p. 98) which is "designed to serve a certain moral ideal, that is, to contribute to a state of affairs everyone can recognize as a good" (Davis, 2003, p. 443). In other words, the profession of journalism necessitates a specific set of moral standards in order to continue serving society in the esteemed manner that people have historically come to expect. If the Fourth Estate is to persist, it must adhere to specific moral standards and goals.

Barker (1992) pushes back on the notion that professions have "distinctive codes of ethics which promulgates ideals of service to society" (p. 80). He claims that this is a weak requirement, because every legitimate occupation in our society is, or should be, informed by distinctive ethical obligations based on how those occupations serve society. Barker suggests that "in modern times the commitment to an ethical ideal... may exist as an unstated but generally understood set of ethical requirements to which entrants into the occupation are deemed to have tacitly committed themselves" (p. 87). He writes that the "ethical ideology of a profession... involves requirements which those in the occupation have largely impose[d] upon themselves" including service to society and high standards of performance (p. 89). Whereas Davis, Kultgen, Tomhave and Volpat (2013) intimate that professional obligations are imposed upon professions (based on the complexity of importance of their service to society), Barker advocates that members of esteemed professions create and agree upon their own professional obligations. I agree with the latter, that journalism is a self-regulating profession. Journalism as a collective has

established and policed its own professional obligations to help maintain the first amendment rights of a free press largely unregulated by the government for which it serves as a watchdog.

For many recognized professions, including journalism, professional obligations or moral obligations “generally appear in a range of documents, including standards of education, admission, practice and discipline. A code of ethics is the most general of these documents” (Davis, p. 444). According to Kultgen (2014), formal codes of ethics have “become de rigueur for occupations recognized as professions.” (p. 405). These ethical codes “codify customary practices in a perfunctory way” by providing moral guidance to professional practitioners (p. 405). They also reassure people that these professions will continue to serve the public interest in noble ways (p. 405). If any problems arise, many of the professional codes and obligations provide for disciplinary boards which police their fellow members of the profession (Kultgen, 2014, p. 405)

The Society of Professional Journalists Code of Ethics is a prime example of such a professional code. Since its founding in 1909, the Society of Professional Journalists has dedicated itself to stimulating high standards of ethical behavior, and to protecting the free practice of journalism – what SPJ calls the “cornerstone of our nation and our liberty” (<http://www.spj.org>). According to the organization, its Code of Ethics is not intended as a set of rules for journalists per se, but instead, as a resource for ethical decision-making and a guide for ethical behavior (<http://www.spj.org>). SPJ is a self-proclaimed “professional organization” consisting of more than 9,000 voluntary members and entities in the fields of journalism education, as well as broadcast, print and online journalism (<http://www.spj.org>). Its Code of Ethics is posted in thousands of newsroom and classrooms around the world (<http://www.spj.org>).

Concerning the attachment of these obligations and codes of ethics onto the members of the profession, some scholars insist that all members are bound by virtue of simply being a member of that collective (Davis, 2003; Winge, 2015). Wellman (2000), however, rejects this perspective – what he calls the “associativist” approach. According to Wellman, associativists view society as a network of agency and relationships, which in turn shapes society’s views on moral standards. People’s relationships to other individuals and organizations, whether that be acquaintance or intimacy, create special moral duties and responsibilities. Wellman argues that “associativism” is not necessary to explain why people owe certain moral duties. He instead embraces the “reductionist” approach by claiming that moral standards and obligations are more fundamental in nature. Professional obligations are not shaped by relationships (such as a journalist’s relationship to a journalism collective); these obligations are in themselves morally significant. For example, Wellman (2000) might claim that a journalist is not professionally obligated because he or she is a member of the journalism profession; a journalist is professionally obligated because he or she supports the importance of journalism’s role in the preservation of society’s informational needs.

Whereas there appears to be an ongoing debate as to the exact reason why professional obligations attach to members of a profession – this is not a question to be answered within the scope of this particular research project. For the purposes of this dissertation, I make the argument that while associativists and reductionists may not agree about the point of attachment, or the precise reason for attachment (relational or fundamental), they do both agree that an obligation exists between a professional and their chosen profession.

If journalists are members of a profession, and with that profession comes certain professional responsibilities, but there is no one governing or policing body of those

responsibilities, then why do journalists adhere to professional codes in the first place? Unlike certain professions, such as law, medicine, public safety, etc., journalists do not have one ruling body to which they report. Journalists are educated in a multitude of colleges across the country and are trained in newsrooms across the U.S. Journalists are not licensed through one particular office, and there is not one governing body that sets the rules for the entire group. One might point to the Society of Professional Journalists, but this is an organization that sets guidelines and professional recommendations for its voluntary members. According to Barker (1992), journalists adhere to restrictive professional codes not because of their mandatory relationship to the journalist collective, but because of their social contract with the public. Journalists want to serve their community. They are passionate about keeping the community informed and are energized by the surveillance of government and corporate conglomerates. They want to make sure that people's freedom of speech is protected. In exchange, "society strikes a tacit bargain [with journalists], allowing those in the occupation valuable privileges in recompense for what they sacrifice in committing themselves to an ideology of service" (Barker, p. 93). One of those primary privileges is the "formulating and administering [of] its own code of behavior" (Barker, 1992, p. 93).

Thousands of journalists are members of professional media organizations, each with ethical codes to guide the practice of journalism. These codes give "trailheads to industry newcomers by defining the minimal expectations of moral activity, the ideal standards of conduct, and the accepted conventions of behavior" (Roberts, 2012, p. 115). They "influence members in decision making, perhaps contributing to the overall moral development in individuals" (Roberts, p. 116). These codes also prove to the public that journalists have articulated standards concerning their continued role in society. The journalist's code of ethics is

two-fold: internally, it guides the behavior of its membership concerning ethics and professional responsibility; externally, it reinforces the notion of the social contract between journalists and their community.

Because of journalism's important role as society's information source and its watchdog, the profession carries with it special responsibilities. These responsibilities are often in the form of self-established and self-policed professional obligations. Journalists serve society by helping preserve freedom of expression and economic opportunity, and by posing as a watchdog on government and corporate entities. Journalism, as a profession, has an ethical duty to protect and preserve the informational structure of democratic societies. This duty, however, may be obstructed or complicated by the political economic pressures associated with journalism.

2.5 The Political Economy of Journalism

Just as journalism is compounded by the push-and-pull of privacy rights and publishing rights, the field is also influenced by the political economy and capitalism. The news media occupies a central role in the capitalist political economy; it influences the evolution of our society "to the point of becoming a fundamental element" (Richeri, 2011, p. 129). As such, understanding the media is "indispensable to grasping the way power works in contemporary society" (McChesney, 2008, p. 14). The political economy of journalism is a valuable analytic tool for understanding and navigating these relationships (McChesney, 2008; Wasko, Murdock, Sousa, 2011).

Political economy is an open field of inquiry; its boundaries and focal points change with the transformation of society (Calabrese, 2004; Garnham, 2011). According to media scholar Robert McChesney, "political economists of media believe that assessing policies, structures and institutions cannot answer all of the important questions surrounding media, but they believe

their contributions are indispensable to the comprehensive study of media” (2008, p. 12).

Political economists take a critical stance to studying how media systems are shaped by market structures, government policies, and labor practices (Benson & Hallin, 2004; McChesney, 2008).

They examine how capitalist economic structures, legal and social relations shape the market, which in turn alters the news production, distribution and consumption (Babe, 1995; Calabrese, 2004; Devereux, E., Haynes, A. & Power, M., 2011; St. John, 2008; Verstraeten, 1996).

Political economists also examine power relations, the distribution of media power, and any resistance to hegemonic influences (Babe, 1995; St. John, 2008). They also analyze how the media industry is organized concerning internal labor practices and relationships between the different actors in the newsroom (Calabrese, 2004; Devereux, E., Haynes, A. & Power, M., 2011; Verstraeten, 1996). This dissertation in particular examines political economy of news as it relates to market forces, government reliance and influence, as well as the division of labor.

2.5.1 Market Forces and Commercial Ownership

An analysis of the market or economy is valuable for understanding the potential influences upon journalism, journalists, the news media industry, and ultimately, the concept of “newsworthiness.” Benson and Hallin (2004) argue that the American media offers one of the purest examples of a commercially-dominated news environment because of its reliance on advertising revenue as well as the imposition of its highly-competitive, profit-driven owners. Benson (2006) argues that the most significant shock to the news media is the “broad transformation of capitalism toward a more intensely profit-driven, anti-public sector model of ‘flexible accumulation’” (p. 193). Newsrooms are under constant pressure to produce inexpensive stories which will appease the advertisers and sponsors, and to boost circulation numbers by attracting larger audiences. The higher the circulation number or Nielsen rating, the

more the channel or publication can demand in advertising figures. This “constant drumbeat for profit... invariably influences the manner in which news is collected and reported” (McChesney, 2003, p. 306). As a result of this “marketization of news” (Devereux, Haynes & Power, 2011, 509), news editors are forced to prioritize the needs of advertisers, ratings, and profits at the expense of public-service journalism (Devereux, et al. 2011; McChesney, 2003). For example, a news editor may attempt to cut costs by dedicating less personnel or less time to a story. He or she may choose not to adequately cover the dry but important public interest stories (ex: city hall meetings or certain public official appearance) and instead spend more time on stories popular among the audience (ex: apartment fires, sports highlights, viral Internet clips, etc.). Or, a news publisher may dedicate more inches, images, and bold headlines to stories their readers find appealing or controversial, rather than stories that might be a little bit more complicated or difficult to digest.

Also critical to this political economy analysis is the examination of how corporate ownership shapes journalism and the news industry. According to Schudson (1989), “fewer and fewer corporations are controlling more and more of the American news media” (p. 269). As of 2015, the largest media companies in the world include Comcast, Walt Disney, Twenty-First Century Fox, and Time Warner (Le, 2015). Giant media conglomerates, as they have slowly taken over the communication industry, are now able to control the whole production and distribution process, as well as operate across various sectors of the media (Compton & Benedetti, 2010; Richeri, 2011). This is a conflict of interest, as the large corporations *own* the news organizations that are supposed to be holding the powerful accountable (McChesney, 1999). The result of these media conglomerates is a standardization of the news production process. News owners desiring to meet the demands of the market and advertisers in turn

discourage editorial independence (Glasser, Allen & Bankes, 1998; St. John, 2008). Owners put pressure on journalists and newsrooms to generate a “publicly acceptable product” (St. John, 2008, p. 115) aimed at attracting the lucrative target audiences and big-ticket advertisers (McChesney, 2003). The increase in media conglomerates means that profit-driven companies are spreading their ideologies across multiple media outlets (McChesney, 2003). As a result, you have tighter budgets, fewer journalists writing the same story for several outlets, and an increased use of pre-packaged, public relations-driven material.

For example, based on my own experience working as a news producer at a Fox “owned and operated” news station, our sets, on-camera fonts, and other graphics were the same used in all the other city-based affiliates. Each day, corporate Fox sent out memos to affiliates about “suggested” story topics and the national reporters available to cover them. The first few segments of our local news program featured these national Fox stories (with some of the reporters on our air live; others taping or pre-packaging segments for our station). When a story corporate Fox deemed critical or essential happened or was about to happen, an announcer from corporate Fox came on the “Fox Squawk Box” in every affiliate newsroom, barking orders about when to flip the affiliate broadcast over to the national broadcast signal.⁸ This marketization and standardization of news media means fewer and fewer people are making important news decisions for the public, and “newsworthiness” is ultimately shaped by capitalist economic needs.

⁸ In Brock and Rabin-Hayt’s *Fox Effect* (2012) the authors described a pattern at Fox News Stations, in which an increase of viewership and ratings correlated with a particular voter share and turnout.

2.5.2 *Government Reliance and Influence*

Journalism and the government have a long-standing relationship, much of it having to do with political coverage or reliance on the military for material. According to Schudson (2002), newsgathering is generally an inter-institutional collaboration between reporters and the political figures they cover. During the Civil War, journalism was informal and partisan in its news reporting, but by WWI government and the media had a more formal relationship (Meltzer, 2009). The government recognized “legitimate” news organizations, and in turn, granted these “official” reporters access to government information and space (Meltzer, 2009). During the Vietnam Era, at a time of communication technological innovation, the government recognized accredited journalists, but only offered them censored information and limited access (Meltzer, 2009). This trend continued into the 1980s Grenada and Panama era, when the military sometimes refused access entirely, sharing only military-produced footage. This control lessened during the 1990s Gulf War, when the military allowed for pool or embedded reporters (Meltzer, 2009).

The American news media has long relied on the government for source material, access, legal protection and regulation, as well as government subsidies (Benson & Hallin, 2004; Compton & Benedetti, 2010; McChesney, 2008; Schudson, 1989). This poses several problems. First, journalists need source information and access in order to perform their duties as reporters. They often depend on government officials or experts to provide insight on a story. However, there is a strong potential that any information shared between government officials and journalists is pre-packaged and bureaucratically organized (Compton & Benedetti, 2010). In this sense, the government not only is shaping the news agenda, but also, how the stories are told. Second, journalism’s reliance on the government skews the power dynamics between the

reporter and the government official. In exchange for information and access, the government has an unspoken agreement with media organizations to align themselves with the hegemonic powers of the state (Devereux et al., 2011; Meltzer, 2009; St. John, 2008). Bennett (1990) calls this the “indexing hypothesis”: the tendency of the mass media to “index” the range of voices and viewpoints in news and editorials according to the range of views expressed in mainstream government about a given topic (p. 103). Further, in Herman and Chomsky’s *Manufacturing Consent* (1998), the authors argue that the mass media ultimately serves government power, in the sense that journalists mobilize support for special interests, agendas, and policies (p. xi). They call this the Propaganda Model. The government structuring of the news media “results in a filtration process that dichotomizes news media coverage of important elections, atrocities, massacres, and wars in a manner that is in line with the interests of the White House” (Herman & Chomsky, 2002, p. xi). When the government puts pressure on the media to reinforce a certain ideology, it drives a wedge in between the public and press in the sense that the public no longer has a medium to express its views and ideas (Coyne & Leeson, 2009). Government influence on the news landscape further strains journalism’s professional autonomy. It also re-defines “newsworthy” as what is important to government officials at that time, or what issues reinforce the dominant hegemony.

2.5.3 Power Relationships and the Division of Labor

The power dynamics and division of labor within the newsroom is also key to understanding the current state of the news landscape. Pierre Bourdieu’s “Field Theory” is useful in interpreting the everyday, collective practices in the newsroom. Bourdieu (1990) discusses how the “habitus” (a complex accumulation of experiences formed by engaging with social structures) helps reproduce or incrementally change the social order by imposing certain internal

rules and giving social actors a sense of how to behave within a particular group. The habitus helps explain the different positions in a social space and how these positions are expected to act (Schultz, 2007). A journalism habitus, for example, implies “an understanding and mastering of the journalistic game” (Schultz, 2007) in which the norms of newsgathering and storytelling are shaped by economic constraints, political constraints, and the hierarchy of actors operating within the newsroom (Bourdieu, 1990).

Newsrooms are characterized by a system of power relationships between publishers/owners, journalists, and the audience. Publishers/owners and journalists fight for control over the content of information (Fortunati & Sarrica, 2009). Journalists negotiate with each other over work and recognition (Fortunati & Sarrica, 2009; Schultz, 2007). Journalists and audiences also negotiate for influence over content and quality of news stories (Fortunati & Sarrica, 2009). In the newsroom, credibility and impetus are the journalistic capital; those at the top of the hierarchy have the right to impose their news judgments on others (Gibson, 2011; Glasser, Allen & Banks, 1998; Schultz, 2007). So, not only are newsrooms influenced or pressured by outside sources such as commercial ownership (advertising, budgets, resources) and government policies, the inner-workings of the newsroom are also shaped by both the journalism habitus (news judgment, deadlines, professional standards) and the power dynamics of the news workers themselves. All of these constraints, as Bagdikian (1983) phrases it, means that the news media “are not free to exercise their traditional role of mediating among forces of society at a time when they have become an integral part of those forces” (p. 226). This, undoubtedly, has a profound effect on how journalists define (or are able to define) what makes a story or material “newsworthy.” Another significant, influential factor is communication technology within the evolving media landscape.

2.6 Journalism and the New Media Landscape

The Internet has re-vamped the flow of information, as journalists have new access to resources as well as newsgathering technology; the “news media can now overcome medium-related restrictions of space and time” (Himmelboim, Change & McCreery, p. 298). In this digital age, Internet technologies produce innovative means of collecting and displaying information, as well as enabling a wider range of participation (Jones & Salter, 2012; Kackman, et al, 2011). More people have access to high-speed Internet, and these media users and consumers have new ways of responding to, creating, and sharing content (Bradshaw & Rohumaa, 2011). As news organizations lose their hold over the marketplace and the process of newsmaking becomes more collaborative (Downie & Schudson, 2009), what results is a new network ecology “in which the intersection between national professional journalism and user-driven media platforms merge within an increasingly complex professional transnational space” (Volkmer & Firdaus, 2013, p. 101). As the media environment becomes more digitized, people’s relationship with journalism changes, and the news itself becomes more portable, personalized, and participatory (Graham, 2013; Herbert, 2000).

2.6.1 *Online Journalism Websites*

Many traditional journalism news mediums such as newspapers, news magazines, radio and television news stations now have online platforms with portals specifically designed for audience participation. These comment sections allow audiences to respond to news content, discuss issues (with each other or with the journalist), pose questions, ask for additional information, as well as offer new opinions or ideas (Graham, 2013). Sometimes, people also use these comment sections to make adversarial or degrading remarks (Graham, 2013). However, for the most part, the comment sections are designed as platforms for public debate, and a means for

news content to evolve in public: “when published alongside the article in question, they create a new kind of news product, one that potentially is more reflexive, inclusive and deliberative” (Graham, p. 125).

These online versions of news outlets are typically designed so that the news editors can read all of the comments the stories are soliciting, respond directly to some of the comments, as well as see how many people have clicked on each story. According to media scholar Joseph Uscinski, this process “undoubtedly drives news people to focus on topics that bring the clicks.” For journalists whose work is posted on these online platforms, speed becomes an important factor in determining the newsworthiness of a story. Internet users are constantly looking at news websites throughout the day and are searching for new or updated information upon each visit (Boczkowski, 2010). Online journalists hold the standard that hard news begins to age two hours after posting, and by four hours the story is no longer current (Boczkowski, 2010) Therefore, in order to bring the clicks and maintain an Internet audience, these journalists must be constantly monitoring and updating their stories. These patterns of output and speed “are tied to interrelated ideas about what the public wants from its stories and the character of [the website] as an editorial product” (Boczkowski, p. 48).

These media websites and online commentaries may have influence over the concept of newsworthiness depending on how the journalist or editor is monitoring the online comments, and what they chose to do with that information. For example, if an editor decides to extend coverage on a story because the article is getting a lot of attention, comments, or debate online – then the “newsworthy” factor becomes less about content and public benefit, and more about audience reaction. Editors are likely tempted to cover the “hot topic” stories as to draw more audiences, which equates to better ratings and potential profit. Alternatively, if the editor or

journalist monitors the comments, but does not adjust their coverage as a result, then the newsworthy factor has not changed due to audience participation. Just as online journalism may impact participatory media and news selection criteria, so does social media.

2.6.2 *Social Media*

According to a Pew Research Study (2010) on “Understanding the Participatory News Consumer,” 37% of all Internet users have contributed to the creation of news by commenting on online materials, disseminating news via postings on social media platforms, or by linking and tagging content. According to the Pew Study (2010), people’s experience of news has become a shared social experience – as people share links in e-mails, post news stories on their social networking sites, or debate issues on online forums. In our current digital media environment, news is both socially-driven and socially-engaging (Pew Research Study, 2010). People believe that “keeping up with the news” is a sort of civic obligation, but they also find it entertaining or interesting to talk about what is happening in the world, to “follow” their favorite news organizations or media personalities online, or to let their friends and family know what the important issues are (Pew Research Study, 2010; Uscinski, 2004). News, in this sense, has become a social currency.

According to media scholar Mark Deuze (2008), what was once known as the public’s social bonds have now become communicational bonds; relationships in the digital age are shaped and mediated by communication technologies. Deuze writes that the contemporary media environment:

“[S]eems to be one where consuming media increasingly includes some kind of producing media, and where people’s media behavior seems to involve some level of participation, co-creation, and collaboration, depending on the degree of openness or closedness of the media involved” (p. 31).

People experience agency and empowerment when they participate in the making and sharing of collective meaning, and when they express their “life politic” on social media networks (Deuze, 2008, p. 31).

It is also important to note that some social media platforms, such as Twitter, are temporal and linear – and users are not able to make messages distinguishable in terms of format, length, font, color, etc. So, stories deemed “newsworthy” for whatever reason, as the timeline builds up, may become indistinguishable from perhaps more personal, non-news messages. The more people contribute to the timelines, the more the potentially newsworthy stories become mixed with non-news messages. The newsworthiness becomes diluted.

2.6.3 Blogging

Over the past couple of decades there has been an explosion in the number of news-themed blogs. Of the 76% of all Internet users who also participate in the newsmaking process, 26% of them have their own blogs (Pew Research Study, 2010). Anyone with Internet access can have a blog. People do not have to be professionally-trained as journalists to create content on their blogs, and it is easy and inexpensive for people to publish and distribute their materials.

The proliferation of news blogs has a profound effect on the news culture: “if journalists were the Fourth Estate, bloggers are becoming the Fifth Estate” (Jones & Salter, 2012, p. 49). In one respect, bloggers have become the new watchdogs of traditional media. Bloggers scrutinize who is sharing the news, in what manner, and they also examine what issues are emphasized (Heinrich, 2011; Jones & Salter, 2012). Bloggers also fact-check traditional media, hold journalists accountable for their work product, and critically reflect upon news stories. Similar to citizen journalists and those who use social media to share news and information, news bloggers often create content that has a personal tone. Blogs are beneficial to the news environment in that

they provide alternative perspectives and serve as a watchdog for accountability; however, bloggers themselves are not bound to any professional journalism standards.

Just as bloggers monitor news organizations, so do news organizations monitor the blogs. It is a symbiotic relationship. News organizations use blogs as a research tool for gathering content, investigating a story, or taking the temperature of an issue (Downie & Schudson, 2009). Some traditional news organizations even incorporate blogs in their newscast, or link to the content online, which is beneficial in the sense that audiences learn about stories that might not have otherwise gotten attention. Further, some media outlets have started adopting practices associated with blogging: assigning staff reporters to create an official media outlet blog, or creating an online platform in which audiences or users can contact the reporter or comment on the story (Heinrich, 2011; Tuchman & Ostertag, 2008). This introduction of blogging and bloggers to the traditional newsroom has “opened up entire new paths of telling stories, adding more variety to the content delivered” (Heinrich, 2011, p. 157).

Some blogs, in their own right, have grown into highly acclaimed or esteemed news outlets or what Downie and Schudson (2009) call “influential, for-profit digital newsrooms” (p. 40). These blogs often specialize in subjects such as politics, the economy, business and legal affairs, education, or health. As these blogs become more specialized and reliable, they become not only a news outlet, but also a source of news and information for the more traditional news organizations.

News blogs, in their infinite number and variety, are both the “boon and bane of the digital world” (Downie & Schudson, 2009, p. 39), and likewise, may significantly affect the “newsworthiness” of a story. Blogs allow audiences to closely interact with content, whether the bloggers are criticizing materials produced by other outlets, or they are creating their own work

product. By criticizing a particular issue, the participatory audiences might show the more traditional outlets that they are interested in a particular story, or wish to see a different degree of coverage – this could in turn change how the original journalists or editors see the newsworthiness of that story. The bloggers could also provide alternative coverage of the story, whether adding more layers of opinion, or investigating the issue more in-depth. News organizations have limited time and resources, and therefore are not always able to cover stories or issues. In these cases, blogs can alter the “newsworthiness” by providing more source material and perspectives on the story, which could in turn change media outlet’s perception on the value of including or eliminating the story from the newscast.

2.6.4 The Future of Interactivity

The journalism environment is quickly changing in ways that are not always well understood. Part of the driving force of these changes is the inclusion of new communication technology, as well as the collaboration and interactivity between media outlets (producers) and their audience (users). To better comprehend the news media’s participatory qualities is to better comprehend the role of communication and journalism within our democratic society (Deuze, 2008).

Journalists and news organizations are confronting important questions about whether to adopt interactive forms in their newsmaking process, and how this move may affect their roles as information gatekeepers. News organizations that are already tackling this issue have exhibited a wide array of responses in their use of participatory mediums such as online platforms, social media, news blogs, and citizen journalism-generated content. Some news outlets view participatory audiences as a benefit: a new source of information, a means of measuring popular interest, or a way of keeping the institution in check. Others view participatory audiences as a

threat to the business: a leech upon already limited resources, or the causal factor of the dilution of journalistic standards and professionalism.

How the news organizations choose to address participatory audiences directly relates to the issue of newsworthiness. Traditionally, professional journalists are trained to recognize certain standard qualities that make a story valuable or not valuable to a newscast or publication, such as timeliness, prominence, educational value, novelty, impact, human interest, etc. But as news audiences become part of the conversation, their views on what makes a story interesting or important to share alters the overarching definition of newsworthiness. The degree of audience input can vary, depending on the type of participatory platform and how journalists or editors handle the audience feedback. However, as the news environment becomes digitally networked and increasingly interactive, “newsworthiness” becomes less of an objective standard, and more of a participatory cultural construct. Further, as those digital communication networks continue to expand to a global level, news coverage and selection also evolve. The parameters of “newsworthiness” changes once again so as to include (or deliberately not include) headlines and public service stories on an international level.

2.7 Journalism and International Newsworthiness

In the current media landscape, international news “is becoming more relevant than ever to individuals, organizations and governments, thanks in large part to real-time, online coverage of events and issues in remote settings” (Himmelboim, Change & McCreery, 2007, p. 297). The informational infrastructure has changed significantly over the last few decades, and “these proliferations owes a great deal to the maturation of the Internet” (Boyd-Barrett, 2003, p. 379).

The news selection process “takes place within a complex framework shaped by socio-cultural, economic, political, organization, and psychological variables” (Schwarz, 2006, p. 45).

International items, in particular, have to pass through several barriers of news selection in order to become fully-covered stories. News producers and editors rely on the traditional characteristics of news values (ex: currency, proximity, human interest, etc.) in order to determine a story's newsworthiness. For international stories, news organizations also examine the contextual elements of the news items. Whereas some news stories are "newsworthy" based on the organization that shared, created, or produced the news, international stories become "newsworthy" when news editors can identify how audiences might relate to or be impacted by the story. It is a true gatekeeping, outside-in approach: news editors are presented with the international stories and trends, and they select the "newsworthy" ones based on audience interest and impact. As Gasher and Klein (2008) explain, international news coverage "shapes and is shaped by the territory the news organization stakes out" (p. 194). These unique, contextual factors include: economic interaction, presence of international news agencies, national traits, and/or cultural and geographic proximity (Wu, 2007). I will explore each of these factors below.

2.7.1 *Economic Interaction*

The economy is one of the strongest indicators of what international stories will be deemed "newsworthy" by domestic news organizations. As Hafez (1999) explains, the global news environment is shaped by the world capitalist economy. People are interested in the international stories in which foreign figures and their actions may affect domestic bank accounts. According to Wu (2007), there is a direct correlation between the volume of international trade and the volume of news coverage.

This category of newsworthiness is similar to the traditional news values of impact or currency. Journalists are more likely to work on stories if they know their audience will be

strongly interested in its impact – especially economically or financially. For example, U.S. news organizations are likely to cover stories in which the state of a foreign country’s natural resources might affect domestic utility pricing (ex: oil prices). Or, similarly, a domestic news organization may find it newsworthy to highlight how a change in a foreign country’s exports may affect how U.S. citizens are able to operate (ex: production of technical gadgets). Essentially, the more likely an international story is going to impact a person’s wallet, the more likely a news organization will cover it.

2.7.2 Presence of International News Agencies

Domestic coverage of international figures or events may also be influenced by the presence of a U.S. news bureau in that country (Wu, 2007). News bureaus are complicated operations involving many moving parts. News organizations “systematically braid areas with a web of reporters and correspondents... and editorial control is often centralized in each agency’s headquarters” (Heinrich, 2011, p. 42). In other words, journalists and stringers may be covering stories all over the globe, but decisions such as which reporters and equipment, what perspectives, how much dedicated time, etc., are made by those working in the news organization’s primary offices.

The incorporation of Internet and satellite communication technology has changed this traditional “foreign correspondent” structure in the last decade or so. Instead of sending a journalist out into the field to gather footage, and then having him/her return to a bureau to package and send out the completed piece, all a reporter needs is a hand-held camera (sometimes even a phone will work) and a portable computer with wireless Internet access and editing software. News footage and packages can travel across cyberspace instantaneously and for significantly less money (Beckett, 2008). As the method of international newsgathering changes,

so does the concept of the global informational sphere – the world may seem smaller or more connected as communication technologies improve. Whereas some international bureau chiefs or domestic news producers may have shied away from stories in previous years due to accessibility or cost, in the digital media landscape, they may choose to cover those international stories now that the newsgathering process is more efficient and less expensive.

To determine the newsworthiness of an international story is a:

“[C]omplex process and includes event and country-specific factors. One aspect of this complexity is that international news outlets do not cover events occurring in all nations equally; rather, some nations and regions are consistently highlighted, while others are repeatedly ignored” (Smith, et al, 2012, p. 848).

One reason for this unequal or imbalanced coverage may be the complexity of the foreign news issues themselves and whether foreign news bureaus or reporters are available to explain or provide context. According to Wu (2007), U.S. news producers often face a series of obstacles when it comes to international stories: they do not have the resources or experiences to produce the international stories on their own (with appropriate context), and these editors do not usually trust alternative sources to provide background on the potential stories. So, these U.S. editors are forced to rely on the content created by the international news bureaus and vetted correspondents. If the U.S. news agency has a relationship with a foreign news bureau, they are more likely to feel comfortable and confident in producing that bureau’s international story. Alternatively, if the domestic news agency does not have a news bureau in a particular foreign country, they are less likely to select that country for news coverage.

2.7.3 *Traits of a Nation*

The Traits of a Nation may have influence over international coverage and newsworthiness, as the countries with larger land size or population “seem to carry more weight

on the world stage” (Wu, 2007, p. 545). Often, the proportions of the country and population density also relate to that country’s economic power and influence.

Such national traits or characteristics tend to influence international coverage, because the more significant a country is, or the more likely the actions of its citizens will somehow affect the U.S., the more likely that U.S. news agencies will cover that what is happening in that country. This particular category of newsworthiness is similar to the traditional “prominence” or “conflict” categories, as journalists are more likely to highlight stories involving big names (or in this case, big countries), especially if that country is involved in some sort of internal or cross-national conflict. For example, U.S. newsrooms might be interested in covering a country that is experiencing military or political unrest, a terror scare, etc. Or, U.S. news agencies may cover stories involving changes in leadership (ex: elections, annexation) or major decisions involving that country’s legal system or jurisprudence.

Some media critics claims that the news coverage of international stories will inevitably always be imbalanced because journalism selectively covers those in power, rather than spends equal time on a spectrum of issues (Graubert, 1989). While this argument is certainly negative in connotation, it does help support the fact that a country’s power or prominence can influence its “newsworthiness” factor on an international scale of media coverage.

2.7.4 Cultural and Geographic Proximity

The fourth and final contextual category is Cultural and Geographic Proximity. Essentially, this category suggests that countries or nations with similar cultural backgrounds find it easier to identify and communicate with each other. These are nations whose residents speak the same language, have a history of immigration between each other, or have a shared sense of nationality, ethics, etc. The countries might also be located near each other. As a result

of this cultural or geographic relationship, the flow of news and information between these countries is heavier and more frequent (Wu, 2007).

As an example, U.S. newsrooms may be more likely to include stories from Great Britain or Canada (over other countries), because of the ethnic and cultural bonds: shared language, similar foundations, a pattern of migration, or the proximity between the U.S. and Canada. Additionally, such stories would be easier and less expensive to produce because newsrooms would not have to translate the material or invest an exorbitant amount of time in interpreting the cultural nuances of the story.

In summary, the journalist has a well-defined role within society; it is obligated to its audience to provide information and keep watch on those in power. As the boundaries of “society” expands, due to the advent of new Internet and communication technologies, the global news environment presents new challenges concerning newsworthiness. From a traditional journalism standpoint, these challenges are broadening the perspective of “public interest,” “proximity,” or “consequence” so as to incorporate the digital, global communication landscape. From a legal standpoint, however, digital media merely compounds a pre-existing issue: U.S. courts have never adopted an official, so-called “black letter law” definition of newsworthiness in the first place. Judges and lawmakers cannot expand or re-evaluate that which is not existent in the first place.

3 METHODOLOGY

3.1 Introduction

This dissertation explores the concept of newsworthiness and news values from three different fields: the professional and ethical guidelines taught in journalism textbooks; journalism professional codes of ethics; and the legal parameters of newsworthiness and news values, as developed by the U.S. Supreme Court largely in response to privacy lawsuits. The research points to similarities, overlaps, trends, etc. in these three fields, with the primary goal being to develop more concise criteria of newsworthiness and/or news values, and to provide guidance to the journalism professional codes of ethics concerning newsworthiness. I conduct this analysis through the normative lens of social responsibility of the press theory that envisions journalism as a profession with an ethical mandate meant to serve the public interest.

The development of newsworthiness criteria could potentially create ethical guidelines for socially responsible future news story selection and coverage. Additionally, these ethical guideposts could also benefit journalists and newsrooms by helping to develop newsworthiness-related laws or doctrines so that journalists can better understand the application of the newsworthiness exception and avoid costly litigation; this, in turn, could potentially reduce the amount of privacy and defamation cases on the docket. Further, an integration of texts and viewpoints of the journalism, ethics, and legal fields could lead to an improved or more balanced relationship between journalists and judges.

3.2 Research Questions

The dissertation explores the aforementioned texts in an effort to determine any trends, commonalities or major disparities in the definition of newsworthiness or the description of news values(s). The research questions are as follows:

RQ1. What are the various ways that U.S. university-level journalism textbooks address or define newsworthiness and the criteria for news value(s)? Which, if any, are the most common?

RQ2. What are the various ways that U.S. journalism ethics textbooks address or define newsworthiness and the criteria for news value(s)? Which, if any, are the most common?

RQ3. What are the various ways that professional journalism codes of ethics in the U.S. address newsworthiness and the criteria for news value(s)?

RQ4. What are the various ways that the U.S. Supreme Court cases have addressed or defined newsworthiness and the criteria for news value(s) relevant to journalists? Which, if any, are the most common?

RQ5. What themes or issues arise when comparing and contrasting the various definitions and criteria from these journalism textbooks, journalism ethics textbooks, codes of ethics, and Court cases?

RQ6. Is there a definition of newsworthiness that would clarify and better incorporate both ethical and legal views? If so, how could this be applied? Discuss the implications.

RQ7. What guidance, if any, should be added to journalism codes of ethics to better address newsworthiness as a part of ethical practice and why?

These seven research questions function as a three-step process in 1) identifying how the fields of journalism, ethics, and law characterize newsworthiness and news values, 2) potentially developing a definition or criteria which incorporates the journalistic, ethical, and legal perspectives, and 3) evaluating how and whether to provide “newsworthiness” guidance to journalists via additions to their professional codes of ethics in supporting their social

responsibility role. The answers to these questions may benefit the field of journalism as well as the court of law.

3.3 Research Method to be Used – Textual Analysis

To answer research questions 1 through 5, this dissertation features textual analysis of 1) prominent U.S. college-level textbooks on journalism, 2) prominent U.S. college-level textbooks on journalism ethics, 3) national journalism professional codes of ethics (ex: SPJ, AP, ASNE, RTDNA, NPPA), and 4) relevant U.S. Supreme Court cases for the purpose of identifying themes, issues, definitions, and criteria of newsworthiness and news value(s).

I use textual analysis on the journalism texts, journalism ethics texts, journalism professional codes of ethics, and the legal cases (there is not a separate research method for legal textual analysis – it is the same process as with qualitative communication research). Qualitative textual analysis is an ideal lens through which to examine all of these texts. It is a cost-effective means of studying patterns that occur over a specific period of time, reflecting political developments or trends (Silverman, 2011). Researchers utilizing textual analysis typically examine an exhaustive selection of artifacts of communication (documents, transcriptions, recordings, etc.), then make inferences by "systematically and objectively identifying special characteristics of the messages" (Silverman, 2011, p. 240). Researchers look at the words, themes, characters, concepts or semantics within the texts. Those with a general interpretive approach to the research then organize and analyze the data in order to uncover patterns of human activity, action, and meaning (Silverman, p. 201). Qualitative textual analysis is a beneficial research tool for the purposes of this project because it enables me to collect the appropriate academic, ethical, and legal materials; identify how the different resources are describing terminology and processes related to news values, newsworthiness and news

selection; and then develop knowledgeable and insightful observations about perceptions of newsworthiness, as well as any guidelines or criteria related to news values.

Other research methods, such as observation, interview, ethnography, etc., would not be as effective here because these are methods in which researchers observe people (not texts) in order to understand social processes like identity, attitudes, and belief systems. These are less about coding and semantics, and more about observing humans in social situations. Also, it would be difficult to feasibly conduct interviews in such a way that the sample would be representative of journalists across the nation, in the same way that the nation's most popular journalism textbooks are nationally representative.

3.3.1 Journalism Textbooks and Journalism Ethics Textbooks

Journalism textbooks are the most feasible choice for representing journalism guidelines, and serve as a useful source of this information. According to Bivins (2009), “increasingly... those entering the media fields are graduating college with degrees in journalism or specific areas of communication media” (p. 32-33). In fact, the percentage of U.S. journalists with an education is on the rise, as a four-year bachelor's degree is one of the main qualifications (but not a requirement) necessary for joining a news organization (Willnat & Weaver, 2014). Approximately 92% of all full-time journalists have a bachelor's degree (Willnat and Weaver, 9). Of those college-educated journalists, 51.8 of them majored in journalism, communication, radio/TV, telecommunication, or mass communication (Willnat & Weaver, p. 9). Journalism textbooks and journalism professionalism are linked in two ways. First, the textbooks serve as part of what determines a profession – training, education, or a special body of knowledge. Also, textbooks have a strong influence on the profession of journalism, as an increasing number of

journalists are college educated, with half earning bachelor's degrees in a major specifically related to journalism or communication.

The first step in the qualitative, textual analysis of journalism textbooks is identifying the prominent textbooks to study. In order to accomplish this, I conducted a search on Amazon.com, the most popular book-selling site in the world, for the “best selling journalism textbooks – college level, U.S.,” “best-selling journalism ethics textbooks – college level, U.S.,” and “best-selling media ethics textbooks – college level, U.S.” The former (journalism textbooks) yields about 150 results, the latter (journalism ethics and media ethics) about 105 results. Next, I narrowed down the list to the bestselling journalism textbooks in the U.S. that also reference “news values,” “news criteria,” “newsworthiness,” and/or “public interest” in the book’s description, table of contents, or index. Third, I scanned the content of the textbooks for descriptions of newsworthiness and/or news values, and selected the top ten books with the most thorough or developed explanations.

Similarly, I narrowed down the list of bestselling journalism or media ethics textbooks to those that reference “news values,” “news criteria,” “newsworthiness,” “social responsibility theory,” and/or “professional codes of ethics” in the book’s description, table of contents, or index. Then, I scanned the contents of the ethics textbooks for description of “newsworthiness,” “news values,” “news criteria,” and/or “public interest” and select the top ten books with the longest, most thoroughly-developed explanations.

In terms of gaining access to these books, I found that while working on a previous research project involving journalism textbooks almost all of the top sellers are available in the university libraries near me (Georgia State University, Emory University, Georgia Tech) or in the local public library system (Atlanta-Fulton County, DeKalb County, or the statewide Pines

system). So, it is practicable to narrow down the titles on Amazon.com, and then either read the textbooks online, find them in a nearby library, or access them through GSU's inter-library loan system.

After narrowing the journalism textbooks and journalism ethics textbooks down to the “top ten,” I then conducted a deep analysis on the sections of text related to newsworthiness, news values, new criteria, public interest, and privacy. I kept track of the coding on an Excel spreadsheet of how the authors or authoring organizations define what is or is not newsworthy, with an eye towards any repetition of terminology or definitions. The spreadsheet columns include columns for the source, page numbers, use of terminology, and context (this is not an exhaustive list, and may expand or be revised as the project progresses). As an example of how the textual analysis of journalism textbooks will work⁹, the authors Lanson and Stevens (1994), the Missouri Group (2005), Rich (200), and Stovall (2009) all have textbooks in which they write about newsworthiness – specifically about “timeliness” as a criterion of newsworthiness. Lanson and Stevens describes timeliness as something that happened today, builds upon a story, or is fresh (1994, p. 13). The Missouri Group writes that “news is supposed to be new” and timeliness is a priority of newsworthiness (2005, p. 4-5; p. 408). Rich (2000, p. 20) writes that a newsworthy story must be timely in the sense that it happened yesterday, today, or will happen in the immediate future. Stovall (2009, p. 78) defines the newsworthy stories by their timeliness – or, how long ago something happened. Other index words may include conflict, currency, educational, emotional, impact, novelty, prominence, proximity, etc. I looked up all of these common news terms in the index.

⁹ These resources and example chart are from a previous academic paper, “Lessons from *The Newsroom*: A Comparative Analysis of TV Portrayals and Textbook News Values” (2014), which examines how prominent journalism textbooks define and set forth criteria related to newsworthiness.

Example Chart: Journalism Textbook News Values

| NEWS VALUE | AUTHOR | PAGE # | DESCRIPTION |
|-------------------|------------------|---------------|--|
| Timeliness | Lanson & Stevens | 13 | Happened today, builds on story, fresh |
| | Missouri Group | 4-5; 408 | News is supposed to be new; priority |
| | Rich | 20 | Happened that day, yesterday, or in immediate future |
| | Stovall | 78 | How long ago something happened |

During the coding and textual analysis of these textbooks, I looked for any repetitions or patterns in the words, definitions, or examples provided, as this indicates a priority (or lack of priority) for the journalism profession in terms of newsworthiness definitions or guidelines. It also illustrates how the journalism textbooks describe or understand newsworthiness in the overall news making process.

After compiling the list of definitions and examples from the journalism textbooks and journalism ethics textbooks, I began to compare the news values identified in the journalism textbook and journalism ethics textbooks – which news values were identified, the frequency of citation, how each resource described the news values, the degree of thoroughness (or lack of thoroughness) in the description, any examples provided, as well as any differences or discrepancies in the sources' description of the news values.

3.3.2 *Journalism Codes of Ethics*

As for the professional codes of conduct, I looked at the ethical codes of major professional U.S. associations representing various types of journalists, namely: American Society of Newspaper Editors (ASNE) Code of Ethics, Associated Press Statement of News Values and Principles, National Press Photographers Association (NPPA) Code of Ethics, Radio Television Digital News Association (RTDNA) Code of Ethics, and Society of Professional Journalists (SPJ) Code of Ethics. These associations have a long history within the field of journalism, and a large membership base in the United States. The Associated Press is different than the other codes because it is both a news organization and an association, but through its popular style guide it often provides guidance to journalists in other news organizations. I accessed each group's ethical codes online (they all post their materials on their official websites).

As to collecting this data on newsworthiness, it is a slightly more complicated process than analysis of the journalism and ethics textbooks, because the codes of ethics may not overtly use the word "newsworthiness," or have a special dedicated section to news values. However, these codes of ethics are short enough to read through the entire document and to look for inferences of newsworthiness or news values. For example, the SPJ Code of Ethics lists that ethical journalists should "recognize that legal access to information differs from an ethical justification to publish or broadcast" and that journalists should "avoid pandering to lurid curiosity, even if others do" (SPJ, 2014). Although neither of these items use the word "newsworthiness" or the phrase "news values," they directly relate to these concepts. According to the SPJ, even though a story may have some value (ex: lurid curiosity or audience interest) or that the journalist obtained the information from legal sources, an ethical reporter should balance

the *ability* to publish with the value of that information to the public. In other words, using these two examples, the SPJ Code of Ethics provides “lurid” and “pandering” as antonyms to ethical newsgathering, and also, these codes reflect a similarity to the tenets of privacy law and newsgathering privileges. As a second example, the RTDNA provides for “truth and accuracy above all... ‘trending,’ ‘going viral’ or ‘exploding on social media’ may increase urgency, but these phenomena only heighten the need to strict standards of accuracy” (RTDNA, 2015). So, as per the RTDNA, public level of interest is part of what makes a story newsworthy, but the rush to publish or broadcast information should not eclipse the ethical impetus for that information to be truthful and accurate.

After conducting a textual analysis of the journalism professional codes of ethics and charting the news values and their related descriptions, I looked for any patterns in the frequency of citation or the word(s) used to describe the news values. Similar to the analysis of the journalism textbooks and journalism ethics textbooks analysis, I focused on which news values the codes identified and how the codes described the values (what words used). Once I analyzed the codes of ethics’ news values and related descriptions, I compared this data to how the journalism textbooks and journalism ethics textbooks identified news values and definitions. I looked for any similarities or discrepancies in the definitions, the degree of development in the news values (how thorough the definitions or examples were), and how the news values potentially related to each other in priority, tone, function, or refinement.

3.3.3 *U.S. Supreme Court Cases*

I also conducted a textual analysis of U.S. Supreme Court cases that focused on the legal concept of newsworthiness and news values. As indicated in the previous chapter, while journalism, ethics, and the law all have different purposes and functions, they do work in tandem

under the umbrella of newsworthiness. More specifically, journalism and the law come into contact with each other on issues of freedom of expression (publication) and privacy (Hart, 1987; McChesney, 2008; Schauer, 1978). As the courts make decisions about newsworthiness which directly impact journalism and media organizations, it makes sense to include these court cases when developing newsworthiness guidelines for a socially responsible press, which takes into account the contributions of journalism, ethics, and law. The U.S. Supreme Court's rulings on privacy law and First Amendment freedom of expression cases - the specific language the Justices use to describe news values and issues of newsworthiness - form a composite sketch of legal newsworthiness which then can be used to inform newsworthiness guidelines for a socially responsible press. Also, the context derived from these Supreme Court cases contribute to the secondary goal of the project in that any clarity on the legal concept and application of newsworthiness, or the subsequent development of a newsworthiness-related law, would help journalists and newsrooms to better understand the newsworthiness exception and their press protections, and ideally, help journalists avoid costly litigation. The clarity of the doctrinal concept of newsworthiness is an important determinant for conforming one's behavior to the law, and hence, would further the goal of journalists avoiding litigation over their publications. In other words, the court's rulings provide insight into what the judges deem newsworthy and protected, which can help journalists in producing stories that are legally sound and fall under the newsworthiness exception.

For this dissertation, I looked at the U.S. Supreme Court cases which address newsworthiness and relate to media organizations. The U.S. Supreme Court is a relevant, authoritative resource for this dissertation as the Court sits at the top of the U.S. legal system and is responsible for upholding constitutional values and providing guidance to journalists and the

public alike. Using the Georgia Bar Association's FastCase legal research software, I identified all of the Court cases that uses the phrase newsworthy, newsworthiness, or news values.

(FastCase is an online research website, similar to Westlaw or Lexis Nexis. FastCase is a paid program available to current attorney members of the Georgia Bar Association). A preliminary search revealed 43 total U.S. Supreme Court cases, which I then narrowed down to 17 cases, based on relevance to the concept of newsworthiness and the field of journalism and news media. To further illustrate this process, for example, the case *Cox Broadcasting Corporation v. Cohn* (1975) is relevant to this dissertation because the Court found that a television station had compelling reasons to circumvent a state privacy statute and to broadcast the name of a rape and murder victim, as the adjudication of crimes is newsworthy and relevant to public interest. This case further stipulates what should and should not be deemed newsworthy and protected as a viable defense in privacy cases. Alternatively, as an example, the case *Campbell v. Acuff-Rose Music* (1994) does include the word "newsworthy" but is not relevant to this dissertation, as the case is about the commercial parody or fair use exception under the Copyright Act. It does not clarify the concept of newsworthiness or news values, and has nothing to do with the field of journalism.

The amount of relevant Supreme Court cases (17) is a number both large enough for a robust legal textual or content analysis, and also, reasonably small enough to feasibly conduct this research project. For these remaining cases, all of which feature some sort of legal guidance as to the interpretation of news values and their impact on media organizations, I looked for: clarification about newsworthiness; any definitions or key phrases associated with newsworthiness or news values; any legal precedents or standards concerning news values, privacy law, and First Amendment privileges; and explanations as to why a media organization

is/is not protected in First Amendment or privacy law cases. For example, in the case *Time, Inc. v. Firestone (1976)*, the estranged wife of a wealthy, high-profile public figure sued Time Magazine for libel, after the magazine insinuated that the wife's cruel nature and adultery led to her divorce. The Supreme Court held that the divorce action was "unquestionably newsworthy" because of the nature of the action (high-profile divorce case where the ex-husband is a public figure) but that Time Magazine's reports of the ex-wife's behavior was not protected by the First Amendment because the divorce was not a public concern. Therefore, using legal textual analysis, this Court clarifies that "newsworthy" stories involve public figures and topics of public interest, but that the reports detailing the ex-wife's marital behavior were not newsworthy. The ex-wife's behavior does not relate to the public figure's job responsibilities and social profile. The Court also mentions "exercising reasonably prudent care" in reporting, which may also point towards a characteristic of court-defined newsworthiness: does it involve a public figure and/or public interest, and was it investigated with reasonably prudent care.

The textual analysis of the U.S. Supreme Court cases was similar to textbooks and professional codes of ethics in that I noted on an excel spreadsheet any references the Court made to news values or criteria, and also listed the author and the context of that reference (words used to describe or define that news value). Once I compiled all the mentions, I looked for any patterns in how the Court or the Justices described the news values – if the descriptions were similar and how well-developed those definitions or examples were. These patterns paint a picture as to how the Court views newsworthiness and its function within the field of journalism; it can also provide guidance as to the court's interpretation as to what is or is not newsworthy. Following my textual analysis of the U.S. Supreme Court cases, I looked at all the charted news values (from the journalism textbooks, journalism ethics textbooks, journalism professional

codes of ethics, and Supreme Court cases) and looked for patterns in how the resources defined newsworthiness or described news values, what examples the different resources provided and whether they aligned with each other, how the news values related to each other in terms of description or function, as well as any contrasts in the definitions, degree of descriptions, or frequency of mentions/citations. By systematically comparing and contrasting the descriptions of news values, and taking note of the most frequently mentioned, most thoroughly developed, or the most similarly described, I was able to identify key features and principles within the three fields of journalism, ethics, and law. From these primary news values, and taking into consideration the ethical recommendations from the journalism ethics textbooks and professional codes of ethics, I developed my own newsworthiness criteria for a socially responsible press, one that provides guidelines as to socially responsible story selection and storytelling/presentation.

3.4 Social Responsibility of the Press Theory

The dissertation's analysis on newsworthiness is guided by the Theory of Social Responsibility of the Press, which is the idea that journalists functioning in any/all democratic capacities are tasked with and have the responsibility of serving the public interest.

Social responsibility theory developed in the early 20th century, as a means of indicting American businesses who had social obligations¹⁰ to the public at that time but were seen as ignoring those responsibilities (Bivins, 2009). As media ethics scholar Tom Bivins explains, organizations – including media organizations – “operate at the behest of the public” (2009, p. 28). There exists an interdependency between an organization and its constituencies; neither party can survive without the other. The public holds organizations responsible to perform

¹⁰ Theories of “Corporate Social Responsibility” focus on a corporation's role regarding public policy concerns, such as the responsibility to make a profit while maintaining an ethical relationship with the surrounding community. These corporate social responsibilities can be economic, legal, moral, and/or philanthropic in nature.

certain tasks, address any potential consequences of its actions, and remember general societal concerns (Bivins, 2009, p. 28). In turn, organizations rely on the public as a means of financial support and other resources, such as labor, etc. The journalism/public relationship is also a fiduciary relationship in that both parties are responsible for the decision making – the public relies on the journalists' expertise and training, whereas the journalists rely on the public as the reasons for their existence in the first place (p. 42). Journalists should also listen to the feedback of the public, to a certain degree, in making newsgathering decisions. In sum, corporate social responsibility theory highlights the relationship between an organization and the public, explores the pair's obligations to each other, and addresses the degree of accountability.

According to journalism ethicist Louis Hodges, "journalism responsibility" refers to the social needs journalists are expected to respond to (Hodges, 1986, p. 4). He writes that "society seems to promise the press freedom to function with the assumption that the press will serve society's needs for information and opinion, [though] the specific obligations are not clearly defined" (Hodges, 1986, p. 19). To provide some historical context, in 1943, Henry Luce, the publisher of *TIME* and *Life*, asked Robert Hutchins, the then-president of the University of Chicago, to establish a commission whose purpose was to determine the media's proper function within a modern democracy (Pickard, 2015). The Commission on the Freedom of the Press (also known as a Hutchins Commission) released its findings in 1947: that the modern press is essential to the development of a democratic society, and as such, media as a collective should be committed to being socially responsible entity (Pickard, 2015). The group identified five obligations for a socially responsible press: 1) be truthful and comprehensive, 2) be a forum for exchange of ideas, 3) represent all social groups, 4) present society's goals and values, and 5) provide access to the day's intelligence (Id.).

A “socially responsible” journalist begins their obligations to society by gathering information with a critical awareness, and with news judgment independent from government or corporate influence (Hodges, 1986; Josephi, 2013). Media scholars stress the importance of adhering to the concept of citizen autonomy (Gurevitch & Blumer, 1990). These journalists then fulfill their obligations by delivering ample supplies of meaningful public information which both “catches the eye of the relatively inattentive citizen” (Curran, et al, 2011, p. 47), and also translates complex terms into language that the “average person can understand” (Gurevitch & Blumer, 1990, p. 273). Such information may include how the government operates (on local, state and federal levels) or what citizens can expect from a democratic society (Elliott, 1986).

As a media scholar, I take the stance that the press should act as a socially responsible organization. It should serve the public interest by gathering information important to their wellbeing and citizenship, and by discerning what content is newsworthy. There are other theories of the press that scholars and journalists subscribe to, as well as a diversity of views on exactly what is of public interest or wellbeing. A libertarian theory of the press, for example, emphasizes individual autonomy, freedom from governmental restraints, and a reverence for facts, hard news, fairness, and balance in coverage; this theory stresses that a news organization serves the public by being profitable and successful (Day, 2006). Therefore, the newsworthiness guidelines I develop in this dissertation are not universal, as they are developed through the specific, normative perspective of social responsibility of the press theory. Concerning the application of social responsibility theory to this project, I looked at the interdependent relationships between journalism, ethics, and law: how each industry describes its own obligations to the public and to each other (if applicable), especially when it comes to the definition and evaluation of newsworthiness and news values.

This dissertation privileges social responsibility of the press theory in the interpretation of the resources' use and contextualization of newsworthiness, as well as in the formation of theoretically-informed newsworthiness criteria. Under the social responsibility of the press theory, a socially responsible journalist serves the public interest, gathers information with critical awareness, and provides the public with ample, easy-to-understand information. One of the primary ways in which a socially responsible journalist can accomplish all of these tasks is to present the public with information that is newsworthy in nature. Analyzing the textbooks, codes, and cases through the lens of social responsibility theory, I am looking for not only what *counts* as newsworthy among leading practitioners who employ the idea, but also what *should count* as newsworthy in light of important ethical considerations. Additionally, as one of the goals of this dissertation is to generate more comprehensive (professional, ethical, legal) guidelines for journalists on story selection and presentation, social responsibility of the press theory also informs the resulting newsworthiness criteria and recommendations to the professional journalism codes of ethics.

3.5 Excluded Communication Theories

There are other social scientific theories related to qualitative communication research which I decided not to pursue for this dissertation, including agenda setting, framing, gatekeeping, information society, media systems dependency theory, and priming. These are all prevalent theories; however, I chose not to incorporate them into this particular research project because of their focus on societal infrastructures and audience studies. Information Society, for example, is a theory used to analyze how communication innovations and the commodification of information impact society. It does not directly relate to news values and story selection. Agenda setting, framing, and priming all address how the selection and presentation of a

particular “news” story in turn shapes the audience’s perception of it (and subsequently, of other societal issues). Gatekeeping would have been a valuable theory if this dissertation was an ethnography of a newsroom, as this theory pertains to the process by which a plethora of available news messages are sorted and staged for broadcast. But this project is examining an earlier stage of the journalistic process: the academic, ethical and legal guidelines related to newsworthiness and news values.

3.6 Research Limitations, Scope, and Suggestions for Future Projects

There are a couple of avenues for additional research outside the scope of this current project. The first relates to newsworthiness and news values as it applies in the newsroom. This dissertation looks at journalism theory and ethics via a textual analysis of journalism textbooks and journalism ethics textbooks, as well as published professional codes of ethics and U.S. Supreme Court cases. It does not, however, explore the day-to-day decisions made by newspaper editors or broadcast news station managers. For those interested in the practical application of newsworthiness or news values from a qualitative, ethnological perspective, one could observe a collection of different newsrooms to determine the publication’s ranking systems for what they cover and why, and to record the stories not covered and why.

Second, it should be noted that in this dissertation, I am not attempting to develop criteria that determines *everything* that can qualify as news, but more importantly, what is most newsworthy and in the public’s best interest.

Additionally, this dissertation does not explore the concept of non-professional journalists, who may also be referred to as amateur journalists or citizen journalists. In order to determine a precise definition of newsworthiness, and to further examine the news values and news ethics that many journalists are taught or trained to adhere to, it is essential to this project

to only focus on professional journalists. As the profession delineates, (ex: goes from professional, trained journalists - to those in the public with a blog and an interest in writing news), so does that individual's adherence to traditional news values and codes or ethics. I am focusing on professional journalists, not amateur writers or "citizen journalists." Future studies could examine any differences in newsworthiness criteria and judgments between professional and amateur or citizen journalists.

Fourth, this dissertation does not incorporate an audience perspective insofar as to discuss media dependency or the potential effects a new definition of newsworthiness might have on a media audience. If and when journalism, ethics, and law embrace a more universal definition of newsworthiness or news values, those interested in social science audience studies could explore any possible alternations of the media/audience relationship.

Finally, one limitation related to this research is legal jurisdiction. Although it is important to trace the development of digital media and the *global* communication sphere, laws, lawmakers, and jurisdiction do not follow this same expansive pattern. Laws and their applicability or effectiveness are relegated to the *nation, states, or smaller municipalities*. A black letter law decision about "newsworthiness" or news values would likely only be applicable in the U.S., even though these concepts are global in an evaluative sense.

4 JOURNALISM TEXTBOOKS

4.1 Introduction to the Textual Analysis of Journalism Textbooks

This chapter answers research question #1: what are the various ways that U.S. university-level journalism textbooks address or define newsworthiness and the criteria for news value(s)? Which, if any, are the most common?

To create the list of top ten journalism textbooks for the textual analysis, I first conducted a search on <http://www.amazon.com> for the best-selling journalism textbooks, on a college level, and published in the U.S. I also looked through the Amazon's list of Top 100 communication textbooks, and its Top 100 media studies textbooks. I immediately eliminated any textbooks that were international (published mainly outside the U.S.), designed for grades k-12, off-topic, duplicates (ex: earlier editions), non-textbooks (ex: fiction or a journalist's memoirs), or textbooks that were on a sub-category of journalism (ex: business journalism, sports journalism, public relations).

After generating a list of the top journalism textbooks, I narrowed down that list to 22 textbooks that made reference in the description, table of contents, or index to newsworthiness, news values, news criteria, or story selection. Next, I looked at those 22 books online in e-book format, or pulled the books from Georgia State University's main research library. I scanned the content within the body of the textbook, looking for the most thorough or developed explanations of newsworthiness or news values. What follows is the list of the ten journalism textbooks analyzed for this dissertation:

Cappon, R. (2005). *The Associated press guide to news writing: The resource for professional journalists*. (3rd Ed.). New York, NY: Arco.

Carroll, B. (2014). *Writing and editing for digital media*. (2nd Ed.). New York, NY: Routledge.

Craft, S. & Davis, C. (2016). *Principles of American journalism*. (2nd Ed.). New York, NY: Taylor & Francis.

Dominick, J. (2011). *The dynamics of mass communication: Media in transition*. (11th Ed.). New York, NY: McGraw-Hill.

Mencher, M. (1998). *Basic media writing*. (6th Ed.). New York, NY: McGraw-Hill.

The Missouri Group. (2005). *News reporting and writing* (8th Ed.). Boston, MA: Bedford/St. Martin's.

Pavlik, J. & McIntosh, S. (2016). *Converging media: A new introduction to mass communication*. (5th Ed.). New York, NY: Oxford University Press.

Potter, W. (2016). *Media literacy*. (8th Ed.). Beverly Hills, CA: Sage.

Rich, C. (2015). *Writing and reporting the news: A coaching method*. (8rd Ed.). Belmont, CA: Wadsworth Publishing Company.

Vivian, J. (2012). *Media of mass communication*. (11th Ed.). Boston, MA: Pearson.

4.2 How Journalism Textbooks Address “Newsworthiness”

Prior to providing a definition of newsworthiness, or the components of a newsworthy story, the textbooks describe the *function* of newsworthiness in the field of journalism. Potter (2016) begins by writing that “the traditional journalistic perspective is also a normative perspective because it encapsulates what journalists believe to be the purpose and nature of news and presents this encapsulation as a template for what news should be” (p. 183). In other words, the “traditional” journalistic perspective includes what journalists believe news should be and serves as a model for the ideal news story and presentation. News, or journalism,

“has been described as ‘a culture’s conversation with itself.’ The conversation that holds a culture together includes talk of crime, politics and world affairs, of course, but it also includes talk of everyday life. It includes humor and gossip. All of that can be news... News is more than a collection of facts. Telling the news usually means telling stories. The narrative, the humanity, the drama of storytelling is the art of journalism... Differences among the news media give different weight to those criteria and require different approaches to telling stories” (Missouri Group, 2005, p. 6).

In order to select that ideal news story, journalists rely on news values. Craft and Davis (2016) write “just as reporters use news values to select news, editors use news values to determine where and how prominently news will be played” (p. 75). This evaluation of news values, also known as a test of newsworthiness, requires editorial judgment. According to Vivian (2012), “no two people will assign all priorities the same... There is no clinical formula for newsworthiness. A subjective element flowing from journalists’ values, and a sense of the world and a sense of audience is at the heart of what is reported and how it is reported” (p. 214). Pavlik and McIntosh (2016) agree that editors base their story selection on news values, as well as what their audiences might respond to: “editors try to determine what is of most interest to their readership... what is deemed as important by their audience and what is therefore more likely to be discussed by the public” (p. 229).

These journalism textbook quotes about the function of newsworthiness and news values sets up an interesting question, which may be answered in the textual analysis of the definition of news values (See Section C). The textbooks are suggesting a relationship between news values and narrative storytelling, but without drawing clear borders between these three areas. Some textbooks are on the spectrum of news as “what the public needs to know” (politics, world affairs) whereas others suggest that news should include “what the public is interested in” (humor and gossip). Some of the authors even suggest that newsworthiness and story selection can vary between news organizations as well as different news professionals.

Whereas the textbooks repeatedly state that there is no precise process for determining newsworthiness, the authors do write that story selection is based on the evaluation of a number of traditional news values. Craft and Davis (2016) write, “scholars, critics and long-time observers of the news have identified a number of factors that seem to influence what becomes

news. Journalists' reliance on these 'news values,' as the factors are called, offer us a way to discuss the first step in how news is made – its selection as news (p. 74). The Missouri Group (2005) suggests that when it comes to news values, “relevance and usefulness add up to a high level of interest... Relevance, usefulness, and interest are broad guidelines for judging the news value of any event, issue or personality” (p. 5). Mencher (1998) expounds upon that list of news values, writing that: “Most news stories 1) are about events that have an impact on many people, 2) describe unusual or exceptional situations or events or 3) are about widely known or prominent people... Four other factors heighten the news value of an event: conflict, proximity, timeliness and currency” (p. 132-133). The other factors Mencher lists are more pragmatic and relate to the news organization itself: newsroom resources, the availability of journalists and appropriate broadcast equipment, and competition between news organizations (competition for audience and “first to cover” as motivating forces) (p. 135-136). Dominick (2011) echoes the effect of these economic factors on news values and story selection: “In addition to the five traditional elements of news values [timeliness, proximity, prominence, consequence, human interest], economics plays a large role... Some stories cost more to cover than others... By the same token, the cost of new technology is reflected in the types of stories covered” (p. 305).

Journalism textbooks have an indirect approach to explaining the term “newsworthiness.” Instead of providing a clear definition, the textbooks state that newsworthiness is a professional process involving the evaluation of a number of traditional news values, such as conflict, consequence, currency, human interest, impact, novelty, prominence, proximity, timeliness, as well as the economic factors which enable or limit a media organization in covering a story. The textbooks equate newsworthiness with story selection. The next section of this chapter takes a

closer look at the news values mentioned in the journalism textbooks – how they are broken down, defined, and prioritized.

4.3 Journalism Textbooks and News Values

Before beginning this part of the analysis, it is important to note that unlike the latter sections on professional ethical codes and U.S. Supreme Court cases, not all of these news values have full descriptions or explanations. Some of the values are merely listed as a factor of newsworthiness. (Ex: “Impact is....” versus “For a story to be newsworthy, it must be timely, current, and have *impact*.”) For the purposes of this dissertation, both of these types of formats, with explanation or without, comprise a mention or reference. The news values analyzed in the following subsections include: timeliness, currency, immediacy; prominence and celebrity; impact, significance, and consequence; novelty, bizarreness, unusual nature, and deviance; proximity; human interest and emotion; conflict; education, usefulness, and helpfulness; pseudo events; and public interest.

4.3.1 *Timeliness, Current, Immediate*

Timeliness, current, and immediate (all used interchangeably) are the most referenced news values, with 10 different mentions in the journalism textbooks. Vivian (p. 214), Rich (p. 8), and Cappon (p. 115) merely list the word “timeliness” or “immediacy” as factors of newsworthiness. Other authors make reference to timeliness in the context of news having to be *new*: “news isn’t news if it is not of recent vintage” (Craft & Davis, p 74), “an event must be current in order to be considered news” (Potter, p 183), “news is new; yesterday’s news is old news” (Dominick, p. 304). Pavlik and McIntosh (p. 228) suggest that timely stories include both recent events as well as recently discovered events. Mencher (p. 134) writes that timeliness is an important new value because “what occurs today has a greater impact than an event that occurred

yesterday.” The Missouri Group (p. 6) write that timeliness is essential because “timely reporting gives people a chance to participate in public affairs rather than as mere spectators.” Finally, Carroll (p. 33) highlights the digital media technology “permitting you to immediately communicate great amounts of selective and updated information in color at remarkably low cost.”

These journalism textbook authors and editors use “new,” “immediate,” “current,” “timely,” and “recent” to describe timeliness as a news value. There are also multiple references to “news is new.” Carroll’s description about digital media technology and low costs suggest that economics also plays into the newsworthiness of a story – the more expensive a story is to cover, the less likely a news organization is to report on it. The Missouri Group’s quote about timely reporting and public participation seems to relate to the discussion about journalism’s role within society, that the democratic function of the news is to help the public participate as citizens in public affairs and take action on items currently up for debate.

4.3.2 *Prominence and Celebrity*

The second most referenced news value, with eight total mentions, is prominence and celebrity. Vivian (p. 214) lists “prominence of people” as a factor of newsworthiness. Two authors write that the more prominent the person involved, the more newsworthy the story: “name make news; the bigger the name, the bigger the news” (Missouri Group, p.5), “the more important a person, the valuable he or she is as a news source” (Dominick, p. 304). The authors define prominence or celebrity as “well known people and institutions” (Potter, p. 183), “people who are widely known or who have positions of authority” (Mencher p. 131), “people with widespread fame or notoriety; household names with special prominences in society (ex: athletes, musicians)” (Carroll, p. 287), and “individuals such as politicians, celebrities, and

athletes” (Craft & Davis, p. 75). Further, Carroll writes that “once a person has been classified in the category [of newsworthy], that public figure never falls out or lapses back into the lesser fault level category, regardless of how obscure he or she might become” (p. 287).

These authors highlight prominent people or institutions as factors of newsworthiness. The bigger the name or the organization, the bigger the coverage will be. Those who are “prominent” are widely known, famous, in a position of authority, a public figure, or have some special prominence in society. Types of prominent people include politicians (presidents, heads of state), sports figures, entertainment figures (celebrities, musicians), and criminals. It is interesting to note that prominence and celebrity are the second most cited news values; their ranking in this list may indicate a preference for public personalities over stories of public interest. There is also a major contrast in how journalists describe and prioritize prominence as a news value, versus how Courts treat prominent people (prominent parties) in privacy law cases. For journalists, as an example, prominence can automatically attach to a person, whether voluntarily or not, and this status does not necessarily dissipate with time. However, the Supreme Court has held that not every person attached to a public issue becomes a public figure (ex: criminal cases) and that a prominent or public figure can lapse back into private status. (For a full analysis, see Chapter 8: Overlapping and Divergent Principles).

4.3.3 *Impact, Significance, Consequence*

The third most referenced news value is impact, significance, and/or consequence (used interchangeably by the authors). There are seven mentions total, tied with proximity, and bizarre/novel/unusual/deviant. Vivian (p. 214) lists “impact on society” as a factor of newsworthiness. Two authors explain that impact as something that affects society: “an event that affects the public in some way” (Pavlik & McIntosh, p. 228), and “an issue’s effect on the

public” (Craft & Davis, p. 74). Several authors say impact also related to the amount of people affected: “the magnitude of the consequences of an event” (Potter, p. 183), “the wider and heavier the impact, the better the story” (Missouri Group, p. 5), “the more people affected, the more important the story” (Mencher, p. 132), and “events that affect a great many people have built-in news value” (Dominick, p. 304).

Whereas the news value “prominence” seems to focus more on people, impact / significance / consequence focuses more on events. Just as the authors wrote “the bigger the name, the bigger the story” for prominence, they write “the more people affected, the bigger the story” for impact / significance / consequence. To describe impact, the authors use phrases such as “importance,” “affecting the public,” “how seriously it affects the public,” “magnitude of consequences,” and “affect a great many people.” Two of the authors connect newsworthiness, impact, and what may interest the public. Pavlick and McIntosh write of impact that “[editors] try to determine what is of most interest to their readership... what is deemed as important by their audience and what is therefore more likely to be discussed by the public” (p. 229). Similarly, Craft and Davis write that impact “[is] more than mere number, it’s more of a judgment call on how many members of the audience are likely to be interested in the story” (p. 74). These two quotes present an important distinction – what the public *might* be interested in and what is *of* public interest. The former involves editorial guesswork while the latter is related to journalism’s democratic role of informing the public and preparing them for participatory action.

4.3.4 Proximity

The news value “proximity” is the third most referenced, tied with impact/significance/consequences and bizarre/novel/unusual/deviant with seven total mentions.

Vivan (p. 214) lists proximity to the audience as a factor of newsworthiness. Several authors relate it to the geographical closeness between where the audience is located and where the story occurred or originated: “how close the event is to the news audience” (Potter, p. 183), “local interest” (Rich, p. 8), “geographically based affiliation” (Carroll, p. 34), “anything that is close to readers or listeners” (Mencher, p. 131). The Missouri Group explains that stories with proximity to the audience are more newsworthy because “people are more interested in and concerned about what happens close to home” (p. 6). Similarly, Dominick writes that “news happens close by... readers and viewers want to learn about their neighborhoods, town, or country” (p. 304). He also adds that “proximity” to a story can be both geographical (within a close distance) or psychological (of similar mindsets).

Dominick, Mencher, and Carroll, in their full descriptions of proximity as a factor of newsworthiness, all mention that proximity can be both geographic and/or psychological. Proximity as a news value has the potential to evolve with the current digital news environment. As connectivity, speed, and price of international communication change, the concept of “distance” also changes. Audiences may begin to feel psychologically closer to certain issues or certain individuals, based on the amount of coverage or availability of information related to a particular region.

4.3.5 *Novel, Bizarre, Unusual Nature, Deviant*

Tied with impact/significance/consequences and proximity is the collection of news values novelty/bizarre/unusual nature/deviance. These are the third most cited news values, with seven total references. Rich (p. 8) lists “unusual nature” and Craft and Davis (p. 74) list “unusual aspect” as a factor of newsworthiness. Other journalism textbook authors go into more detail, describing this news value as: “gee whiz factor” (Vivian, p. 214), “the degree to which an event

is out of the ordinary” (Potter, p. 183), and “an interruption of life’s routines; something that makes a reporter stop and stare, wonder and exclaim” (Mencher, p. 131). The Missouri Group explain that “people or events [that] may be interesting and therefore newsworthy just because they are unusual or bizarre” (p. 5). However, they do add the caveat that “novelty can be, and often is, exaggerated to produce ‘news’ that lacks real relevance and usefulness” (p. 5).

Dominick (p. 304) also adds that “some stories that generate a lot of clicks tend to be about the bizarre, the sensational, and the unusual rather than the serious and wind up with more coverage than they might otherwise have received.”

Similar to prominence/celebrity as a news value, this section suggests that entertainment (in the form of that which is novel, bizarre, or unusual) is also a factor in determining the newsworthiness of a story. Reporters and editors may select one story over another because they believe it would be of interest to the audience, or because the audience may be engaged by the novelty of the story. Also, it is interesting to note that two of these authors, in explaining novelty/unusualness, used the “man-bites-dog” reference. Potter (p. 183) wrote that “If a dog bites a man, that is not newsworthy, but if a man bites a dog, that is newsworthy.” Pavlik and McIntosh wrote that “the journalist’s old adage that news is ‘when man bites dog’ rings true in the sense that news is something that occurs that is out of the ordinary” (p. 227). This particular man-bites-dog explanation may be an anomaly, but it is odd for two of the best-selling journalism textbooks in the U.S. to use such a violent reference to teach college students about news values.

4.3.6 *Human Interest, Emotional*

The news value human interest or emotion is the fourth most referenced value, with five total mentions. Dominick describes human interest stories as “stories that arouse some emotion

in the audience – typically those items concern ordinary people who find themselves in circumstances with which the audience can identify” (p. 305). Several of the authors suggest that human interest/emotional stories as second-tier stories. Craft and Davis, for example, write that “Human interest stories often cause news organizations to disregard the main rules of newsworthiness: for examples, they don’t date as quickly, they need not affect a large number of people, and it may not matter where in the world the story takes place” (p. 74). Cappon, explains that “in *features*¹¹... the plain ladder of descending news values is replaced by human interest, mood, atmosphere, emotion, irony and humor” (p. 115). Pavlik and McIntosh write “a soft news day is when editors feel not much has happened that is newsworthy and therefore will air programming or include articles such as human interest stories” (p. 228).

While some of the authors describe human interest or emotion as a news value *of* newsworthiness, other authors are careful to draw a distinction between human interest or emotional stories and newsworthiness. Cappon writes how news value is replaced by human interest, Craft and Davis write that news organizations disregard newsworthiness when it comes to human interest stories, and Pavlik and McIntosh write that editors select human interest or soft news when nothing else newsworthy has happened that day. So, while audiences or readers might find human interest stories appealing, editors and reporters do not place these items high on the newsworthiness and selection scale.

4.3.7 *Conflict*

Conflict, with the journalism textbook authors making four total mentions, is the fifth most referenced news value. Mencher (p. 131) describes conflict as “contesting teams, ideas,

¹¹ The author here distinguishes features, (stories about a person, event, or issue written with a personal slant or individual style), with hard news or other news items.

cultures and countries.” The other authors paint conflict as an interpersonal issue, or an issue with nature: “who benefits or suffers, and who is involved” (Craft & Davis, p. 74), “the degree to which parties in an event disagree” (Potter, p. 183), “struggles between people, among nations, or with natural forces” (Missouri Group, p. 5), and “conflict has always been with us – men against women in a battle of ideas, people against the elements in a struggle to go about their lives without interruption” (Mencher, p. 134). It is interesting to note here that in their full descriptions, two authors also connect journalism with storytelling – conflict as a narrative device. The Missouri Group, for example, suggest that news items with conflict “make fascinating reading and storytelling” (p. 5). Similarly, Craft and Davis, write that “conflict often provides action, villains and heroes... the stuff of storytelling!” (p. 74). This may indicate that when it comes to story selection, making the story engaging for the audience (good storytelling) is just as important as traditional news values like timeliness, prominence, and proximity.

4.3.8 *Currency*

Currency, not to be confused with current/timely, is the sixth most referenced news value, with two total mentions. Mencher describes “currency” as “a situation that’s been around for a while whose time has finally come” (p. 134). Craft and Davis describe “currency” as a story with ongoing issues: “If it happened today, it’s news. If the same thing happened last week, it’s no longer interesting, unless people can’t stop talking about it” (p. 74). Reporters evaluating a story’s newsworthiness based on currency are likely capitalizing on the story’s ongoing nature with maximum coverage (p. 74). Whereas currency is closely related to timeliness, one has to do with an ongoing or latent story, while the other is something that happened very recently. Both of the authors identify currency as a separate news value; however, their definitions are different. According to Mencher, currency is more of a slow-developing story. But for Craft and Davis, a

story with currency is ongoing and continuing to attract audience attention – which is yet another reference to story selection based on audience interest.

4.3.9 *Educational, Useful, Helpful*

The news value educational / useful / helpful, used interchangeably by the journalism textbook authors, are the seventh – or least – mentioned news value. This category is tied with pseudo events and public interest. The Missouri Group makes one mention, writing that stories that are educational, useful, or helpful are newsworthy because “relevance and usefulness add up to a high level of interest” (p. 5). If one of journalism’s primary roles within society is to educate the public on issues of importance and to arm the public for vigilant citizenship, then it is counterintuitive to me that “education” be one of the least referenced news values.

4.3.10 *Pseudo Events*

Only one author mentions “pseudo events” as a news value, making this factor the seventh – or least – referenced news value, tied with education/useful/helpful and public interest. According to Pavlik and McIntosh, pseudo events are planned events, such as press conferences, marches, and rallies (p. 228). What makes them newsworthy is that these events are held specifically to attract media attention. While Pavlik and McIntosh identify “pseudo events” as a separate news value, this category could easily be combined with another news value (proximity, prominence, impact, or novelty), depending on the purpose or motivation for the event.

4.3.11 *Public Interest*

The least mentioned news value, tied with educational/useful/helpful and pseudo events for last place, is public interest stories. Pavlik and McIntosh only briefly mention “public interest” in a list of potential factors of newsworthiness (228). It is fascinating to note that even though serving the public interest is a primary function of journalism, that it is one of the least

mentioned news values. Some of the authors do reference public interest, but it is often in relation to other newsworthiness factors, and not as its own category. Perhaps this suggests that the majority of the journalism textbook authors believe that public interest is covered within another news value such as impact, significance, or prominence.

4.4 Conclusion

This chapter sought to explore the various ways in which the nation's top ten journalism textbooks address or define newsworthiness and criteria for news values. Via a textual analysis of the college-level textbooks, it was determined that journalists do not have a set, clinical formula when it comes to defining newsworthiness. Instead, it is based on the subjective and independent ranking of news values including 1) timeliness/current/immediate, 2) prominence/celebrity, 3) impact/significance/consequences, 4) proximity, 5) novel/bizarre/unusual nature/deviance, 6) human interest/emotional, 7) conflict, 8) currency, 9) educational/useful/helpful, 10) pseudo events, and 11) public interest. By analyzing how the textbook authors describe newsworthiness and news values, we learn that there exists a relationship between news values and storytelling, however, the borders between these two are unclear. The authors, in their descriptions of news values and the state of the field of journalism, also suggest that economics of news (cost to produce a story) and the anticipated audience interest are additional factors that editors and journalists weigh in determining newsworthiness and story selection. The cost of producing a news story and the perceived audience interest, while pragmatic concerns, would likely not be included in a Social Responsibility of the Press view of journalism news values, however, as social responsibility of the press theory focuses on the importance of providing the public the information needed to participate in a democratic society and keep watch on corporate and government entities. This theory does not include

caveats such as informing the public – depending on what newsroom financial resources are available at the time, or what the audience may seem to have an interest in. While the textbook authors do present the factors of newsworthiness, the lack of a concrete, objective definition becomes problematic. Journalists rely on these news factors, based on deep-rooted beliefs and reliance on journalism professional judgment and expertise. But Courts, who for years have relied on journalists to define news (especially in privacy cases), are basing their legal judgments on the journalists' uncertain, unclear terminology.

5 JOURNALISM ETHICS TEXTBOOKS

5.1 Introduction to the Textual Analysis of Journalism Ethics Textbooks

This chapter answers the research question #2: What are the various ways that U.S. journalism ethics textbooks address or define newsworthiness and the criteria for news value(s)? Which, if any, are the most common?

To create a top ten list of journalism ethics textbooks, I first conducted a search on <http://www.amazon.com> for the “best-selling journalism ethics textbook, college level, U.S.” That search yielded 130 results for journalism ethics books, 197 media ethics books, and 589 communication ethics books. Working from this list, I eliminated all international books, k-12 textbooks, duplicate editions (previous editions), memoirs about journalism ethics, and those books that were not relevant to this dissertation (ex: business ethics, public relations ethics, marketing ethics). I was able to narrow the list down to 50 titles. I accessed the textbooks either online or in-person at the Georgia State University library. I scanned the content in the table of contents, body of the textbooks and the index, looking for the most significant or most developed references to newsworthiness, news values, news criteria, story selection and/or public interest. Based on my initial readings, I narrowed the list of journalism ethics textbooks down to these titles:

Alexander, J. & Breese, E. (2016). *The crisis of journalism reconsidered: Democratic culture, professional codes, digital future*. New York, NY: Cambridge.

Black, J. & Roberts, C. (2011). *Doing ethics in media: theories and practical applications*. New York, NY: Routledge.

Christians, C. (2010). The ethics of privacy. In C. Meyers (Ed.), *Journalism ethics: a philosophical approach*. (pp. 203-209). New York, NY: Oxford University Press.

Cohen, E. & Elliott, D. (1997). *Journalism ethics: A reference handbook*. Santa Barbara, CA: ABC-CLIO.

Day, L. (2006). *Ethics in media communications: Cases and controversies*. (5th Ed.). Belmont, CA: Thomson Wadsworth.

Frost, C. (2016). *Journalism ethics and regulations*. (3rd Ed.). New York, NY: Routledge.

Knowlton, S. & Parsons, P. (1995). *The journalist's moral compass: Basic principles*. Westport, CT: Praeger Publishers.

Meyers, C. (2010). *Journalism ethics: a philosophical approach*. New York, NY: Oxford University Press.

Muller, D. (2015). *Journalism ethics for the digital age*. London, UK: Scribe.

Patterson, P. & Wilkins, L. (2013). *Media ethics: Issues and cases*. (8th Ed.). New York, NY: McGraw-Hill.

Peck, L. & Reel, G. (2013). *Media ethics at work: True stories from young professionals*. Thousand Oaks, CA: SAGE.

Perebinosoff, P. (2016). *Real-world media ethics: Inside the broadcast and entertainment industries*. (2nd Ed.). New York, NY: Routledge.

5.2 How Journalism Ethics Textbooks Address Newsworthiness

The journalism ethics textbook authors begin their descriptions of newsworthiness and news values by describing journalists' role in the story selection process. Perebinosoff (2016) writes that "reporters and editors should always begin the news dissemination process by first determining if something is newsworthy and therefore worth sharing with the public (p. 171). Cohen and Elliott (1997) describe the process of narrowing down news items for broadcast or publication:

"Physical limitations of space, time, money, etc. make it inevitable that the amount of information that is published by news organizations is only a fraction of available information... As such, news organizations sift through information available in an effort to distinguish that which is newsworthy from that which is not, and that which is newsworthy from that which is less" (p. 41-42).

As the authors identify that collection of information as the first step in the newsmaking process, followed by the narrowing down of that information, they next describe the process of story selection based on a determination of newsworthiness.

5.2.1 *The Press' Latitude in Defining Newsworthiness*

In defining the concept of newsworthiness, the journalism textbook authors first touch on the relationship between journalists and the Court system. Christians (2010) explains that the press has a great latitude in defining newsworthiness, and that the courts rely on the press for that definition (p. 203-204). Further, the author writes that journalists' definition of newsworthiness is a self-interested definition, often based on trends and the economy: "The prerogative here belongs to the journalist instead of the public. Journalism's self-interest definition of newsworthiness, rather than the common good, becomes the standard" (p. 204). "The meaning of newsworthiness is susceptible to trendy shifts in news values and often is adjusted when competition for markets is fierce" (p. 209). Day (2006) also discusses the relationship between journalists and courts, writing "the First Amendment says nothing about media responsibility. It is left to the consciences of practicing journalists to decide what is newsworthy" (p. 35). Further, "the Courts have taken a very liberal approach in allowing the media to define what they consider to be news or matters of public interest. Taken to the extreme, anything that is disseminated by a news organization might be considered news" (p. 138). Cohen and Elliott (1997) also address this "great latitude in defining newsworthiness," writing that the process of determining newsworthiness is a subjective one: "Such interests that shape the news [political, commercial, value considerations] are relative, and there are no absolute standards of newsworthiness. What is newsworthy for one system of journalists, sources, and audiences is not so for another" (p. 43).

In describing the relationship between journalists and the Court system, these authors argue that the lack of a “newsworthiness” definition within the First Amendment means that courts turn to the field of journalism for a working definition. Journalists, in turn, have developed a definition that is subjective, relative, and based on their own self-interests and conscience. The journalism textbook authors approach this relationship with a critical eye, suggesting that a definition should *not* be subject to self-interests and market forces, and that journalists instead should be using their professional judgment to determine newsworthiness based on common good and public interest.

5.2.2 *Newsworthiness and Morality*

Having discussed the relationship between journalists and the court system, and how the courts rely on journalists to create a working definition of newsworthiness, the authors next discuss the how journalists incorporate the public into their definition of newsworthiness. In other words, how journalists incorporate newsworthiness, the public, and morality. Christians (2010) writes about journalists’ role in a democratic society and their duty to the public: “the challenge for journalists, as for all professionals, is the moral life as a whole – no harm to innocents, truth telling, keeping promises, beneficence, gratitude, [and] reparations for wrong actions” (p. 208). Further, Christians writes that the process of determining newsworthiness is the process of separating what the public *wants* to know (gossip, pandering, innuendo, exaggeration, falsehood) from what it *needs* to know (p. 208). Day (2006) also emphasizes the importance of what the public needs to know, writing that journalists should pay more attention “to what the public needs to know rather than merely what [the public] is curious about” (p. 138). Cohen and Elliott (1997) suggest that journalists should adhere to universal standards in their selection and presentation of the news – and that those standards should include

perspectives on “justice, wisdom, and other ideals of civilization” (p. 44). Concerning universal standards and values, Black and Roberts (2011) write that contemporary journalism has three essential shared values: 1) publishing news that is balanced, accurate, relevant, and complete, 2) avoiding preventable harm, and 3) giving citizens information they need for self-governance (p. 192). The first two categories of shared values relate to how to ethically *report* the news and the latter category relates to how to ethically *select* the news (newsworthiness). They suggest that in addition to objective news values such as proximity, timeliness, prominence, consequence, novelty, conflict, currency, etc., that the news enterprise should transcend these traditional values to also incorporate *moral* values.

These authors, in their description of the relationship between newsworthiness and morality, are setting up a series of dichotomies – or, what they suggest are dichotomies: what the public wants to know vs. what the public needs to know, evaluative news standards vs. objective news standards, and traditional news values vs. moral new values. The authors assert that *moral* news values should include information promoting justice, wisdom, ideals of civilization, and what information is needed for self-governance. In this section, the authors are broaching a definition of newsworthiness; they assert what while there is no concrete formula for newsworthiness within the field of journalism (unfortunately due to news being subjective and based on journalists’ self-interest) that any criteria for newsworthiness *should* include elements of what the public needs to know.

5.3 How Journalism Ethics Textbooks Address News Values

Similar to the previous chapter on journalism textbooks and newsworthiness, the journalism ethics textbooks authors describe the process of story selection as an evaluation of

newsworthiness based on a series of established news values. According to Alexander and Breese (2016),

“Over time a cohesive culture of journalism formed, and eventually what journalists began as necessities turned into virtues. That is to say, definitions of newsworthiness... were not merely practical solutions to shared problems; they became cherished ideals to be nurtured and protected in the event, the elements of journalism to form a taken-for-granted common sense about what journalism is, and what it ought to be” (p. 213)

These elements of journalism, also known as news values, are

“what students of mass media have learned, often by rote, [as] how to define news. Something is deemed newsworthy if it entails some of the following characteristics: [proximity, timeliness, impact, novelty, conflict]. Other qualities that turn up on some lists include currency, magnitude, personality, mystery, adventure, and the like” (Black and Roberts, p. 192).

Patterson and Wilkins concur that most mass media courses present a list of qualities that collectively define news. This list includes “proximity, timeliness, conflict, consequence, prominence, rarity, change, concreteness, action and personality. Additional elements may include notions of mystery, drama adventure, celebration, self-improvement and even ethics” (p. 35). Muller suggests that impartial news stories should contain at least some of these listed values, otherwise the journalist will invite question about “suppression” and “undue prominence” (2015, p. 81). Going a step further, Patterson and Wilkins argue that lists of traditional news values are helpful for beginning journalists who are learning about story selection, but that newsworthiness should also include “ethical news values... intended to reflect the philosophic tensions inherent in a profession with a commitment to truth” (p. 35). The authors suggest that values such as accuracy, tenacity, dignity, reciprocity, sufficiency, equity, community and dignity should be considered in the evaluative process of newsworthiness, so that journalists can recount the news ethically and address tensions related to truth and accuracy. (See section D. Ethics-related expansion of news values).

Similar to the previous chapter, the journalism ethics textbook authors identify many of the same “traditional” news values, such as timeliness, prominence, impact, proximity, etc. However, these journalism ethics authors do not cite these news values with the same priority or frequency. They also insist that newsworthiness should incorporate both traditional values as well as components of ethics or morality. The following subsections analyzes the journalism ethics textbook perspective of news values including: timeliness; public person, prominence, and fame; impact, magnitude, and numbers; proximity; unusualness, unexpectedness, and novelty; significance and consequence; conflict; relevance; negativity; clarity; follow-ups and continuity; human interest; good news; drama and entertainment; as well as popularity, most read, and most discussed.

5.3.1 *Timeliness*

Timeliness is the most cited news value in the journalism ethics textbooks, with six total references. Alexander and Breese (2016) include timeliness as one of the elements of their “modern news paradigm” (p. 212). Perebinosoff (2016) writes that “in today’s 24/7 news environment, timeliness is of the utmost importance” and that a “news story should include timely information and should be regularly updated as additional facts become available” (p. 172). Cohen and Elliott (1997) and Muller (2015) stress the importance of the newness or recency of a story. Frost (2016) adds that for a story to be newsworthy, “it must be new... and interesting to the public” (p. 29). Finally, Black and Robert (2011) write that while timeliness is an accepted news value, that the “traditional lists of definition of news should be expanded beyond craft-based non-moral values” and expanded to include “larger spans of time and [to] consider gradual changes” (p. 193).

The journalism ethics textbook definitions of timeliness are similar to the journalism textbook definitions, in that they both describe timeliness as newness or recency. However, the ethics textbooks also add that timeliness should include follow-up, regular updates, and to consider gradual changes in the development of the story. Frost adds that timely stories at their foundation must also be interesting to the public, suggesting that newsworthy criteria do not exist in isolation. News items must represent more than one news value to be deemed newsworthy.

5.3.2 *Public Person, Prominence, Fame*

The news value public person, prominence, or fame (all used interchangeably) is the second most cited news value, with five total references. It is tied with three other categories of news values, impact/magnitude/number, proximity, and unusualness/unexpectedness/novelty. Day (2006) describes when a story related to a public person is newsworthy, writing that “newsworthiness as it relates to [their] performance, image, or involvement in a newsworthy event” (p. 183). Perebinossoff writes “there’s no doubt about it – audiences enjoy reading and hearing about prominent people... [and] the minute details of their lives and activities (p. 172). He describes these prominent people as movie stars, politicians, musicians, and local celebrities (Id.). Similarly, Frost also describes public figures as personalities, those in show business, powerful individuals, and celebrities (2016, p26). Muller breaks the term “public people” down into three categories: 1) those with celebrity (“a person famous for being famous, excellence of achievement, sporting, artistic, cultural, scientific celebrities”), 2) those with authority (“person’s position or status, formal office, recognized moral leadership, expertise”), and 3) those with prominence (“highly visible or influential, not necessarily for positive reasons”) (2015, p. 80). Breaking from the other journalism ethics textbook authors, Black and Roberts suggest that the definition of prominence should be expanded to reflect a broader systems theory, one that would

include not just celebrities and authorities but ordinary people and the community as a whole (2011, p. 193).

Based on these authors' definition of a public or prominent person, these individuals can be politicians, celebrities, or entertainers. The authors here, unlike the journalism textbook authors, place more emphasis on storytelling and public interest than level of authority and influence. Concerning prominence and newsworthiness, the authors suggest that even the smallest details of a public or prominent person's life can be newsworthy. Black and Roberts acknowledge prominence as a news value, but suggest that the definition should be expanded to include ordinary people and the whole community. This is not to say that ordinary people can become prominent if involved in extraordinary things; Black and Roberts are suggesting that journalists should expand their focus so as to include prominent persons as well as ordinary citizens. If journalism professions were to follow their suggestion, however, this would eliminate prominence as a news value, because it would feature everyone rather than highlighting a small set of individuals. Perhaps Black and Roberts are calling for more diversity in the coverage, rather than suggestion that the news media should focus on every person within a community.

5.3.3 *Impact, Magnitude, Numbers*

Tied with public person/prominence/fame, proximity, and unusualness/unexpectedness/novelty as a news value is impact/magnitude/numbers, with five total references. Alexander and Breese include impact as one of its five elements of a modern news paradigm (in addition to timeliness, immediacy, proximity, and relevance (2016).

Perebinossoff defines impact as "how many people will be affected by an issue being reported" as well as "the potential for a long-term effect of a situation" (2016, p. 171). Similarly, both Frost (2016, p. 26) and Muller (2015, p. 79) describe impact and magnitude as the size, scale,

and significance of an event. Black and Roberts suggest that should impact and/or magnitude be expanded as a news value, it would look at “subtle, indirect consequences on the system as a whole, rather than on a few individuals” (2011, p. 193).

Having analyzed all of the author’s definitions of impact and magnitude, and with many of the descriptions including “size,” “scale,” or “impact,” it appears that the news value is more focused on the numerics of a story rather than the “value” of a story. Black and Roberts suggest expanding that definition to include more subtle stories; however, that would negate this category of news values (as their suggestion about including more ordinary people in prominent person stories negated the category of public persons).

Additionally, it is interesting to note that with three categories of news values tied with the same number of references or citations, perhaps this indicates that the journalism ethics textbook authors are not ranking values, so much as they are explaining what the traditional definition is, and how that definition can be refined with an ethical lens.

5.3.4 Proximity

Proximity is the second most referenced news value, with five total mentions within the selected journalism ethics textbooks. This value is tied for second, along with public person/prominence/fame, impact/magnitude/numbers, and unusualness/unexpectedness/novelty. Alexander and Breese (2016) include proximity in its five elements in the modern news paradigm. Perebinossoff (2016, p. 172) describes proximity as the geographical closeness between an event and the news audience – a local angle, or within the audience’s immediate vicinity. Frost (2016) and Muller (2015) identify that proximity can be both geographical as well as cultural. Frost writes that an audience will find meaning within stories that coincide with their cultural assumptions and accords with their preconceptions – in other words, a story that is

familiar to the audience (p. 26). Similarly, Muller writes that an audience identifies more with stories that are happening to “people like them” and that “reinforces what we already know and is consonant with our existing view of the world” (pp. 79-80). Black and Roberts suggest that in analyzing a news story for its value of proximity, journalists should “go beyond physical closeness and include larger frames of reference to include society as a whole” (p. 193).

Proximity, as a news value, can indicate a geographical closeness (local, immediate vicinity, close to home) or a cultural closeness (familiar, coincides with current audience, people like us). Frost calls cultural proximity more meaningful than geographic proximity; does this mean that an audience finds more meaning in stories where they can identify with the person or event, or does it mean that audiences are just more naturally attracted to stories that match their own cultural character? Black and Roberts suggest that proximity should go beyond the physical frame to include society as a whole, however, this is similar to what Muller and Frost are already suggesting – that “proximity” as a news value encompasses both space and society.

5.3.5 *Unusualness, Unexpectedness, Novelty*

The journalism ethics textbook authors reference the news value of unusualness, unexpectedness, and novelty (used synonymously) a total of five times, which makes this category tied for second most cited, along with public person/prominence/fame, impact/magnitude/numbers, and proximity. Perebinossoff defines unusualness as “stories with an unusual angle or focus on something unique... the weird and wonderful... [and] rare occurrences” (2016, p. 172). Likewise, Muller describes these news values as being unusual, or having shock and novelty (2015, p. 80). Cohen and Elliott write that “an interesting or unusual slant to the description of an event may arguably make the story more or less newsworthy,” again citing the “man bites dog” example (1997, p. 42). Black and Roberts suggest that a story

that is both newsworthy and journalistically ethical would expand the category “novelty” so as to “include the status quo or business as usual” (2011, p. 193). Not to say that status quo is novel, but that story selection should be expanded so as to include that which is novel as well as that which is status quo.

In this section, perhaps more than others, the authors define or describe the news values by using synonyms. For example, the authors use the words unique, weird, wonderful, rare, unexpected, shocking, novel, and interesting to describe a story that is newsworthy for its unusual nature. This lack of definition (or synonym-as-definition) is counterintuitive, based on the authors’ initial quotes about newsworthiness and the debates over “what the public needs to know vs. what public wants to know”.

5.3.6 *Significance, Consequence*

The third most cited news value, tied with conflict, is significance and consequence. The authors mention this news value a total of three times. Pingee and Hawkins (1995) write that “news definitions explicitly purport to locate what is timely and significant... conventions define what is significant and what events the reporter will be assigned to cover” (p. 125). Frost categorizes the different types of significance as social, economic, and political (2016, p. 26). Muller explains that significance or consequence “concern the extent to which an event affects our society (2015, p. 79).

Significance and consequence should not be confused with impact, magnitude, and numbers. The journalism textbook authors treat impact and significance as two separate categories of news values. Impact is number based – the sheer scale of an event or the number of people affected. Significance and consequence are tied to the degree to which society is affected, or their level (not overall size) of impact.

The manner in which the authors explain the news values of “significance” and “consequence” presents the same issues this dissertation addresses in the definition of newsworthiness – the authors make reference to the word, but do not provide a specific definition. For example, the authors here define significance as “what is significant” and “the degree of significance.” Frost provides a bit of clarity by breaking significance down into social, economic, or political. However, it could be argued that most information or stories could fit into one of these three categories. Although this is the third most cited news value, it is certainly not the most thoroughly developed.

5.3.7 *Conflict*

Tied with significance/consequence as the third most cited news value is “conflict,” with three total mentions. Perebinossoff offers the definition that news stories with conflict involve “forces at odds with each other, wars, political struggles, elections, or terrorism” (2016, p. 172). He also writes that conflict may pertain to either specific issues, or to individuals. Muller writes that conflict “is one of the most pervasive news value” in that it can involve any argument or controversy, as well as violence (2015, p. 80). Black and Roberts suggest that this news value should be refocused to consider not only instances of struggle, but also promoting the ideals of civilization including “examples of cooperation within communities and institutions” (2011, p. 193). Cohen and Elliott further address journalists’ approach to conflict as a news value, providing ethical guidance as to what types of conflicts journalists should or should not cover. They write:

“In deciding what is newsworthy, the path toward promoting democracy may not always be clearly lighted, and journalists may not easily avoid tension between alternative, sometimes discoverable objectives... these objectives include making money versus fostering an enlightened public; catering to group interests versus seeking a more “objective” news stance; and merely describing what news sources say versus independently interpreting reality” (1997, p. 45).

In sum, the news value of conflict involves forces at odds with each other, arguments, controversies, or violence. These conflicts can be issue-specific or between individuals. Some examples include wars, political struggles, elections, and terrorism. For the third most cited news value and “one of the most pervasive news values” (Muller), it is curious that the authors do not provide more of a description. Also, with this news value being inherently negative, one would think that the journalism *ethics* authors would address this category in more detail, perhaps with a more critical eye. Black and Roberts do suggest that newsworthy items should include both conflict and information that promotes the ideals of civilization, such as examples of cooperation. As Black and Roberts are textbook authors, and they have a pattern of suggesting the opposite from the other authors analyzed here (ex: more ordinary people in stories dealing with prominence, larger time spans in timeliness, more subtlety in impact, more status quo in novelty), this must be incredibly confusing for students who are learning about the tenets of journalism for the first time.

5.3.8 *Relevance*

Relevance is the fourth most cited news value, with just two total mentions. This category is tied with negativity and clarity. Alexander and Breese include relevance as one of their five elements of the modern news paradigm, along with timeliness, immediacy, impact, and proximity (2016, p. 212). Frost ties relevance to the news audience, writing that news items that are “relevant” are so because they are perceived to be relevant to the audience (2016, p. 26). The author may be suggesting here that relevance as a news value implies that the public’s *wanting* to know a story increases its newsworthiness, rather than the public’s need to know a story. However, it is unclear, as neither Frost, nor Alexander and Breese follow up their identification of this news value with a definition of it.

5.3.9 *Negativity*

Tied with relevance and clarity is the news value “negativity,” with two total mentions. Frost (2016) writes that there is a view that “bad news is always ‘good’ news” (p. 26), meaning that stories involving conflict or tragedy are good for journalists, because it gives them something to cover. Muller even suggests that journalists and editors rank these conflicts and tragedies over “good” news stories (2015, p. 80). While this category is closely associated with the news value “conflict,” because of its inherent negative nature, “negativity” itself is a larger umbrella category. It implies that bad things that happen (ex: fires, disasters, etc.) make for good headlines. Also, as a personal note, when I was a college journalism student and when I worked as an associate television news producer, I constantly heard the phrase “If it bleeds it leads!” in reference to story selection. I feel like this reinforces the concept of negativity as a news value.

5.3.10 *Clarity*

The journalism ethics textbooks authors cite “clarity” a total of two times, making this news value the fourth most referenced, tied with relevance and negativity. Frost defines clarity as being unambiguous; it involves news stories on “clear cut events that require little explanation” (2016, p. 27). Muller also defines clarity as “simple stories,” however, he also adds that these news stories typically have “good and evil in stark contrast” (2015, p. 80). This category is similar to “conflict” as a news value, because it also involves an either/or dichotomy. But clarity adds a degree of simplicity and unambiguity. While Frost and Muller identify clarity as a news value, it could be argued that this is more of a news writing *style* (straightforward and direct) than a category of newsworthiness. Would a reporter be more likely to cover a topic because it was simple? It might mean less work for the reporter, but the mere fact that it is simple does not necessarily make it newsworthy. Additionally, looking at this news value from a different

perspective, if a reporter is more likely to cover a story because of its simple nature, does that mean a reporter is less likely to cover a complex story? If so, this could prevent complex social and ecological stories (ex: climate change, gradual health risks of diet) from being seen as a newsworthy event.

5.3.11 *Follow-up, Continuity*

The least cited news value is follow-up, also referred to as continuity. The journalism ethics textbook authors mention this news value only once. This category is tied with human interest, good news, drama/entertainment, and popularity/most read/most discussed. Frost identifies follow-up and continuity as a news value, describing these items as stories about matters already in the news, an event already making news, step changes of an issue or event, and the timespan of an event (2016, pp. 26-28). While Frost suggests that follow-up and continuity are elements of newsworthiness, it could be argued that it is actually one degree removed from newsworthiness. Follow-up and continuity deal with keeping the public updated about a story that has already been in the news – or, a story that has already been through the selection and reporting process. These news values may also be an aspect of ethical reporting and truth-telling; the journalists are informing the public about the evolution of a story by providing completeness and context. This category is similar to Black and Roberts (2011) suggested expansion of “timeliness” so as to include a longer timeframe in the newsworthiness evaluative process.

5.3.12 *Human Interest*

Tied with follow-up and continuity for least cited news value is human interest – in addition to good news, drama/entertainment, and popularity/most read/most discussed. Muller writes that a human interest story is one that “says something universal, poignant, inspiring, or

tragic about the human condition, usually from the experience of one person or a small group of people” (2015, p. 80). So, it would follow that this could potentially include the conflict or cooperation categories, to make an item more newsworthy. The definition of human interest also closely aligns with that of the journalism textbooks and professional codes of ethics, although the emphasis or prioritizing is different in these other resources [See Chapter 8: Overlapping and Divergent Principles for full analysis].

5.3.13 *Good News*

With only one reference as a news value, “good news” is tied for last place (or least cited), along with follow-up/continuity, human interest, drama/entertainment, and popularity/most read/most discussed. Frost identifies “good news” as a news value, defining it as “stories with positive overtones” (2016, p. 26). Comparing his definition of “negativity/bad news” and “good news” Frost establishes that good news stories have positive overtones, whereas bad news stories typically involve conflict or tragedy (but that either way, reporters will cover these topics). It is interesting to note that Frost actually suggests that “good news” is a news value on its own (instead of a subcategory or descriptive); perhaps Frost is trying to get newsmakers to provide a more balanced or diverse view of society, and to not focus so much on conflict, crime, and drama. It is also interesting to note that something positive is ranked so far down the list of reference, similar to how “human interest” is so far down the citation list.

5.3.14 *Drama, Entertainment*

Drama and entertainment is tied for the least cited news value, along with follow-up/continuity, human interest, good news, and popularity/most read/most discussed. Frost mentions it one time, identifying drama and entertainment as its own news value. He describes these stories as being exciting, and often dealing with sex, showbusiness, scandal, or crime

(2016, p. 26). Several of the other journalism ethics textbook authors, as well as the journalism textbook authors, categorize drama and entertainment into the “unusual and novelty” news value [See Chapter 8 for a full comparison of these definitions]. It is unclear why Frost insists that drama and entertainment be its own category, other than to provide examples of such news items (ex: sex, showbusiness, scandal, crime).

5.3.15 *Popularity, Most Read, Most Discussed*

The final news value mentioned in the journalism ethics textbooks is popularity (also referred to as the most-read or most-discussed stories). Peck and Reel define the news value of popularity in relation to web analytics, SEO (search engine optimization), and ranking:

“Fans of web analytics say the information helps journalists make news decisions that are more scientific and more democratic than they previously could be... Many journalists, however, fear that the new information provided by Web analytics will tempt bosses and editors to use data in ways that undermine traditional news values” (2013, p. 229).

Describing newsworthiness as “what’s working as defined by readers” (p. 230) relates back to the discussion of journalism as what the public needs to know versus what the public wants to know. Does the fact that a story is popular make it newsworthy? Should journalists make their story selections based on what items are already popular, over other topics? This also calls into question Peck and Reel’s argument that web analytics as a non-traditional news value is “more scientific and more democratic” than traditional values. If a socially responsible journalists’ role within a democratic society is to provide the public with information they need to know and to arm them for vigilant citizenship, then how could popularity and web analytics fulfill this purpose? My argument here is not that celebrity is not or cannot be a factor of newsworthiness; both the journalism textbooks and the journalism ethics textbooks clearly identify prominent figures, public officials, celebrities, athletes, etc. as newsworthy topics. To clarify, my argument is that through the lens of social responsibility of the press theory (and

keeping in mind that a socially responsible journalist is tasked with informing the public with knowledge needed for vigilant citizenship), celebrity or popularity is not a stand-alone factor of newsworthiness. As I explain further in my analysis in Chapter 9, newsworthiness guidelines for a socially responsible press should include multiple factors, such as a prominent issue or person *as well as* news values such as significance, impact, timeliness, or proximity.

5.4 Ethics-Related Expansion of News Values

In identifying all of the new values, some of the journalism ethics textbook authors provide definitions, others perspective and explanations, and a few also give examples. Black and Roberts (2011) discuss the new values in the context of potentially expanding their scope and definition. As indicated in the prior section, the authors suggested that “timeliness” should consider gradual and larger spans of time, “prominence” should include ordinary people and the community as a whole, “impact” should focus on subtle and indirect consequences, “proximity” should include larger frames of reference to society as a whole, “novelty” should be incorporate the status quo, and “conflict” should consider examples of cooperation within communities and institutions (p. 93). Black and Roberts, along with Patterson and Wilkins (2013) and Pingree and Hawkins (1995), are calling for a revision of the traditional news values – one that reflects a more expansive media systems theory. Patterson and Wilkins, for example, write:

“Most mass media courses present a list of qualities that, collectively, define news. Most such lists include proximity, timeliness, conflict, consequence, prominence, rarity, change, concreteness, action and personality. Additional elements may include notions of mystery, drama, adventure, celebration, self-improvement and even ethics. While these lists are helpful to beginning journalists, they probably will not help you decide how to recount the news ethically. We suggest you expand your journalistic definitions of news to include a list of ethical news values. These values are intended to reflect the philosophic tensions inherent in a profession with a commitment to truth” (p. 35).

These journalism ethics textbook authors present their readers with a series of eight *ethical* news values to incorporate, along with traditional news values, into an evaluation of newsworthiness.

The first¹² is accuracy, which Patterson and Wilkins describe as using correct facts, rights words, and putting things in context (p. 35). They write that “journalists need to be as independent as they can when framing stories. They need to be aware of their biases” (p. 35). The second is community, which is the valuing of social cohesion and media outlets acting with an eye towards social good (p. 35). Pingree and Hawkins agree that news should be “broadened beyond a record of events to explain social forces and processes behind and surrounding particular events” (p. 121), but caution that providing this additional meaning and context can be dangerous for journalists because “the further one strays from demonstrable, empirical fact, the more one tries to describe social forces, the more difficult it is to be confident in one’s own judgment and ability to be fair” (p. 122). The third ethical news value is dignity, or valuing every person and granting the story’s subject as much respect as possible (p. 35). Fourth is diversity, which Patterson and Wilkins explain is the act of covering all segments of the audience fairly and accurately (p. 36). Pingree and Hawkins also issue a call for diversity in journalism, writing that:

“new voices demanding attention, the voices of the relatively powerless and the disenfranchised, have forced journalists into a wholesale examination of what they cover and why, of what is news, and of what is fair and objective coverage of that news” (p. 121)

The fifth value is equity, which the authors describe as seeking justice for all involved in controversial issues, and treating all sources and subjects fairly (which is similar to dignity’s “value every person”) (p.36). Patterson and Wilkins write that “equity assumes a complicated world with a variety of points of view. Equity demands that all points be considered, but that not all be framed as equally compelling” (p. 36). The sixth ethical news value is reciprocity, or treating others as you wish to be treated (p. 35). Patterson and Wilkins explain that journalists

¹² Patterson and Wilkins do not rank these ethical news values; they are listed in this dissertation in alphabetical order for the sake of organization and readability

and their readers or audiences have a relationship in which they are “partners both in discovering what is important in life and in gleaning meaning from it” (p. 35). The seventh value is sufficiency, which is adequately allocating resources to important issues and being thorough in investigation and reporting (p. 36). Finally, Patterson and Wilkins suggest that traditional news values should be expanded to include tenacity, which is knowing when a story is important enough to require additional effort (person and/or institutional), and providing context and depth to that story (p. 35).

Patterson and Wilkins’ ethical news values seem to focus on two primary areas: the subject of the news story and the presentation of the news story. Concerning the subject matter, the authors suggest that journalists be respectful, value all citizens, treat subjects equally, and keep an eye towards social good and cohesion. For the presentation of the news story, whether that be print, broadcast, online or otherwise, Patterson and Wilkins write that journalists should be fair, accurate, provide context, be thorough, and dedicate an adequate amount of effort and resources. These ethical news values align closely with the journalism professional codes of ethics [see Chapter 6: Professional Codes of Ethics]. Later, this dissertation will explore whether these ethical values are part of the necessary motivation or decision-making process in selecting newsworthy stories, or if they are more a set of guidelines for journalists as they tell their stories.

5.5 Conclusion

This chapter addressed the research question, “What are various ways in which journalism ethics textbooks address or define newsworthiness and the criteria for news values?” by analyzing the 10 relevant and popular journalism ethics textbooks. The authors describe newsworthiness as the process of narrowing down information. They explain how the press has a wide latitude to define newsworthiness, however, this “definition” can be subjective, relative and

based on the journalist's self-interests, and well as the economy and other social trends. This lack of a concrete, objective definition is especially problematic when it comes to the court system, which relies on journalist's definition of newsworthiness in making their own legal determinations. The journalism ethics textbook authors describe the challenging relationship between the press and the courts. The authors also point to a problematic relationship between newsworthiness, the public, and morality. They introduce questions pertaining to a journalist's role in a democratic society, whether newsworthiness should be based on what the public needs to know or what they want to know, and also whether traditional news values should be expanded to include moral or ethical news values.

Looking at the different types of news values, the journalism ethics textbook authors identify the following categories (listed in order): timeliness; public person, prominence, and fame; impact, magnitude, and numbers; proximity; unusualness, unexpectedness, novelty; significance, consequence; conflict; relevance; negativity; clarity; follow-up and continuity; human interest; good news; drama and entertainment; and popularity, most-read, and most-discussed. The authors provide some clarify to these traditional news values by explaining what the terms mean in a journalistic sense, giving context and examples, and sometimes also criticizing the values. (Note: the authors do not fully explain or develop all of these terms, and many of them are ranked similarly). Those critical of the traditional news values suggest that the scope should be expanded to also include ethical news values – this, the authors argue, would more accurately reflect an expansive media systems theory and the current philosophic and professional tensions. The journalism ethics textbooks help contribute to the field of journalism by building upon the existing notions of news values and newsworthiness and suggest the expansion and incorporation of: accuracy, community, dignity, diversity, equity, reciprocity,

sufficiency, and tenacity. The journalism ethics textbooks also contribute to the field of law, as the suggested revisions are designed to protect and promote the welfare of the public - goals which closely align to those of privacy law cases and to the legal system of a whole. Social Responsibility Theory, which stipulates that journalism serves the public interest by providing ample information that is both important for self-governance and easy to understand, is the theoretical lens through which this dissertation analyzes the presented news values and helps articulate and develop newsworthiness guidelines for socially responsible journalists. The journalism ethics textbooks provide guidance to the socially responsible journalists concerning the selection of stories that are within the public interest or that benefit the public; the textbooks also provide guidance as to the methods of newsgathering and news distribution that protects the public welfare..

This chapter introduces some significant questions concerning journalism and newsworthiness. The subsequent chapters will further examine the role of journalism in a democratic society, the balance between the public's need to know and want to know, and whether ethical values should serve as a requirement of newsworthiness and the story selection process or as guidelines for journalists.

6 PROFESSIONAL CODES OF ETHICS

6.1 Introduction to Professional Codes of Ethics and Analysis Method

This chapter addresses research question #3: What are the ways that professional journalism codes of ethics in the U.S. address newsworthiness and the criteria for news values? The codes evaluated include the American Society of News Editors (ASNE) code of Ethics, the Associated Press (AP) Stylebook and Briefing on Media Law, the National Press Photographers Association (NPPA) Code of Ethics, the Radio Television Digital News Association (RTDNA) Code of Ethics, and the Society of Professional Journalists (SPJ) Code of Ethics.

The American Society of News Editors (ASNE) formed in 1922, and adopted its *Canons of Journalism*, a statement of ethical principles, in 1923 (ASNE, 2017). The organization updated its ethics code in 1975, renaming the *Canons of Journalism* as *Statement of Principles* (ASNE, 2017). ASNE changed its name from American Society of *Newspaper* Editors to American Society of *News* Editors in 2009 (ASNE, 2017). The group is “dedicated to the leadership of American journalism. It is committed to fostering the public discourse essential to democracy; helping editors maintain the highest standards of quality, improve their craft and better serve their communities; and preserving and promoting core journalism values, while embracing and exploring change” (ASNE, 2017). Current membership includes editors, producers, directors in journalism organizations, faculty and deans in college journalism departments or schools, as well as the leaders of media-related foundations and training organizations (ASNE, 2017). The ASNE holds an annual convention in Washington, D.C. (where the current U.S. president gives an annual address); it also presents annual awards for leadership, storytelling, writing and reporting. ANSE has committee-based initiatives (ex: diversity) and projects (ex: increasing source credibility and readership) (ASNE, 2017).

The Associated Press (AP) formed in 1846 as a collaboration of five daily newspapers in the New York City area (AP, 2017). The organization has over the years provided news services to journalism outlets all over the world: photo wire beginning in 1935, radio news beginning in 1941, and satellite television beginning in 1994. Currently, the Associated Press is a multi-national nonprofit news agency headquartered in New York, NY; it operates as a “cooperative, unincorporated news association” (AP, 2017). As of 2017, there are 243 Associated Press news bureaus in 120 different countries (AP, 2017). The Associated Press has been providing a style guide to journalists since 1846, however, these guides were not formalized until 1953 (AP, 2017). The *Associated Press Style Guide and Briefing on Media Law* is a guide for reporters working for the AP or who are connected to the AP and its principles (AP, 2017). The book was updated biannually 1953 to 1973; it is now updated every year (AP, 2017).

The National Press Photographers Association (NPPA) formed in 1946 at the University of Georgia and is currently based at the Henry W. Grady College of Journalism and Mass Communication (NPPA, 2017). It is a professional society that “promotes the highest standards in visual journalism, acknowledges concern for every person’s need both to be fully informed about public events and to be recognized as part of the world in which we live” (NPPA, 2017). The National Press Photographers Association’s *Code of Ethics* “fosters the spirit of honesty in all aspects of [visual journalist’s] professional lives” with an emphasis on credibility, accuracy, and integrity (NPPA, 2017). Members of NPPA include still photographers, television videographers, journalism students, news editors, and others practicing in the field of journalism (NPPA, 2017). The organization offers seminars and workshops for its members; there are also annual competitions and quarterly contests in visual news medium (NPPA, 2017).

The Radio Television Digital News Association (RTDNA) formed in 1946 as the National Association of Radio News Editors (RTDNA, 2017). The group adopted its current name in 2010 (RTDNA, 2017). The mission of RTDNA is to “protect the rights of electronic journalists in the courts and legislatures throughout the country, promote ethical standards in the industry, provide members with training and education, and honor outstanding work in the profession.” (RTDNA, 2017). RTDNA’s *Code of Ethics* focuses on journalist’s ethical decision-making in light of obligations to public interest (RTDNA, 2017). Currently, the organization’s membership includes radio, television and online news directors, producers, executives, reporters, journalism educators, and journalism students (RTDNA, 2017). RTDNA offers training for news managers, journalists, and students (RTDNA, 2017). It also presents annual awards for reporting, lifetime achievement, and for leadership or service in relation to First Amendment freedom of speech.

The Society of Professional Journalists (SPJ) formed in 1909 as Sigma Delta Chi on the DePaul University Campus. The group changed from an honorary fraternity to a professional fraternity in 1916 (SPJ, 2017). SPJ formed its first chapters in 1921, and subsequently, became an official, professional society in 1960. SPJ changed its name from Sigma Delta Chi to the Society of Professional Journalists in 1988 (SPJ, 2017). Its mission is to “promote and defend the First Amendment guarantees of freedom of speech and freedom of the press; encourage high standards and ethical behavior in the practice of journalism; promote and support diversity in journalism” (SPJ, 2017). Concerning the SPJ Code of Ethics, the organization adopted the American Society of News Editors’ *Canons of Journalism* as its code of ethics in 1926 (SPJ, 2017). SPJ developed its own *Code of Ethics* in 1973, with subsequent revisions and updates in 1984, 1987, 1996, and 2014 (SPJ, 2017). Currently, there are 300 SPJ chapters across the U.S.,

and 7500 members (SPJ, 2017). Membership demographics include broadcast, print, and online journalists, journalism educators, and students interested in the field of journalism (SPJ, 2017). SPJ offers training and resources for journalists and journalism educators; it also provides fellowships and internships for journalism students (SPJ, 2017). SPJ holds an annual journalism convention and presents awards in categories including First Amendment, ethics, and chapter or regional recognition (SPJ, 2017).

Concerning the methods of analysis for these professional codes of ethics, I accessed most of the codes online (the materials are published on the organization's official website) and printed out the information. For the *AP Style Guide*, which is a longer-length book, I checked this resource out of the Georgia State University library. Once I finished compiling all of the resource material, I read through all of the codes, looking for direct or indirect references to newsworthiness, news selection, news values, and/or news criteria (or any combination of those phrases, i.e. selection criteria).

6.2 Initial Findings and Lack of Key Word References

After reading through all of the journalism professional codes of ethics, I observed that many of them did not feature any of the key search words. ASNE, NPPA, RTDNA, and SPJ did not incorporate the words newsworthy or newsworthiness, or the phrases "news selection" or "news criteria."

The AP did use the word newsworthy twice, however, it was without context or definition:

"AP's basic rules for anonymous-source material apply to pickups as they do in our own reporting: The material must be factual and obtainable no other way. The story must be truly significant and newsworthy. Use of sourced material must be authorized by a manager. The story must be balanced, and comment sought" (AP Standards and Practices, 2017).

This guideline sets forth the requirement that stories sourced from anonymous sources must be significant and newsworthy, but fails to define what the word newsworthy means or sets forth any criteria for newsworthiness. The second sentence: “If a trip is organized, and we think the trip is newsworthy, we go and pay our way” (AP Standards and Practices, 2017). This sentence is made in reference to reporters taking and paying for their own trips, for the purpose of researching and preparing a story. The AP uses the word newsworthy to establish a requirement for such travel, but again, does not extend any additional information or definition.

The analysis of the professional codes of ethics in relation to newsworthiness is slightly more complicated than with the journalism or journalism ethics textbooks, in that the codes do not overtly use the word newsworthy/newsworthiness or have a section dedicated to news values. Therefore, I looked for inferences or indirect references to newsworthiness or news values, as they relate to the concepts of news selection, criteria, or values. What follows is a textual analysis of key words and phrases referenced in the codes of ethics and their connection to the concept of news values.

6.3 How the Professional Code of Ethics Address News Values

The professional codes of ethics provide guidance to journalists about making ethical judgments when it comes to story selection (newsworthiness) and reporting. The Radio Television Digital News Association (RTDNA), for example, states: “Ethical decision-making should occur at every step of the journalistic process, including news selection, news gathering, production and delivery” (RTDNA, Guiding Principles, Introduction). Based on my overall assessment of the professional codes of ethics, the news selection tends to have the strongest connection with news values, because during this step reporters and editors are evaluating and balancing the different values as they select which stories are the most “newsworthy” and

therefore should be included the news broadcast or publication. The codes also emphasize the combined use of professional guidance and common sense: “No Code of Ethics can prejudge every situation, thus common sense and good judgment are required in applying ethical principles” (NPPA Ethical Code #9). Building from the journalism textbooks’ foundation of key news values, the professional codes add advice on how to develop stories that are both newsworthy and aligned with the practice of ethical journalism. The following sub-sections will explore the codes’ commentary related to: prominence, dignity, and minimization of harm, and fair reporting; truth, honesty, and objectivity; independent news judgment (avoiding conflicts of interest); follow-up and updating stories; unusualness, novelty, and entertaining stories; human interest; and significance. The news values are listed in order of mentions – with the most-cited news values first, followed by the second-most cited, etc.

6.3.1 Preserving the Dignity of Prominent Persons, Minimizing Harm, Fair Reporting

The words prominence, dignity, and minimizing harm (used interchangeably) are the most referenced terms, with eight total mentions in relation to ethical news reporting. The Codes, under this sub-category, are alluding to a situation in which a journalist is considering whether to cover a prominent person (prominent by own actions or not) and how the journalist can avoid maligning the prominent person by performing his or her due diligence in research and writing. In other words, the journalist identifying a story as newsworthy due to a prominent person or situation, while reporting in a manner that preserves minimizes harm to a prominent person and preserves his or her human dignity where possible.

The Associated Press, in its Statement of News Values and Principles, provides context to these words by writing “It means we must be fair. Whenever we portray someone in a negative light, we must make a real effort to obtain a response from that person” (year, page #).

Also, “We do not generally identify those who say they have been sexually assaulted or pre-teenage children who are accused of crimes or who are witnesses to them, except in unusual circumstances. Nor do we transmit photos or video that identify such persons” (year, page #). Finally, “We must make significant efforts to reach anyone who may be portrayed in a negative way in our stories, and we must give them a reasonable amount of time to get back to use before we move the story” (year, page #).

The ASNE, in reference to prominence, minimizing harm, and fair play: “Journalists should respect the rights of people involved in the news, and observe the common standards of decency and stand accountable to the public for the fairness of their news reports” (Statement of Principles, Article VI).

The RTDNA writes that “minimizing harm, particularly to vulnerable individuals, should be a consideration in every editorial and ethical decision” (Guiding Principle #3, Accountability for consequences). Also, “responsible reporting means considering the consequences of both newsgathering – even if the information is never made public – and of the material’s potential dissemination. Certain stakeholders deserve special consideration; these include children, victims, vulnerable adults and others inexperienced with American media” (Guiding Principle #3, Accountability for consequences).

The SPJ Code of Ethics states that journalists must “show compassion for those who may be affected by news coverage. [They should] use heightened sensitivity when dealing with juveniles, victims of sex crimes, and sources or subjects who are inexperienced or unable to give consent. Consider cultural differences in approach and treatment” (Minimizing Harm #2). Also, “Realize that private people have a greater right to control information about themselves than public figured and others who seek power, influence or attention” (Minimizing Harm #2).

All of these ethical references address the manner in which a prominent (possibly newsworthy) person is portrayed in the news. Interestingly, while prominence / dignity / minimizing harm are the most frequently referenced in relation to news values, these subsections are not the first section of the AP, ASNE, RTDNA, or SPJ Codes of Ethics. These values fall under Fair Play (ASNE), Accountability for consequences (RTDNA Guiding Principle #3), and Minimizing Harm (SPJ Code of Ethics #2). Taken together, the codes advise journalists: 1) not to identify victims of sexual crimes, minors accused or who have witnessed crimes, vulnerable individuals, those inexperienced with U.S. media, or those unable to give consent to coverage. 2) Private individuals have more control over their personal information than public individuals. The codes further advise journalists to 3) give those portrayed in a negative light the opportunity to respond to coverage, and 4) to incorporate common standards of decency in their reporting.

6.3.2 *Public Interest*

The phrase “public interest” or “in the interest of the public” is the second most referenced in relation to news values and ethical reporting. The codes use these phrases to provide guidance as to a journalist’s role to inform the public, or whether a story is newsworthy because it is somehow in the interest of the public.

ASNE, in reference to journalism’s function to inform the public, serve as a forum for debate, and independently scrutinize those in power, writes that: “The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing people and enabling them to make judgments on the issues of the time” (Statement of Principles, Article 1).

In NPPA's code of ethics: "We believe that pictures, whether used to depict news events as they actually happen, illustrate news that has happened, or to help explain anything of public interest, are indispensable means of keeping people accurately informed" (Statement of Purpose).

RTDNA makes multiple references to public interests. The first, in reference to news empowering audiences to make informed decisions for themselves: "Journalism places the public's interests ahead of commercial, political and personal interests" (Guiding Principles, Introduction). Second: "Independence from influences that conflict with public interest remains an essential ideal of journalism" (Guiding Principle #1, Truth and Accuracy). Third: "Shying away from difficult cases is not necessarily more ethical than taking on the challenge of reporting them. Leaving tough or sensitive stories to non-journalists can be a disservice to the public" (Guiding Principles #2, Accountability for consequences).

Finally, SPJ Codes of Ethics also makes reference to public interest: "Balance the public's needs for information against the potential harm or discomfort. Pursuit of the news is not a license for arrogance or undue intrusiveness" (Code #2, Minimize Harm). This also relates to the first news value of minimizing harm and being fair to prominent people; the news story must be of adequate public interest to outweigh the harm caused to the public figure or prominent person.

As "public interest" is the second most cited reference, one can infer that ASNE, NPPA, RTDNA, and SPJ are prioritizing public interest over other potentially newsworthy factors, such as commercial, political, or personal interests. These codes recommend that journalists favor the public's interest over issues that might be otherwise avoided because of its sensitive or difficult nature – in other words, creating a balance between the public's need for information, and the

mitigation of harm. Concerning the relationship between journalism and the public's interest, the codes emphasize news as a service that empowers the public with information. Whereas the codes of ethics, in general, are about shaping the journalist's ethical judgment, this particular news value deals with informing the public so that they can make *their own* judgments.

However, these codes are lacking in definition of exactly *what* is or is not within the public interest. Instead of helping journalists identify newsworthy public interest items, the codes stress the importance of prioritizing such information. But how can journalists know what to prioritize if they cannot identify what is or is not in the public's interest in the first place?

6.3.3 Truth, Honesty, Objectivity

The words truth, honesty, and objectivity (used interchangeably) are the third most referenced news value, with four mentions in total. The ASNE, in reference to truth and accuracy, defines this news value as reporting which is “free from bias, [is] in context, presented fairly” (Statement of Principles, Article IV). The NPPA states that “It is the individual responsibility of every photojournalist at all times to strive for pictures that report truthfully, honestly and objectively” (Code of Ethics, #2). Similarly, the RTDNA stresses “truth and accuracy above all” (Guiding Principle #1). Under its Code of Ethics titled “Seek Truth and Report It” the SPJ makes reference to providing context to stories, not misrepresenting or oversimplifying the information (SPJ Code of Ethics #1).

Based on these references to truth, honesty, and objectivity, one could surmise that the professional organizations would define a “truthful” news story as one that is not biased, put in context, does not misrepresent or oversimplify the issue(s) involved, and is thus fair and honest. Truth and accuracy are major components of the professional codes, with the SPJ having an entire section “Seek Truth and Report It” and the RTDNA's very first guiding principle is “Truth

above all.” (It is interesting to note that the codes dedicate so much space to truth and accuracy, but it is not the most often referenced news value). Although the professional codes identify truth as a news value and guiding principle, “truth” pertains to the *reporting* of the story more than what makes a story newsworthy on its own. A story that is truthful and accurate is not in itself newsworthy, however, the codes of ethics stress the importance of truth and ethical judgment in the reporting of the selected story. Unlike the previous sections (i and ii), where newsworthiness can be evaluated based on the prominence of the person involved or the benefit to the public, a story is arguably not newsworthy solely because it is accurate. This should be a contributing factor, but not a primary determinant of what should be published.

6.3.4 *Independent News Judgment (Avoidance of Conflict of Interest)*

With three total references, “avoiding conflict” is the third most referenced news value in relation to newsworthiness and ethical judgment. To begin, the AP states that its journalists “avoid behavior or activities that create a conflict of interest and compromise our ability to report the news fairly and accurately, uninfluenced by any person or action” (Statement of News Values and Principles). Further, in reference to the independence of journalism, “Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict” (ASNE Statement of Principles, Article III). The SPJ Code of Ethics concisely stipulates that journalists should “avoid any conflicts of interest, real or perceived” (Code of Ethics #3, Act Independently).

The journalism professional codes of ethics stress the importance of avoiding conflicts of interest related to persons or actions. The codes also make reference to journalists and independent news judgment, which relates both to the purpose of journalism and to newsworthiness. “Avoiding conflict” relates to newsworthiness, as story selection should not be

influenced by persons or groups outside of the field of journalism (ex: high-profile officials, government, etc.). Also, avoiding conflict ties back to a core principle of honesty in reporting and integrity within the profession.

6.3.5 *Follow-up and Updating Stories*

The importance of journalists spending the time to update or follow-up with a news story is the fifth most referenced news value and ethical judgment, tied with “Unusual, Novelty, Entertainment” (section C, subsection vi.). There are two total mentions within the professional codes of ethics. The RTDNA makes reference to responsible reporting, which “includes updating stories and amending archival versions” (Statement of Principles #1, Truth and accuracy). The SPJ writes that journalists should “gather, update and correct information throughout the life of a news story” (Code #1, Seek truth and report it).

Considering that this ethical judgment about news values has to do with the revisiting of a newsworthy story, it makes sense that “follow-up” and “updating stories” are two of the least cited items on this list. This section relates to newsworthiness as it references the responsibility of journalists to follow developing stories and ensure that the information is current and correct. The decision to follow-up and update also relates to the journalistic principle of truth (section iii), because a truthful story is one that includes accurate and current information. It could be argued, however, that this news value is closer to responsible reporting than newsworthiness assessment, as it concerns the ethical reporting of an in-progress story, rather than the selection of a new item.

6.3.6 *Unusual, Novel, Entertaining*

Tied with “Follow-up and Updating Stories” is “Unusual, Novelty, Entertainment,” which is the fifth most referenced news value and ethical judgment. These words, used interchangeably, are mentioned a total of two times within the professional codes of ethics. Both are instructions on *what not to do* concerning newsworthiness and story selection. The RTDNA mentions that stories that are “trending’, ‘going viral’, or ‘exploding on social media’ may increase urgency [of coverage], but these phenomena only heighten the need for strict standards of accuracy (Statement of Principles #1, Truth and accuracy). Similarly, SPJ advises journalists to “avoid pandering to lurid curiosity, even if others do” (Code #2, Minimize harm).

This section is unique as it relates to news values and story selection, because here the RTDNA and SPJ are making direct statements as to newsworthiness – namely, what *is not* newsworthy. By insisting that popular (trending, viral) stories, or stories that attract attention just for curiosity sake should not be covered, the RTDNA and SPJ are helping journalists to determine what is, and what is not, newsworthy. RTDNA’s references to trending or viral stories also relates to the news value of truth and accuracy. The RTDNA professional codes are again emphasizing responsible reporting, this time by suggesting that journalists not rush to cover the popular stories, but instead wait to verify the information. These codes do not seem to be suggesting that trendy stories cannot be newsworthy, just that a responsible reporter should prioritize accuracy over speed of coverage. Also, these codes suggest that if novelty, unusualness, and entertainment are indeed news values, then the presence of these factors can make a topic more newsworthy.

6.3.7 *Human Interest*

The news value “human interest” is one of the least-mentioned news values, tied with “significance” with only one mention within the journalism professional codes of ethics. The SPJ advises journalists to “boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear” (Code #1, Seek truth and report it).

For a profession whose primary interest is to function within a democratic society and serve the public, it is interesting that “human interest” as a news value is so far down the list of references. It may imply that capturing the full human experience is a lower priority than reporting on prominent figures or entertaining events. While the professional codes do not highlight the news value of “human interest,” they do suggest that story selection should include diversity or minorities perspectives. In addition to SPJ’s references to “diversity” and “voices we seldom hear” (Code #1, Seek truth and report it), the RTDNA also makes reference to including minority groups and diversity of opinions (Principle #1, Truth and accuracy).

6.3.8 *Significance*

Finally, the news value and ethical judgment “significance” is the least-cited within the professional codes of ethics, tied with “human interest” with only one reference. The RTDNA advises journalists that “For every story of significance, there are always more than two sides. While they may not all fit into every account, responsible reporting is clear about what it omits, as well as what it includes” (Principle #1, Truth and accuracy).

Following the analysis of journalism textbooks and journalism professional codes of ethics, it is interesting to note the juxtaposition in citations. While significance is the third most referenced news value in journalism textbooks, it is one of the least referenced news values and ethical judgments in the professional codes of ethics. The codes treat the phrase “of significance”

similarly to how it treats the concept of “newsworthiness”: it makes reference to it without defining it, or thoroughly explaining what it is. What makes a story significant? How can a journalist distinguish between a story that is significant or insignificant?

6.4 Conclusion

A The news values presented in the journalism codes of ethics do provide some guidance as to the determination of newsworthiness in light of social responsibility of the press theory, such as guidance on ethical story selection and storytelling. The authors suggest that journalists should prioritize public interest over topics that might not otherwise be covered due to their sensitive or difficult nature. They also write that a socially responsible journalist is one that maintains independent news judgment and prioritizes truth above all, while minimizing harm and preserving the dignity of their human sources. The codes contribute to the profession of journalism in that they illustrate how a socially responsible journalist should act, what stories they should focus on, and how the information should be presented. For a more in-depth evaluation on how professional codes of ethics’ treatment of newsworthiness compares to that of journalism textbooks, journalism ethics textbooks, or U.S. Supreme Court cases, please refer to Chapter 8: Overlapping and Diverging Principles.

7 U.S. SUPREME COURT CASES

7.1 Introduction to the Analysis of U.S. Supreme Court Cases

This chapter addresses research question #4: What are the various ways that the U.S. Supreme Court cases have addressed or defined newsworthiness and the criteria for news value(s) relevant to journalists? Which, if any, are the most common?

This section involves the textual analysis of the U.S. Supreme Court cases that are both focused on the legal concepts of newsworthiness and provide guidance as to the interpretation of news values and those values' impact on media organizations. More specifically, I am looking at the Justices' language for clarification about newsworthiness, any definitions or key phrases associated with newsworthiness or news values, any legal precedents or standards related to news values, privacy law, and/or First Amendment privileges, as well as any explanations as to why a media organization is or is not protected in the context of First Amendment or privacy law cases. To analyze how the Supreme Court addresses newsworthiness in these cases helps form a composite sketch of newsworthiness from a communication law perspective, which advances the dissertation's secondary goal of helping journalists avoid litigation by identifying the court's operative "newsworthiness" values.

As discussed in the methodology chapter, I am analyzing a total of 17 U.S. Supreme Court cases. I developed this list by first researching all U.S. Supreme Court cases which include the word "newsworthy" or "newsworthiness." I then narrowed down that list by focusing only on the cases that include the word newsworthy or newsworthiness *and* had a direct impact on media organizations. What follows is a list of those cases in chronological order and a brief explanation of each:

***New York Times Co. v. Sullivan*, 376 U.S. 254 (1964):** Sullivan, a Montgomery, Alabama city commissioner, filed a libel action against the *New York Times* which ran a full-page advertisement alleging that the arrest of Rev. Martin Luther King Junior in Alabama for perjury was part of a Montgomery police department campaign to destroy King's civil rights efforts. Sullivan claimed the advertisement defamed him personally. Under Alabama law at the time, Sullivan, a public official, did not have to prove personal harm as part of his libel case. The question to the Supreme Court was whether Alabama's libel law infringed upon the *New York Times'* First Amendment freedom of speech and the press. The Court held that yes, the First Amendment protected the publications of all statements about the conduct of public officials (even false statements), except when those statements are made with "actual malice" (actual malice defined as with knowledge of falsity or reckless disregard for the truth). This case created the new "actual malice" standard related to libel law and First Amendment protection.

***Time, Inc. v. Hill*, 385 U.S. 374, 87 S.Ct. 534, 17 L.ed.2d 456 (U.S., 1967):** *Life Magazine* published an article about a Broadway play whose plot was based on a hostage incident. The victims of the hostage claimed that the article violated their privacy and that the magazine deliberately misrepresented their story. The question to the U.S. Supreme Court was whether the First Amendment protects publications, concerning any misrepresentations about the subject of its coverage. The Court found that yes, the First Amendment protects press statements, unless the publisher made those statements with "malicious intent." This case set a precedent that the First Amendment protections extend to right of privacy cases.

***29 296 Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29, 91 S.Ct. 1811 (U.S., 1971):**

Pennsylvania news company Metromedia reported on the arrest of a man charged with distributing nude magazines; the news report did not include the words "allegedly" or

“reportedly.” The man, who was later acquitted on obscenity charges, sued Metromedia for libel. The question to the U.S. Supreme Court was whether the *New York Times Co. v. Sullivan* “actual malice” standard (knowingly and recklessly false) also applied to defamation cases involving a private individual. The Court held that the actual malice standard applied in this case because the story was a matter of public concern; it did not matter that the arrested man was a private figure.

***Time, Inc. v. Pape*, 401 U.S. 279, 91 S.Ct. 633, 28 L.Ed.2d 45 (U.S., 1971):** *Time Magazine* published an article quoting a 1961 Civil Rights Commission report on police brutality, but without establishing that one of the police brutality cases was based on allegations rather than findings. The police detectives in the alleged brutality case sued *Time* for libel. Meanwhile, the U.S. Supreme Court found in *New York Times Co. v. Sullivan* that public officials may not recover damages for defamatory remarks made about their official conduct, unless those statements are made with “actual malice.” The question to the U.S. Supreme Court in this case was whether the lower court correctly applied the “actual malice” standard. The Court held that the lower court did not correctly apply the standard. By *Time* not including the word “alleged” in its article, it left the police case open to interpretation. As this is an error in editorial judgment, but not enough to meet the actual malice standard, *Time* was protected under the First Amendment.

***Gertz v. Robert Welch, Inc.*, 8212 617, 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974):** In the *American Opinion Magazine*, the John Birch Society accused Gertz of being a communist. Gertz was an attorney who represented a family whose son was killed by a police officer. Gertz sued *American Opinion* for libel. The question to the U.S. Supreme Court was whether the First Amendment protects newspapers and broadcasters who make defamatory falsehoods about an individual who is not a public figure. The Court held that the lower court did not appropriately

apply the actual malice standard, because Gertz (an attorney) was not a public figure or a public official. Further, states cannot impose strict liability on the media, even for private individuals. ***Cox Broadcasting Corporation v. Cohn*, 8212 938, 420 U.S. 469, 95 S.Ct. 1029, 43 L.ed.2d 328 (U.S., 1975)**: Cohn's 17-year-old daughter was raped and murdered. A Georgia television station researched public records and reported on the crime; the news report included the victim's name. Georgia law at the time prevented media from publicizing the name of rape victims. The question to the U.S. Supreme Court was whether the Georgia privacy law violated the television station's First Amendment rights. The Court held that yes, the law violated First Amendment protection, because the press had compelling reasons not to be restricted in these types of cases. First, the news media is an important resource for citizens, and adjudication of crimes is relevant to the public's interest. Second, a person's privacy interests fade when his or her information is already in the public record.

***Time, Inc. v. Firestone*, 424 U.S. 448, 96 S.Ct. 958, 47 L.ed.2d 154 (U.S., 1976)**: *Time Magazine* published an article about the high-profile Firestone divorce, reporting that ex-wife Mary Alice's extreme cruelty to Firestone Tires heir Russell Firestone Jr. led to the couple's separation. Mary Alice Firestone sued *Time* for libel. *Time* claimed First Amendment protection. The question to the U.S. Supreme Court was whether a lower court correctly applied the actual malice standard. The Court held that the actual malice standard did not apply, because Mary Alice Firestone was not a public figure.

***Zacchini v. Broadcasting Company*, 433 U.S. 562, 97 S.Ct. 2849, 53 L.ed.2d 965 (U.S., 1977)**: Zacchini performed a human cannonball act. A reporter for Scripps-Howard recorded Zacchini's performance and aired the entire act on the evening news, without Zacchini's consent. Zacchini sued the television station for misappropriation of publicity rights; by airing his entire

performance on television for free, people were less likely to pay to watch Zacchini's act.

Scripps-Howard claimed that Zacchini's act was of public interest and that they were protected under the First Amendment freedom of speech and of the press. The question to the U.S. Supreme Court was whether the First Amendment protected the television station in airing the entire performance. The Court held that Zacchini had a valid interest to protect his own work, and that the First Amendment freedom of speech and press does not extend to broadcasting entire programs. There is a difference between broadcasting an entire program and reporting on an event or occurrence.

***Wolston v. Reader Digest Association, Inc.*, 443 U.S. 157, 99 S.Ct. 2701, 61 L.ed.2d 450 (U.S., 1979)**: In 1957, Wolston's aunt and uncle were the subject of an investigation into Soviet intelligence agents in the U.S.. Newspapers widely covered the investigation and reported on the Wolston family. In 1974, after Wolston returned to private life, *Reader Digest* published a book about KGB and Soviet agents in the U.S. and named Wolston as a Soviet agent. Wolston sued *Reader Digest* for libel. The question to the U.S. Supreme Court was whether Wolston was a public figure, which would then require him to prove "actual malice" on the part of *Reader Digest*. The Court held that Wolston did not meet the requirements to be considered a public figure. He was not a figure of persuasive power and influence, he did not thrust himself to the forefront of popular controversy, and he was not merely seeking public attention.

***Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 100 S.Ct. 2814, 65 L.ed.2d 973 (U.S., 1980)**: Following several mistrials in a Virginia murder case, the judge presiding over the case closed the trial to the public and the media. Local reporters challenged the action. The question to the U.S. Supreme Court was whether the closure of the trial violated the First Amendment freedom of speech and the press and/or the Sixth Amendment right to a public trial. The Court

held that the right to attend criminal trials is implicit in the guarantees of the First Amendment: right to speak, freedom to listen and receive information, and the right to assemble in public places.

***Globe Newspaper Company v. Superior Court, County of Norfolk*, 456 U.S. 596, 102 S.Ct.**

2613, 73 L.Ed.2d 248 (U.S., 1982): A Massachusetts law required that trial courts exclude the press and public in cases involving sexual offenses and testimony of victims younger than 18-years-old. A Massachusetts Superior Court closed the trial of a man accused of raping three minors. A local newspaper sued the court, claiming the closure violated their First Amendment rights. The question to the U.S. Supreme Court was whether the Massachusetts law violated the First Amendment freedom of the press. The Court held yes, the law did violate the First Amendment, and that the state had no compelling interest to justify closing the trial – protecting the psychological well-being of a minor did not justify the mandatory closure rule.

***Reagan v. Time, Inc.*, 468 U.S. 641, 104 S.Ct. 3262, 82 L.Ed.2d 487 (U.S., 1984)**: The Federal law Title 18 USC 474 made it a crime to photograph U.S. currency, however, Title USC 504 permitted the printing of U.S. currency photos for educational, historical, or newsworthy purposes. A 1981 *Sports Illustrated* cover featured a photo of \$100 bills. The U.S. Secret Service wanted to seize all copies of the magazine and printing plates, as well as obtain the printers' contact information. Time, Inc., who owns *Sports Illustrated*, filed suit, claiming Title 18 USC 474 and Title USC 504 unconstitutional. The question to the U.S. Supreme Court was whether the Federal laws violated the magazine's First Amendment protection. The Court held that the laws were unconstitutional and discriminated the publication on the basis of content.

***Harper Row Publishers Inc v. Nation Enterprises*, 471 U.S. 539, 105 S.Ct. 2218, 85 L.ed.2d**

588 (U.S., 1985): Harper & Row Publishers had a contract with former President Gerald Ford to

publish his memoir. Harper & Row had an agreement with *Time Magazine* to publish a 7500 word excerpt of the memoir, for promotional purposes. Prior to the *Time* article coming out, *The Nation* illegally obtained a copy of the Ford memoir and published a 300-word excerpt. Harper & Row sued *The Nation* for copyright infringement. *The Nation* claimed Ford's memoir was newsworthy and that public interest outweighed copyright. The question to the U.S. Supreme Court was whether *The Nation* was protected under the Copyright Revision Act of 1976's Fair Use Doctrine. The Court held that *The Nation's* publication of the Ford material was not fair use, and therefore, a violation of copyright.

***Lorain Journal Co. v. Milkovich*, 474 U.S. 953, 106 S.Ct. 322, 88 L.Ed.2d 305 (U.S., 1985):**

Milkovich, a high school wrestling coach, testified at a hearing about a fight that occurred during one of his wrestling meets. A third party published an editorial in the local newspaper, accusing Milkovich of lying during the hearing. Milkovich sued the third-party author and the newspaper for defamation and libel. The question to the U.S. Supreme Court was whether the newspaper editorial was protected under the First Amendment freedom of speech and the press. The Court held that the editorial was not protected, because there is no First Amendment privilege for opinion pieces.

***Harte-Hanks Communications, Inc v. Connaughton*, 491 U.S. 657, 109 S.Ct. 2678, 105**

L.ed.2d 562 (U.S., 1989): Connaughton was campaigning for an Ohio judicial position. Harte-Hanks published an article accusing him of using dirty tricks in his campaign and bribing the opposing candidate's Director of Court Services. The newspaper also endorsed the opposing candidate. Connaughton sued Harte-Hanks, claiming the article was false, damaged his reputation, and was published with malice. The question to the U.S. Supreme Court was whether the newspaper's report constituted actual malice. The Court held that yes, the newspaper

published the article with actual malice (ex: newspaper disregarded the truth of the story by not interviewing any of the main witnesses in the bribery investigation).

***Austin v. Michigan Chamber of Commerce*, 494 U.S. 652, 110 S.Ct. 1391, 108 L.Ed.2d 652 (U.S., 1990)**: The Michigan Campaign Finance Act prohibited corporations from using treasury money for independent expenditures in state elections, unless that corporation established an independent fund solely for political purposes. The Michigan Chamber of Commerce, who wanted to use general funds to sponsor a newspaper advertisement in support of a House of Representatives candidate, filed suit. The Chamber of Commerce claimed the Campaign Finance Act violated its First and Fourteenth Amendment rights. The U.S. Supreme Court held that the Michigan Campaign Finance Act was not unconstitutional; the Act was narrowly crafted and designed to maintain integrity in the political process. Further, the Court found that while the Chamber of Commerce claimed that it was a nonprofit ideological corporation, it was actually a business group (which meant less protection).

***Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 111 S.Ct. 2419, 115 L.Ed.2d 447 (U.S., 1991)**: *New Yorker Magazine* published an article about Masson, who had recently been fired from the Sigmund Freud Archives. The article presented Masson as arrogant and condescending; the author also fabricated long quotes. Masson sued the publication for libel. The question to the U.S. Supreme Court was whether the First Amendment gave *New Yorker Magazine* the right to publish fabricated quotations from a public figure. The Court held that the First Amendment freedom of expression clause did not protect *New Yorker Magazine*, and that quotations that are gross distortions of the truth are libelous.

Prior to the unpacking of all these cases and their relation to newsworthiness, it is important to note that *legal* textual analysis is slightly different than textual analysis in that these

cases will not be analyzed in isolation or independently. The U.S. court system is built upon legal precedents, meaning that cases reference and build upon each other. For example, a case settled in 2010 will reference laws established or policy argued in 1950 (as long as those laws or policies have not been overturned). So, the textual analysis for this dissertation will begin with the earliest mention or implication of newsworthiness (*New York Times Co. v. Sullivan* in 1964), and will analyze the subsequent cases or those which set new precedents related to newsworthiness and media organizations.

7.2 Brief Revisit of Privacy Law and Newsworthiness from a Legal Perspective

Legal “newsworthiness” is based on legal tradition and precedents, rather than by law or statute. Historically, it is related to First Amendment freedom of expression. Currently, the word is commonly found in privacy law cases, as “newsworthiness” is a lawful defense against claims of invasion of privacy. A media organization, for example, could defend the publication or broadcast of otherwise private information by claiming the information was “newsworthy” and of interest to the public.

Concerning privacy law, the U.S. constitution does not contain language that explicitly and directly grants U.S. citizens the right to privacy. Rather, this privilege has developed through tradition and legal precedents (similar to the development of newsworthiness). In 1890, Warren and Brandeis penned an article for the *Harvard Review* in which they expressed concern for the erosion of news media and lack of respect for privacy (p. 205). Fifteen years later, in the Georgia case *Pavesich v. New England Life Insurance Company*, 50 S.E. 68 (Ga. 1905), the court first recognized a right to privacy; the court also held that truth is a defense to such invasion of privacy. From the 1950s to the early 2000s, judges presiding over privacy law cases

typically deferred to journalists in determining newsworthiness and of public interest (Gajda, 2009). In *Rosenbloom v. Metromedia*, for example, Judge Harlan wrote in his dissenting opinion:

“At least where we can discern generally applicable rules that should balance with fair precisions the competing interests at stake, such rules should be preferred to the plurality’s approach¹³ both in order to preserve a measure of order and predictability in the law that must govern the daily conduct of affairs and to avoid subjecting the press to judicial second-guessing of the newsworthiness of each item they print.” (p. 63)

In 1964’s *New York Times v. Sullivan*, the Court broadened the scope of newsworthiness to encourage robust political debate. Three years later, in 1967’s *Time, Inc. v. Hill*, the Court held that First Amendment protection extended to right of privacy cases. In the 1970s, newsworthiness evolved from “the public’s need to know” to “what the public wants to know.” The years 2010 to the present saw a shift in how the U.S. system viewed privacy law and newsworthiness. Due to concerns about the loss of personal privacy, coupled with a declining respect for the field of journalism, judges began to restrain the press and cool independent editorial judgment by asserting their own opinions about newsworthiness and newsgathering.

As it stands, the First Amendment affords journalists the legal right to publish, but it does not protect them from the effects of publication. The restraint that journalists show for an individual’s privacy is governed by the ethical realm, rather than the legal realm. The line between journalism privacy and legal privacy lies in how the two fields define those terms. For journalists, the concept of “privacy” relates to a person’s right to control information about themselves (personal information), whereas lawmakers tend to think of “privacy” as a matter of property and “newsworthy” as public interest stories, public figures, or information taken from public records. This means that the two professions, journalism and the law, are viewing privacy with different value systems – personal and public.

¹³ A “plurality” is a group of appellate judges who share an opinion on a case ruling. This is different than a “majority” ruling, which is where more than half of the judges share the same opinion.

7.3 Supreme Court Use of “Newsworthiness” Without Definition

Of the 17 U.S. Supreme Court cases identified for analysis of newsworthiness, five cases utilize the word newsworthy or newsworthiness without providing any context or further explanation. All of these cases have had a substantial, long-term impact on the field of journalism and news media, yet they do not provide clarity or a legal definition. This is a problem. The Supreme Court is making decisions about newsworthiness without first establishing what newsworthiness is. In *Time, Inc. v. Hill*, for example, the Court writes:

“It is evident that the article cannot be characterized as a mere dissemination of news, nor even an effort to supply legitimate *newsworthy* information in which the public had, or might have a proper interest” (p. 379).

“(E)ver mindful that the written word or picture is involved, courts have engrafted exceptions and restrictions onto the statute to avoid any conflict with the free dissemination of thoughts, ideas, *newsworthy* events, and matters of public interest.’ In the light of questions that counsel were asked to argue on re-argument, it is particularly relevant that the Court of Appeals made crystal clear in the Spahn opinion that truth is a complete defense in actions under the statute based upon reports of *newsworthy* people or events. The opinion states: ‘The factual reporting of *newsworthy* persons and events is in the public interest and is protected.’ Constitutional questions which might arise if truth were not a defense are therefore of no concern” (p. 383).

“As the instant case went to the jury, appellee, too, was regarded to be a *newsworthy* person ‘substantially without a right to privacy’ insofar as his hostage experience was involved, but to be entitled to his action insofar as that experience was ‘fictionalized’ and ‘exploited for the defendants’ commercial benefit” (p. 386).

Similarly, in *Zacchini v. Broadcasting Company*, the Supreme Court also includes the word newsworthy in its decision without providing context or definition:

“The Court was aware that it was adjudicating a ‘false light’ privacy case involving a matter of public interest, not a case involving ‘intrusion,’ ‘appropriation’ of a name or likeness for the purposes of trade, or ‘private details’ about a *non-newsworthy* person or event...” (pp. 571-572).

“Hereafter, whenever a television news editor is unsure whether certain film footage received from a camera crew might be held to portray an ‘entire act,’ he may decline coverage even of clearly *newsworthy* events or confine the broadcast to watered-down verbal reporting, perhaps with an occasional still picture. The public is then the loser.

This is hardly the kind of news reportage that the First Amendment is meant to foster” (pp. 580-581).

The U.S. Supreme Court case *Wolston v. Reader Digest Association, Inc.* also highlights the word newsworthy, but without providing further guidance as to any legal definition of the term:

“Petitioner's failure to appear before the grand jury and citation for contempt no doubt were "*newsworthy*," but the simple fact that these events attracted media attention also is not conclusive of the public-figure issue” (p. 167).

“A libel defendant must show more than mere *newsworthiness* to justify application of the demanding burden of *New York Times*. See *Time, Inc. v. Firestone*” (pp. 167-168).

In *Reagan v. Time, Inc.*, the Supreme Court also employs the words newsworthy and newsworthiness in its holding. Unlike the earlier cases, however, the Court in *Reagan* points out the lack of a universal or a legal definition of newsworthiness, and how having a black letter law in place could help clear future legal confusion:

“This complete ban on the use of photographic reproductions of currency remained without statutory exception for almost a century. However, during that time, the Treasury Department developed a practice of granting special permission to those who wished to use certain illustrations of paper money for legitimate purposes. In 1958, Congress acted to codify that practice by amending ² 18 USC. § 504 so as to permit the "printing, publishing, or importation . . . of illustrations of . . . any . . . obligation or other security of the United States . . . for philatelic, numismatic, educational, historical, or *newsworthy* purposes in articles, books, journals, newspapers, or albums. . . ." (p. 644)

“A determination concerning the *newsworthiness* or educational value of a photograph cannot help but be based on the content of the photograph and the message it delivers. Under the statute, one photographic reproduction will be allowed and another disallowed solely because the Government determines that the message being conveyed in the one is *newsworthy* or educational while the message imparted by the other is not. The permissibility of the photograph is therefore often "dependent solely on the nature of the message being conveyed. Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment. The purpose requirement of § 504 is therefore constitutionally infirm” (pp. 648-649).

“Most of the Treasury Department's criticism of Time's use of pictures of currency—and I believe all of its criticism of black and white reproductions—stemmed from what I regard as an incorrect reading of the word "*newsworthy*" in § 504(1). Although I recognize that the Government has not been consistent in its reading of that word, any ambiguity could readily have been eliminated by a declaratory judgment construing the

term. Time, however, did not ask the District Court or this Court for a favorable construction of the statute. Instead, as is the current fashion in First Amendment litigation... it asks this Court to adopt the most confusing and constitutionally questionable interpretation of the statute that it could in order to fortify its constitutional challenge” (dissent, p. 693).

Finally, in *Harper Row Publishers v. Nation Enterprises*, the Court briefly makes references to the newsworthiness of a news item, but without providing any clarity as to what qualifies as newsworthy or not:

“The fact that the words the author has chosen to clothe his narrative may of themselves be "*newsworthy*" is not an independent justification for unauthorized copying of the author's expression prior to publication” (p. 557).

“A typical news story differs from an editorial precisely in that it presents *newsworthy* information in a straightforward and unelaborated manner” (p. 590).

There are two additional cases, *New York Times v. Sullivan* and *Gertz v. Welch*, which are included in this textual analysis despite the fact that neither case utilizes the words newsworthy or newsworthiness. I would argue that similar to the textual analysis of the journalism professional codes of ethics, some of the references towards newsworthiness are implied, as with the *New York Times* and *Gertz* cases. Both of these cases provide the legal foundations upon which newsworthiness is built. *New York Times* establishes the actual malice standard for media organizations, drawing the line between when a media organization’s newsworthy story is protected by the First Amendment, and when it is not. *Gertz* expounds the actual malice standard, with the Supreme Court ruling that the standard applies to public officials and figures named in what media organizations have deemed as newsworthy stories.

7.4 How the U.S. Supreme Court Addresses News Values

While the U.S. Supreme Court may not provide a definition for newsworthiness, the Court does often address news values in its rulings and opinion. As explained earlier in this chapter, legal textual analysis is slightly different than textual analysis, because these cases lay a

foundation regarding a particular issue, and then build upon it or refine it. Legal interpretations of news values and newsworthiness develop over a collection of cases (legal precedents), each of those cases clarifying and building upon concepts, permissions, and policies. The next section will examine the five sets of news values addressed in the U.S. Supreme Court cases: prominence, truth and accuracy, public concern or public interest, facilitation of debate on important issues, and timeliness.

7.4.1 Prominence

Of the 17 cases analyzed for the purposes of this dissertation, the U.S. Supreme Court makes 11 references to the news value prominence, as it relates to the First Amendment protection of public officials, public figures, and/or private individuals. This is the most referenced news value.

Concerning prominence, the Court first establishes the foundation of public officials and the actual malice test, and then further defines who is or is not a public official/figure, and when individuals or media organizations are protected under First Amendment of speech. In *New York Times v. Sullivan*, the Court creates the actual malice standard relating to prominent persons (public officials, public officials) and whether these individuals can recover for libel against media organizations. The Court holds that:

“Constitutional guarantees require, we think, a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not... This privilege extends to a great variety of subjects and includes matters of public concern, public men, and candidates for office” (pp. 279-282).

Further, in *Hart-Hanks Communications v. Connaughton*, the Court refines the actual malice standard, in what persons of prominence must prove in order to succeed in their lawsuit.

“Petitioner is plainly correct in recognizing that a public figure plaintiff must prove more than an extreme departure from professional standards and that a newspaper's motive in publishing a story whether to promote an opponent's candidacy or to increase its circulation—cannot provide a sufficient basis for finding actual malice... It also is worth emphasizing that the actual malice standard is not satisfied merely through a showing of ill will or "malice" in the ordinary sense of the term” (pp. 665-666).

Based on these U.S. Supreme Court cases, it can be surmised that prominent figures (public officials and public figures) are prohibited from recovering damages from defamatory falsehoods relating to official conduct, unless that public official can prove the statement was made with actual malice – that the news media either knowingly made that false statement or had reckless disregard of whether the statement was false. Mere ill will is not actual malice.

Having established what a prominent person (public official, public figure) must prove in order to meet the actual malice standard and succeed in their libel claim, the Court next clarifies the definition of a public figure, specifying in who is or is not a public figure. In *Gertz v. Robert Welch*, the Court rules that:

“Those who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures” (p. 342).

The Court in *Time, Inc. v. Firestone* provides additional detail, defining a public figure as:

"For the most part those who attain this status have assumed roles of especial prominence in the affairs of society. Some occupy positions of such persuasive power and influence that they are deemed public figures for all purposes. More commonly, those classed as public figures have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved.... special prominence in the resolution of public questions" (p. 453 and 455)

Wolston v. Reader Digest Association offers a similar definition of a public figure:

“We identified two ways in which a person may become a public figure for purposes of the First Amendment: "For the most part those who attain this status have assumed roles of especial prominence in the affairs of society. Some occupy positions of such persuasive power and influence that they are deemed public figures for all purposes. More commonly, those classed as public figures have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved" (p. 164).

Having refined a legal definition of “public figures,” the Court in three separate cases discusses the application of that definition. In *Lorain Journal v. Milkovich*, the Court held that a public figure IS:

“Although not every person connected to a public controversy is a “public figure,” the New York Times protections do, and necessarily must, encompass the major figures around which a controversy rages. // In *Wolston*, we held that although an individual’s failure to appear before a grand jury investigating Soviet espionage was newsworthy, “[a] private individual is not automatically transformed into a public figure just by becoming involved in or associated with a matter that attracts public attention.” Rather, we emphasized, “a court must focus on the ‘nature and extent of an individual’s participation in the particular controversy giving rise to the defamation.’... *Milkovich*, on the other hand, was clearly the major player in this public controversy” (*Dissent, Cert Denied*, p. 963).

Alternatively, *Gertz v. Welch* and *Wolston v. Reader Digest Association* have rulings in which the Court decides who DOES NOT meet their definition of a public figure. In *Gertz*, the Court held:

“Absent clear evidence of general fame or notoriety in the community, and pervasive involvement in the affairs of society, an individual should not be deemed a public personality for all aspects of his life... The nature and extent of an individual’s participation in the particular controversy giving rise to the defamation... was a minimal role” (p. 352).

Similarly, in *Wolston*, the Court discusses both the newsworthy nature of a story and whether the subject of that story met their requirements for public figures (which the party did not):

“Petitioner’s failure to appear before the grand jury and citation for contempt no doubt were ‘newsworthy,’ but the simple fact that these events attracted media attention also is not conclusive of the public-figure issue. A private individual is not automatically transformed into a public figure just by becoming involved in or associated with a matter that attracts public attention.// This reasoning leads us to reject the further contention of respondents that any person who engages in criminal conduct automatically becomes a public figure for purposes of comment on a limited range of issues relating to his conviction” (pp. 167-168).

Based on the U.S. Supreme Court’s rulings as to the definition of a public figure, it can be concluded that a prominent, public figure is a person by reason of their 1) general fame or

notoriety of their achievements, or 2) the vigor and success with which they seek the public's attention – after thrusting themselves into the forefront of an issues. They 3) are prominent in societal affairs or public issues, and have persuasive powers of influence. They can also be a 4) major figure attached to a public controversy, depending on the nature and the extent of their participation. A person is not automatically transformed into a public figure by their association to a newsworthy event or public issues. Additionally, a criminal is not automatically a public figure.

There are three other cases that reference prominence and First Amendment protection for public figures or private individuals. In *Gertz v. Welch*, the Court held that a publisher cannot claim First Amendment protection from libel if the plaintiff is neither a public figure nor a public official:

“A publisher or broadcaster of defamatory falsehoods about an individual who is neither a public official nor a public figure may not claim the New York Times protection against liability for defamation on the ground that the defamatory statements concern an issue of public or general interest” (p. 343).

In the case *Rosenbloom v. Metromedia*, the Court discusses the differences of public official or private citizen involvement in public events of public interest:

“If a matter is a subject of public or general interest, it cannot suddenly become less so merely because a private individual is involved, or because in some sense the individual did not 'voluntarily' choose to become involved. The public's primary interest is in the event; the public focus is on the conduct of the participant and the content, effect, and significance of the conduct, not the participant's prior anonymity or notoriety... Thus, the idea that certain 'public' figures have voluntarily exposed their entire lives to public inspection, while private individuals have kept theirs carefully shrouded from public view is, at best, a legal fiction. In any event, such a distinction could easily produce the paradoxical result of dampening discussion of issues of public or general concern because they happen to involve private citizens while extending constitutional encouragement to discussion of aspects of the lives of 'public figures' that are not in the area of public or general concern” (pp. 43, 48).

Finally, *Cox v. Cohn* discusses how the liability issue is moot when the information about a public official or private individual is already a matter of public record:

“There is no liability when the defendant merely gives further publicity to information about the plaintiff which is already public. Thus there is no liability for giving publicity to facts about the plaintiff’s life which are matters of public record... The prevailing law of invasion of privacy generally recognizes that the interests in privacy face when the information involved already appears on the public record. The conclusion is compelling when viewed in terms of the First and Fourteenth Amendments and in light of the public interest in a vigorous press” (pp. 494-495).

In sum, the U.S. Supreme Court’s decisions as it relates to the news value of prominence is often tied to the newsworthiness of the event or subject matter. The prominent individual must be attached to the newsworthy public issue, have some sort of persuasive power or influence of the event, or have thrust themselves into the limelight. It should also be noted that journalists can also report on private citizens (in addition to prominent individuals) if the subject matter is of general or public interest – in other words, newsworthy. A news story, however, is not protected under the First Amendment if the author knowingly and recklessly disregards the truth.

7.4.2 Truth and Accuracy

Outside of their relation to the actual malice standard, truth and accuracy are the second most referenced news value in the selection of U.S. Supreme Court cases, with ten total citations. As with the previous section, the U.S. Supreme Courts define a concept and then refine the definition and application through subsequent cases. With truth and accuracy, the Courts first discuss truth as it relates to First Amendment freedom of speech, and then as a legal defense in privacy law cases. *Time, Inc. v. Hill*, draws a line between First Amendment protection for truthful statements versus false statements:

“The use of calculated falsehood * * * would put a different cast on the constitutional question. Although honest utterance, even if inaccurate, may further the fruitful exercise of the right of free speech, it does not follow that the lie, knowingly and deliberately published * * * should enjoy a like immunity. * * * For the use of the known lie as a tool

is at once at odds with the premises of democratic government and with the orderly manner in which economic, social, or political change is to be effected. Calculated falsehood falls into that class of utterances which 'are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. * * *' *Chaplinsky v. State of New Hampshire*, 315 U.S. 568, 572, 62 S.Ct. 766, 769, 86 L.Ed. 1031. Hence the knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection” (p. 390).

The case *Gertz v. Welch*, further develops this legal discussion, tying First Amendment protection of truthful statements to the public’s vested interest in information that is factual and contributes to their ability to participate in robust political debate:

“Under the First Amendment there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas. But there is no constitutional value in false statements of fact. Neither the intentional lie nor the careless error materially advances society's interest in 'uninhibited, robust, and wide-open' debate on public issues” (pp. 339-340).

Having established the standard and policy of First Amendment protection for truthful and accurate expression, the Court next explores truth as a valid legal defense in defamation (libel, slander) or privacy law cases. In *Cox v. Cohn*, the Court held that:

“truth was in absolute defense against liability for publication of reports concerning newsworthy people or events.” (p. 490)

The Court in *Time, Inc. v. Pape* adds that the defendant’s burden of proof (for proving a statement truthful) can be just as challenging to present as the Court to accept:

“Allowance of the defense of truth, with the burden of proving it on the defendant, does not mean that only false speech will be deterred. Even courts accepting this defense as an adequate safeguard have recognized the difficulties of adducing legal proofs that the alleged libel was true in all its factual particulars” (p. 290).

Finally, *Cox v. Cohn* discusses the legal defense of truth as it relates to a public figure’s reputation, a private figure’s privacy, and the author’s motives concerning the publication of the material:

“It is true that in defamation actions, where the protected interest is personal reputation, the prevailing view is that truth is a defense... and like cases is that the defense of truth is constitutionally required where the subject of the publication is a public official or public figure. What is more, the defamed public official or public figure must prove not only that the publication is false but that it was knowingly so or was circulated with reckless disregard for its truth or falsity. Similarly, where the interest at issue is privacy rather than reputation and the right claimed is to be free from the publication of false or misleading information about one's affairs, the target of the publication must prove knowing or reckless falsehood where the materials published, although assertedly private, are 'matters of public interest'” (p. 490).

As with the previous section on prominence as a news value, the Court in addressing truth and accuracy first establishes the basic definition of a legal concept, then, in subsequent cases, explains the application of that legal concept. In *Cox v. Cohn*, for example, the Court holds that information derived from public records is truthful information:

“the Constitution precludes States from imposing civil liability based upon the publication of truthful information contained in official court records open to public inspection” (p 495).

As another example of the application of truth as a legal defense, the U.S. Supreme Court in *Rosenbloom v. Metromedia* explains a private figure plaintiff's burden of proof in a defamation case against a media company:

“We thus hold that a libel action, as here, by a private individual against a licensed radio station for a defamatory falsehood in a newscast relating to his involvement in an event of public or general concern may be sustained only upon clear and convincing proof that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether it was false or not. Calculated falsehood, of course, falls outside 'the fruitful exercise of the right of free speech'” (p. 52).

The media and truthful newsgathering provides the basis of the final U.S. Supreme Court cases referencing the news values of truth and accuracy. In *Time, Inc. v. Firestone*, the Court holds that *some* fault on the part of the publisher does not warrant a finding of libel:

“It may well be that petitioner's account in its "Milestones" section was the product of some fault on its part and that the libel judgment against it was, therefore, entirely consistent with Gertz. But in the absence of a finding in some element of the state court

system that there was fault, we are not inclined to canvass the record to make such a determination in the first instance” (pp. 463-464).

Further, the Court in *Time, Inc. v. Pape* holds that a journalist’s error in editorial judgment does not meet the standards of actual malice, and that First Amendment does afford some breathing room when it comes to misstatements:

“Given the ambiguities of the Commission Report as a whole, and the testimony of the Time author and researcher, Time's conduct reflected at most an error of judgment. We have held that if 'the freedoms of expression are to have the 'breathing space' that they 'need * * * to survive' misstatements of this kind must have the protection of the First and Fourteenth Amendments” (p. 292).

One of the most specific holdings concerning truthful reporting and the application of truth as a legal defense comes from *Masson v. New Yorker Magazine*, in which the Court ruled that the intentional altering of a quote may still not meet the actual malice standard:

“In some sense, any alteration of a verbatim quotation is false. But writers and reporters by necessity alter what people say, at the very least to eliminate grammatical and syntactical infelicities. If every alteration constituted the falsity required to prove actual malice, the practice of journalism, which the First Amendment standard is designed to protect, would require a radical change, one inconsistent with our precedents and First Amendment principles... We reject the idea that any alteration beyond correction of grammar or syntax by itself proves falsity in the sense relevant to determining actual malice under the First Amendment... We conclude that a deliberate alteration of the words uttered by a plaintiff does not equate with knowledge of falsity for purposes of *New York Times Co. v. Sullivan*, and *Gertz v. Robert Welch* unless the alteration results in a material change in the meaning conveyed by the statement” (pp. 514, 517).

Many of these references under Truth and Accuracy overlap with news values of prominence, public interest, as well as the discussion of First Amendment protection and journalist’s role in robust political debate. Courts value truthfulness in determining what constitutes a newsworthy story and/or serves the public interest. Truth is also a recognized defense against stories dealing with prominent figures and stories of public interest. (For a full comparison of these news values among journalism textbooks, journalism ethics textbooks, U.S. Supreme Court cases, and journalism professional codes of ethics, see Chapter 8: Overlapping

and Divergent Principles). Based on the textual analysis of these cases, it appears that the Court is delineating the scope of an individual's privacy rights in light of newsworthiness. The Court is not necessarily stating that newsworthiness is a means or a reason to invade privacy, but that an individual's right to privacy may be limited by the competing value of newsworthiness and the public's right to know. The Court emphasizes First Amendment freedom of expression and allows media organizations "breathing room" concerning truth and the actual malice standard. Mistakes in reporting, editorial judgment errors, and even the alteration of quotes may still fall under First Amendment protection.

7.4.3 *Public Concern or Public Interest*

With eight total references in the selected U.S. Supreme Court cases, Public Interest or Public Concern (used interchangeably) is the third most cited news values. Three of those mentions relate to the policy behind the First Amendment protection of the press and its role within a democratic society. For example, in *Rosenbloom v. Metromedia*, the Court writes that:

"(T)he Founders * * * felt that a free press would advance 'truth, science, morality, and arts in general' as well as responsible government.' *Id.*, at 147, 87 S.Ct., at 1987 (opinion of Harlan, J.). Comments in other cases reiterate this judgment that the First Amendment extends to myriad matters of public interest" (p. 42).

In the same case, the Court also writes of the newsworthiness privilege in libel cases being a matter of public or general interest: "privacy interests when the publication dealt with a 'matter which is of public or general interest'" (dissent, p. 80). As further illustration of the role of the press within society, with emphasis on the importance of sharing information of public interest, the Court in *Harper Row Publishers v. Nation Enterprises* held:

"news reporting informs the public; the language of § 107 makes clear that Congress saw the spread of knowledge and information as the strongest justification for a properly limited appropriation of expression. The Court of Appeals was therefore correct to conclude that the purpose of *The Nation's* use—dissemination of the information contained in the quotations of Mr. Ford's work furthered the public interest" (p. 591).

With the role of the press in the dissemination of public interest information established, the Court's ruling provides some examples as to what is or is not of public interest/concern. In *Cox v. Cohn*, the Court wrote that there exists a public interest in accurate reporting of judicial proceedings (p. 495). In *Time, Inc. v. Pape*, the Court held that a Civil Rights Commission's Justice Report was of public interest as well:

“The underlying story that gave the report newsworthiness was the picture of police violence against citizens. Many of the incidents included were quite clearly designed to shock, anger, and alarm the reader, indeed to move him into a position of support for specific legislative recommendations of the Commission” (p. 287).

The final three cases in this section have to do with the relationship between what interests the public and newsworthiness. In *Time v. Hill*, the Court discusses the difficulty in drawing the line between the acts of entertaining and informing:

“We have no doubt that the subject of the Life article, the opening of a new play linked to an actual incident, is a matter of public interest. 'The line between the informing and the entertaining is too elusive for the protection of * * * (freedom of the press).' *Winters v. People of State of New York*, 333 U.S. 507, 510, 68 S.Ct. 665, 667, 92 L.Ed. 840” (p. 388).

Whereas the Court in *Time* addresses the legal challenges in differentiating between public information and what interests the public, the U.S. Supreme Court in *Time, Inc. v. Firestone* holds that materials rendering an audience merely curious, titillated, or intrigued are not materials of genuine public concern:

“After referring to Mrs. Firestone's prominence in Palm Beach society, the widespread attention her lawsuit received, and her granting of interviews to the news media, the court reasoned as follows: "That the public was curious, titillated or intrigued with the scandal in the Firestone divorce is beyond doubt. But we again emphasize the distinction we make between that genre of public interest and real public or general Concern... (W)e cannot find here any aspect of real public concern, and none has been shown to us, which would be furthered or enhanced by 'free discussion' and 'robust debate' about the divorce... "Nor did (Mrs. Firestone's) quoted interviews with the press raise the untidy affair to the dignity of true public concern... Irrespective of her subjective motives, objectively she was merely satiating the appetites of a curious press... 'the Firestone

divorce action was unquestionably newsworthy, but reports thereof were not constitutionally protected as being matters of real public or general concern" (p. 453).

Finally, in *Zacchini v. Broadcasting Company*, the Court illustrates how a story can be newsworthy and of interest to the public – but the manner in which the story is broadcast is not protected under the First Amendment:

“respondent is constitutionally privileged to include in its newscasts matters of public interest that would otherwise be protected by the right of publicity, absent an intent to injure or to appropriate for some nonprivileged purpose. If under this standard respondent had merely reported that petitioner was performing at the fair and described or commented on his act, with or without showing his picture on television, we would have a very different case. But petitioner is not contending that his appearance at the fair and his performance could not be reported by the press as newsworthy items... Wherever the line in particular situations is to be drawn between media reports that are protected and those that are not, we are quite sure that the First and Fourteenth Amendments do not immunize the media when they broadcast a performer's entire act without his consent” (p. 569).

Again, social responsibility of the press theory stipulates that journalists are responsible for arming the public for vigilant citizenship by providing them with information that is both of public interest and easy to comprehend. The Courts contribute to newsworthiness guidelines for a socially responsible press by providing more context to “of public interest,” including examples of public interest issues as well as attempting to explain the difference between “of public interest” and “what the public or audience is interested in.” Concerning how the U.S. Supreme Court addresses public concern or public interest as news values, the textual analysis of these court cases indicates that the Court is willing to protect newsgathering and the press insofar as the information is of public interest. These cases provide examples of public issues (judicial proceedings, legislation), but the Court itself does not provide a concrete definition of public interest (just as it does not provide a concrete definition of “newsworthiness.”) The Court in *Zacchini* and *Firestone* does attempt to strike a balance between what the public is interested in and public concern/information. In *Firestone*, for example, the public may have been interested

in the private divorce details of a cantankerous Palm Beach “society” couple, but that information but not of public concern, and therefore should be kept private. In *Zacchini*, the annual county fair coming to town was a newsworthy event for the public (the fair was of public interest); *Zacchini*’s human cannonball act at the fair was appealing to audience. But perhaps there exists an underlying motivation to keep concepts like newsworthiness and public interest fluid, so as to fit the evolution of the U.S. court system and constitutional interpretation. Either way, there exists a strong overlap between this section’s “public interest” as a news value and the next section’s First Amendment protection of robust debate.

7.4.4 *Facilitation of Public Debate on Important Issues*

With five total references, Fostering Public Debate is the fourth most mentioned news value among this selection of U.S. Supreme Court cases. Many of these references deal with the First Amendment and democratic need for freedom of discussion in the press:

The constitutional safeguard, we have said, 'was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people' (p. 265).

“Freedom of discussion, if it would fulfill its historic function in this nation, must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period” (p. 40).

The Supreme Court takes this a step further, stressing in several more cases the importance of freedom of expression and debate – on public and governmental affairs:

“Thus to the extent that the First Amendment embraces a right of access to criminal trials, it is to ensure that this constitutionally protected "discussion of governmental affairs" is an informed one" (pp. 604-605).

“national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials” (p. 265).

“Erroneous statement is no less inevitable in such a case than in the case of comment upon public affairs, and in both, if innocent or merely negligent, * * * it must be

protected if the freedoms of expression are to have the 'breathing space' that they 'need * * * to survive' * * *.' *New York Times Co. v. Sullivan*, supra, 376 U.S., at 271—272, 84 S.Ct., at 721, 11 L.Ed.2d 686. As James Madison said, 'Some degree of abuse is inseparable from the proper use of every thing, and in no instance is this more true than in that of the press'" (pp. 388-389).

The U.S. Supreme Court cases cited in this section on public debate as a news values utilizes words such as “debate,” “interchange,” “comment,” “expression,” and “discussion.” There is no mention of reporting, newsgathering, or story selection. The cases themselves address news values and media organizations, but the legal references themselves have to do with freedom of expression or discussion. The type of information the Court deems newsworthy seems to be: information motivating political and social change, information society needs to cope with the exigencies of their lives, information related to governmental affairs, and information criticizing government and public officials. Yes, there are ongoing deliberations as to exactly what qualifies as newsworthy and of public interest or wellbeing. However, I argue that through the lens of social responsibility of the press theory, it is the socially responsible journalist’s job is to serve as a platform or public sphere for the public debate to take place, as well as to contribute to conversation by providing information the public can use in these robust debates. A journalism publication or broadcast is protected under the First Amendment insofar as it contributes items for public debate that are newsworthy or of public interest.

7.4.5 *Timeliness*

The fifth, or least, referenced news value within the selection U.S. Supreme Court cases is timeliness. The Court in *Time v. Hill* briefly mentions it: “No suggestion can be found in the Constitution that the freedom there guaranteed for speech and the press bears an inverse ratio to the timeliness and importance of the ideas seeking expression.’ *Bridges v. State of California*, 314 U.S. 252, 269, 62 S.Ct. 190, 196, 86 L.Ed. 192” (p. 388). The Court is saying here that it is

not true that the more timely or an important a story is, the lower its First Amendment protection. Protected speech does deal with important and timely matters. This statement from the Court could imply that “newsworthy” stories are timely and important; however, the Court does not explain what might qualify as “important.” It should also be noted that while “timeliness” is the least cited news value in the U.S. Supreme Court cases, that it is one of the most referenced news values in journalism textbooks. For a more detailed analysis on this contrast in citations and emphasis, see Chapter 8: Overlapping and Divergent Principles.

7.5 Conclusion

This chapter detailed the results of a textual analysis of U.S. Supreme Court cases that both included the word newsworthy/newsworthiness and whose rulings impacted media organizations. This analysis differed slightly from the other chapters in that court decisions are based on law and precedents, so the analysis followed the development of newsworthiness and news values, rather than looking at the cases independently. The textual analysis revealed that while many cases utilize the word “newsworthy” and focus on First Amendment freedom of press and expression, that the cases do not provide much clarity on the overall concept of newsworthiness. This can be problematic for journalists who are looking to the Courts for guidance as to what news items fall under protected speech or when the newsworthiness exception is applicable in privacy law cases. The Court does, however, make detailed references to news values, which include: prominence, truth and accuracy, public interest and concern, the fostering of debate on important public issues, and timeliness. This suggests that concerning newsworthiness, Courts value and/or prioritize stories that: are of public interest, provide information that helps the public participate in robust debates, are truthful and timely, and preserve the privacy rights of public officials and private figures – where possible. These

findings do help advance the dissertation's secondary goal of helping journalists to avoid litigation over privacy law and First Amendment cases by identifying the court's operative values concerning newsworthiness (which could also contribute to the development of newsworthiness-related laws), these news values being truth, timeliness, of public interest, and minimization of harm to privacy. The terms public interest, robust debate, truthfulness and preservation of rights are also highlighted within journalism professional codes of ethics as well as Social Responsibility of the Press Theory. This repeated emphasis between the fields of law and ethics may provide better guidance to journalists as to story selection, presentation, and the importance of independent ethical news judgment. These findings from the U.S. Supreme Court cases, when compared to the news values from journalism textbooks, journalism ethics textbooks, and journalism professional codes of ethics, also indicate what information *should be* newsworthy and of public interest, which also ultimately advances the dissertation's primary goal of developing newsworthiness guidelines for the socially responsible journalist.

8 OVERLAPPING AND DIVERGENT PRINCIPLES

8.1 Introduction

Having analyzed how journalism textbooks, journalism ethics textbooks, professional journalism codes of ethics, and the U.S. Supreme Court address or define newsworthiness and the criteria for news values, this chapter answers research question #5: What themes or issues arise when comparing and contrasting the various definitions and criteria from these journalism textbooks, journalism ethics textbooks, codes of ethics, and Court cases?

There exists a natural overlap between the fields of journalism, professional ethics, and law, in that all three areas do function together. Journalists adhere to a professional code of ethics. The Court determines whether journalists' work is protected or a violation of privacy. Legal language incorporates policies of ethics and morality. As explored in the previous chapters, all three areas (journalism, ethics, and law) have some sort of definitions or guideposts in place concerning news values or newsworthiness. This chapter in particular will compare and contrast the different definitions and newsworthiness criteria, with an eye towards later proposing an addition to the primary professional journalism codes of ethics concerning newsworthiness, and potentially, a universal definition or set of criteria related to newsworthiness. It will look at overlapping, similar principles such as: prominence and public figures; significance; truth, honesty, objectivity, and accuracy; the government and judiciary as newsworthy topics; follow-up; and human interest and diversity. Next, this chapter will examine contradictions and divergent concepts such as: timeliness; proximity, consonance, and avoidance of stereotypes; significance, impact, and public interest; truth; prominence, celebrity, public officials, and privacy law; and conflicts and false dichotomies.

8.2 Overlapping Principles

As with the textual analysis in the previous chapters, this section is organized by news values. It looks at the overlapping principles between two or more resources (journalism textbooks, journalism ethics textbooks, professional journalism codes of ethics, and U.S. Supreme Court cases), with idea being that I privilege the most frequently cited, most thoroughly developed, or most similar across the resources in my newsworthiness guidelines for the socially responsible journalist. These news values are presented in order of mentions, with the most similarly referenced news value first, followed by the next most similar mentions, etc.

8.2.1 *Prominence and Public Figures*

Both the journalism textbooks and the U.S. Supreme Court cases take a similar approach to the news value of prominence and public figures. Vivian (2012, p. 214) refers to prominence as well-known people; Potter (2016, p. 83) writes that prominence may involve well-known people or institutions. Mencher (1998, p. 131) defines prominent people as “those who are widely-known or who have positions of authority.” Carroll (2014, p. 287) describes them as “people with widespread fame or notoriety; household names with special prominence in society” who have “pervasive power and influence.” Craft and Davis (2016, p. 75) write that prominent people are famous or receive coverage “by virtue of their position in society.” These authors suggest that prominent people may include presidents, heads of state, athletes, musicians, entertainment figures, celebrities, or criminals. According to the Missouri Group (2005, p. 5) “the bigger the name, the bigger the news.” Similarly, Dominick (2011, p. 304) writes “the more important a person, the more value he or she is as a news source.”

In *Gertz v. Welch*, the Court writes that “those who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public’s attention, are properly

classified as public figures” (1974, p. 342). The Court in *Time Inc. v. Firestone* (1976) define public figures as those who have:

“assumed roles of special prominence in the affairs of society. Some occupy positions of such pervasive power and influence that they are deemed public figures for all purposes. More commonly, those classified as public figures have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved” (pp. 453-455).

Wolston v. Reader Digest Association, Inc. (1979) cites this same definition of a public figure in the Court’s majority opinion. Additionally, the dissent in *Lorain Journal v. Milkovich* (1985) writes that “a court must focus on the nature and extent of an individual’s participation in the particular controversy” (p. 963 footnote #8).

The journalism textbook descriptions of prominence and U.S. Supreme Court case definitions of a public person are similar in that they describe this individual as someone who is well-known, has a position of power or influence, and is either famous for their accomplishments or notorious for their actions. This news value is the most referenced among the overlapping principles, with 11 total mentions in the journalism textbooks and U.S. Supreme Court cases.

8.2.2 *Significance*

The second most referenced news value, from a similarity standpoint, is “significance.” The journalism textbooks and journalism ethics textbooks cite this value six times. Concerning the journalism textbooks, Potter (2016, p.183) describes significance as the “magnitude or the consequences of an event.” Pavlik and McIntosh (2016, p. 282) write that significance is “an event that affects the public in some way” while Dominick (2011, p. 304) suggests that a significant event is one “that affects a great many people.” The Missouri Group (2005) and Mencher (1998) agree that the larger the event and scale of impact, the better and more important

the story. In the journalism ethics textbook, Muller (2015, p. 79) also defines “significance” as consequence and “the extent to which an event affects our society.”

These groups of definitions are similar in that the journalism textbook and the journalism ethics textbooks authors describe significance having some measurable impact on the public and society, with consequence. However, while the journalism textbooks’ focus is primarily on the greater number of people impacted, the journalism ethics textbook definition is about the greater degree of impact. In other words, the number of people affected versus the level or depth of impact. In the Diverging Principles section (section B.) I will examine the ways public interest is defined differently in determining significance by journalism textbooks and journalism ethics textbooks.

8.2.3 *Truth, Honesty, Objectivity, Accuracy*

There are two sets of similarly-referenced news values tied for third position. Truth/honesty/objectivity/accuracy and the newsworthiness of the government and judiciary both have five total mentions.

The news values of truth, honesty, objectivity, and accuracy appear in both the professional codes of ethics and the journalism ethics textbooks. The National Press Photographers Association Code of Ethics (#3) is that “it is the individual responsibility of every photojournalist all times to strive for pictures that report truthfully, honestly and objectively.” The Radio Television Digital News Association’s Guiding Principle (#1) emphasizes “truth and accuracy above all,” with the American Society of News Editors Code of Ethics (Article IV) defining truth and accuracy as “being free from bias... in context... and presented fairly.” Similarly, the Society for Professional Journalists Code of Ethics (#1) insists that journalists should “provide context, [and] don’t misrepresent or oversimplify.” In Patterson and Wilkins

journalism ethics textbook (2013), the authors describe accuracy as “using the correct facts and the right words and putting things in context” (p. 35). They write that “journalists need to be as independent as they can when framing stories. They need to be aware of their own biases” (Id.).

The professional codes of ethics’ description of truth, honesty, and objectivity is similar to the journalism ethics textbook definition of accuracy in that both of these resources suggest that journalists should be providing stories in context, and without misrepresentation or oversimplification. The codes stress that journalists should be *free* from bias, whereas the ethics textbook stress that journalists should be *aware* of their own biases. I will be revisiting the news value “truth” again in the Diverging Principles section, to expose where the professional codes of ethics’ emphasis on truthful communication differs from the Courts, who are more flexible on “truth” and even discuss the protection of false speech in some contexts.

8.2.4 The Government and Judiciary as Newsworthy Topics

Tied with truth/honesty/objectivity/accuracy with five similar references is the concept of newsworthiness as it relates to the government and the judiciary. Both the journalism textbooks and the U.S. Supreme Court cases mention it. Journalism textbook author The Missouri Group (2005, p. 6) writes that “Journalism has been described as ‘a culture’s conversation with itself.’ The conversation that holds a culture together includes talk of crime, politics and world affairs, of course.” In *New York Times Co. v. Sullivan* (1964), the Supreme Court wrote that “the constitutional safeguard [of the First Amendment], we have said, was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people” (p. 269). The majority continues, that there exists a “national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes sharp attacks on government and public

officials” (p. 270). Similarly, in *Globe Newspaper Company v. Superior Court, County of Norfolk* (1982), the majority wrote that “Thus to the extent that the First Amendment embraces a right of access to criminal trials, it is to ensure that this constitutionally protected ‘discussion of governmental affairs’ is an informed one” (pp. 604-605). Finally, in *Richmond Newspapers, Inc. v. Virginia* (1980), the concurring Justices wrote that in the “acquisition of newsworthy matter... the First Amendment protects the public and the press from abridgment of their rights of access to information about the operation of their government, including the Judicial Branch” (p. 582).

For this sub-section, neither the journalism textbook nor the Supreme Court cases are describing a news value or defining newsworthiness. But what these resources are doing are providing examples of subject matters deemed important and newsworthy. To the authors and Justices, this includes politics, world affairs, government officials, government affairs, government operations, and judicial operations. The journalism textbook author writes that politics can be news. The Supreme Court Justices write that the First Amendment protects news about politics, government, and the judiciary.

8.2.5 *Follow-up*

The journalism professional codes of ethics and journalism ethics textbooks take a similar approach to the news value of “follow-up,” which is the fifth most referenced, with a total of four mentions. Within the professional codes of ethics, the Radio Television Digital News Association (Principle #1) suggests that “responsible reporting includes updating stories and amending archival version.” The Society for Professional Journalists Code of Ethics (#1) states that journalists should “gather, update and correct information throughout the life of a news story.” In the journalism ethics textbooks, Perebinossoff writes that news stories “should be regularly updated as additional facts become available” (2016, p. 172). Muller (2015) suggests

that responsible journalists should report on the development and continuing unfolding of a story. Concerning the news value of “follow-up,” both the professional codes of ethics and the journalism ethics textbook stress the importance of updating and amending information over the life of a newsworthy story. This news value is similar to truth and accuracy in that the reporter is providing a clear, contextual picture of a story; however, this news value is its own category because it impels journalists to see previously newsworthy topics as continuing to have value as new developments occur. Follow-up helps inform journalists about the newsworthiness of topics and guides them in the story selection and updating process.

8.2.6 *Human Interest and Diversity*

Of the news values that have overlapping principles across the four resources, human interest and diversity is the sixth and least mentioned, with three total references. Society for Professional Journalists Code of Ethics (#1) advises journalists to “seek sources whose voices we seldom hear.” Journalism ethics textbook author Muller (2015, p. 80) writes that human interest stories “say something universal, poignant, inspiring, or tragic about the human condition, usually from the experiences of one person or a small group of people.” Journalism textbook author Dominick (2001, p. 305) writes that human interest stories “arouse some emotion in the audience – typically these items concern ordinary people who find themselves in circumstances with which the audience can identify.”

It should be noted that human interest and diversity, which are arguably ethical issues, are the least mentioned news values among those with overlapping principles. These values, however, are mentioned in three of the resources, which is unique among the “comparison” portion of this chapter. The codes and both types of textbook authors recommend diversifying story selection with seldom-heard stories or stories about the human condition. The news items can be told

through the perspective of one person or a small group, but the experience will be universal in nature and one with which the readers or audience can identify.

8.3 Diverging Principles

While the previous section examined the overlapping news value principles in my four resources (journalism textbooks, journalism ethics textbooks, professional journalism codes of ethics, and U.S. Supreme Court cases), this section takes a look at the diverging principles. More specifically, I will analyze the tensions or contradictory advice that clouds the issue of newsworthiness and makes story selection difficult, with the idea being that major contradictions (in frequency of citation, development, or definition) are potentially a strike against incorporating a news value into newsworthiness guidelines for socially responsible journalism, at least not without some qualification and clarification. This section is organized by news values, with the most often referenced news value first.

8.3.1 *Timeliness*

With 11 total references, timeliness is tied for the most mentioned news value when examining diverging principles. The main difference between how journalism textbooks and the U.S. Supreme Court presents this news value is the level of emphasis. The journalism textbooks list “timeliness” more than any other news value. Cappon (2005), Carroll (2014), Craft and Davis (2016), Pavlik and McIntosh (2016), Rich (2015), Vivian (2012) all list timeliness (or immediacy, synonymously) as a factor of newsworthiness. Potter (2016, p. 183) writes that timeliness is the “most obvious criterion for newsworthiness.” Dominick (2011) and The Missouri Group (2005) insist that news is supposed to be new; Mencher (1998, p. 134) writes that “what occurs today has greater impact than what occurred yesterday.”

The U.S. Supreme Court, comparatively, only mentions “timeliness” once, in the case *Time, Inc. v. Hill* (1967). The majority writes “No suggestion can be found in the Constitution that the freedom there guaranteed for speech and the press bears an inverse ratio to the timeliness and importance of the ideas seeking expression” (p. 388).

The journalism textbooks and Supreme Court case’s diverging principles concerning timeliness relate to priority and emphasis. The journalism textbooks rank timeliness as an essential aspect of newsworthiness; it is mentioned in every one of the textbooks analyzed for this dissertation. For the Supreme Courts, however, timeliness is briefly mentioned – buried in one of the cases. This suggests that while the journalism textbook authors consider timeliness as a pivotal and necessary aspect of newsworthiness, the Justices do not necessarily agree. The Court’s lack of discussion on timeliness, with the Justices in *Time, Inc v. Hill* doing little more than recognizing timeliness as a type of news value, indicates that this feature of newsworthiness may not be a priority for them. The First Amendment, after all, guarantees freedom of speech regardless of whether the discussion is on new or old, important or trivial, topics.

8.3.2 Proximity, Consonance, and Avoidance of Stereotypes

Tied with timeliness with 11 total mentions are the diverging principles related to proximity, consonance, and avoiding stereotypes. The journalism textbooks begin by explaining the importance of proximity as an element of newsworthiness. Carroll (2014), Potter (2016), Rich (2015), and Vivian (2012) describe proximity as how close an event is to the news audience. According to Dominick (2011) and The Missouri Group (2005), readers and viewers are more interested in learning about stories that happen close to home. Mencher (1998) writes that proximity can be geographical or cultural, but that audiences typically like reading about those who are like themselves and who share common interests. Similar to this notion of cultural

proximity, in the journalism ethics textbooks, Muller (2015) defines “consonance” as “a story that reinforces what we already know and is consonant with our existing view of the world” (p. 80). Frost (2016) writes that stories with consonance, those that accord with a reporter or the audience’s preconceptions, will be deemed more newsworthy.

The journalism textbooks and journalism ethics textbooks’ notions of proximity and consonance directly contrast with parts of the professional journalism codes of ethics. In the Society for Professional Journalists Code of Ethics (#1), for example, the code suggests that journalists should “avoid stereotyping” and that “journalists should examine the ways their values and experiences may shape their reporting.” In the Associated Press Statement of News Values and Principles, the author writes that “recognizing that standards differ around the world, we tailor our advisories and the selection of video and audio according to customer needs.” So, while the textbooks discuss how proximity and familiarity increase a story’s newsworthiness, the professional codes of ethics recognize that there exists different value systems around the world and even advise journalists to get outside of their own experiences and avoid cultural stereotyping. The codes’ insistence on the avoidance of consonance and stereotypes may also fall under the larger ethical news value of diversity (the inclusion of perspectives that are based on truth, accuracy, and fact), in that journalists should include cultural proximity within the views of minority groups as well as those in majority groups.

8.3.3 *Significance, Impact, and Public Interest*

While the above section on significance noted that journalism textbooks and the journalism ethics textbooks both agreed that significant and impactful stories were newsworthy, these two types of textbooks substantially differ in their discussion about significance and impact and their relationship to public interest. Journalism textbook authors tend to privilege a definition

of public interest to mean “whatever interests the public” is significant, as determined by the public and ratings, not the editors’ beliefs about what *should* interest the public. Pavlik and McIntosh write that in the valuation of a story based on its significance or impact, “editors try to determine what is of most interest to their readership... what is deemed as important by their audience” (2016, p. 284). Similarly, Craft and Davis describe significance and impact as “more than a mere number... it’s more of a judgment call on how many members of the audience are likely to be interested in the story” (2016, p. 74). The Missouri Group supports this, writing that “people or events may be interesting and therefore newsworthy just because they are unusual or bizarre” (2005, p. 5). For the textbook authors, significance and impact is related to what the public might be interested in – what the editors might select that will attract the audience’s interest and attention.

Alternatively, the authors of the journalism ethics textbooks argue that journalists should write that which is “of the public interest” rather than what may interest the public. Christians writes that journalists can determine newsworthiness “by separating what the public wants to know (gossip pandering, innuendo, exaggeration, falsehood) from what it needs to know” (2010, p. 208). Day agrees, writing that “more attention should be paid to what the public needs to know rather than merely to what it is curious about” (2006, p. 138). Cohen and Elliott (1997) and Black and Roberts (2011) suggest that what the public needs to know includes justice, ideals of civilization, and the information the public needs for self-governance. This conflict, what the public *wants to know* and what the public *needs to know*, is an unresolved theme running through much of the four resources analyzed in this dissertation.

8.3.4 *Truth*

The professional journalism codes of ethics and a Supreme Court cases has differing perspectives concerning truth in journalism. The Radio Television Digital News Association's Guiding Principles (#1) emphasizes "truth and accuracy above all." According to the National Press Photographers Association's Code of Ethics (#3) "It is the individual responsibility of every photojournalist [at] all times to strive for pictures that report truthfully, honestly, and objectively." The American Society of News Editors Code of Ethics (Article IV) and Society for Professional Journalists Code of Ethics (#1) suggest that "truthful" stories be unbiased, in context, presented fairly, and not misrepresented or oversimplified.

Whereas the professional codes of ethics prioritize truth in reporting, the U.S. Supreme Court case *Time, Inc. v. Hill* (1967) takes a different approach to truth as a news value. The majority writes that expression by the press is protected under the First Amendment, whether truthful or not: "Although honest utterance, even if inaccurate, may further the fruitful exercise of the right of free speech, it does not follow that the lie, knowingly and deliberately published... should enjoy a like immunity" (p. 390). In other words, in the context of the case, the First Amendment protects truthful and untruthful expressions alike, unless the media specifically is making untruthful statements about private individuals, with actual malice. This is a huge difference from the professional codes of ethics' view on truth in reporting. The codes stress truth "above all" and "at all times," but the one Court case addressing truth as a news value argues that statements that are true or untrue are protected under First Amendment freedom of speech, unless a journalist is knowingly and deliberately publishing false information about a private citizen. The codes' version of "truth" is all-encompassing, while the Court is flexible in most situations.

8.3.5 *Prominence, Celebrity, Public Officials, and Privacy Law*

The journalism textbooks and U.S. Supreme Court cases differ on their definitions of public figures – especially the length of time an individual can be considered a prominent or public figure. In the journalism textbooks, for example, Dominick (2011) suggests that prominent or public figures can be heads of state, sports figures, entertainment figures, celebrities and/or criminals. Carroll writes that “one a person has been classified in the category [of a public figure], that public figure never falls out or lapses back to the lesser fault level category, regardless of how obscure he or she might become” (2014, p. 287). (Carroll is the only journalism textbook author who specifically wrote that public figures cannot become private figures; it was not a theme among the journalism textbooks).

Two U.S. Supreme Court cases directly dispute these notions of who can be a public figure, and for how long. In *Wolston v. Reader Digest Association, Inc.* (1979), the majority held that:

“A private individual is not automatically transformed into a public figure just by becoming involved or associated with a matter that attracts public attention... This reasoning leads us to reject the further contention of respondents that any person who engages in criminal conduct automatically becomes a public figure” (pp. 167-168).

Further, the majority in *Gertz v. Robert Welch, Inc.* (1974) held that “an individual should not be deemed a public personality for all aspects of his life” (p. 352). The Supreme Court differs from the journalism textbooks concerning prominent or public individuals in that the Court does not automatically label *criminals* as public figures. Also, the Court holds that it is possible for a prominent person or public figure to eventually lapse back into private life.

8.3.6 *Conflicts and False Dichotomies*

The final category of divergent principles involves conflicts and false dichotomies. Both the journalism textbooks and journalism ethics textbooks include “conflict” as a news value.

Journalism ethics textbook author Muller labels conflict as “one of the most pervasive values” (2015, p. 80). Perebinossoff (2016) describes conflict as two forces at odds with each other, as in wars, political struggles, or interpersonal issues. Journalism textbook authors Craft and Davis write that “conflicts often provide action, villains and heroes... the stuff of storytelling!” (2016, p. 74). Contrast this with the Radio Television Digital News Association Guiding Principles (#1) that “ethical journalists resist false dichotomies – either/or, always/never, black/white thinking – and consider a range of alternatives between the extremes.” So, where the journalism textbook and journalism ethics textbooks discuss the importance of conflict and tension as good elements of storytelling (and that which would attract an audience), the codes of ethics argue that ethical journalists should avoid framing stories in a “conflict” or an “either/or” format, and instead incorporate a range of voices or perspectives. This, again, can also be tied to larger news values of truth and diversity (the inclusion of perspectives based on accuracy and fact) in that responsible reporters should provide adequate context and completeness rather than oversimplifying a story into pro and con perspectives.

8.4 Conclusion

This chapter aimed to answer the research question “What issues or themes arise when comparing and contrasting the various definitions and criteria of newsworthiness?” The fields of journalism, ethics, and the law do function together in society, and so there is bound to be some similarity in their approaches to newsworthiness. However, when comparing the journalism textbooks, journalism ethics textbooks, professional journalism codes of ethics, and U.S. Supreme Court cases, the analysis did provide both overlapping and diverging principles of news values and newsworthiness.

Concerning the overlapping news values, the four resources provided similar definitions, prioritizing, and examples of: stories with significance (both in number impacted and degree of impact); truth, accuracy, honesty, and objectivity (also being aware of biases); the newsworthiness of stories on the government and judiciary, the importance of follow-up on news stories, and the inclusion of diversity (perspectives based on truth and fact) and human interest in news stories. These descriptions reinforce the importance of certain news values, and help contribute to what may become a more universal definition of newsworthiness.

There are, however, several diverging principles among the four resources. Journalism textbooks and the Supreme Court prioritize timeliness differently; while timeliness is a top news value and repeatedly mentioned in most of the journalism textbooks, the Supreme Court only addresses this value in one case, and with little effect. The textbooks discuss proximity and consonance as a news value, relating geographic and cultural proximity to an audience's strong interest in learning news that relates to them or is culturally familiar to them. However, the professional codes of ethics advise journalists to critically examine their own cultural proximity and consonance (values and familiarities) in hopes of avoiding stereotypes and incorporating more diversity ("diversity" being perspectives based on truth, accuracy, and fact). There is also an ongoing debate between and among the four resources about newsworthiness as what the public "wants to know" or "needs to know," with the journalism ethics textbooks and the professional codes of ethics leaning toward "need to know" and the journalism textbooks and U.S. Supreme Court cases wavering between both want and need to know. The professional journalism codes of ethics stress the importance of truthful reporting at all times, while the Supreme Court holds that the First Amendment protects truthful and untruthful statements alike (unless the media is acting with actual malice against a private individual). The Supreme Court

also differs from the textbooks in exactly who can qualify as a public figure or prominent person, and for how long that status sticks with the individual, with the courts having a more conservative and limited view and the textbooks including a wider range of individuals and contexts. Finally, the textbooks and professional journalism codes of ethics differ in the inclusion of conflict as a story telling technique, versus ethical reporting as including a range of perspectives.

These diverging principles create challenges when developing a more concise, cross-discipline definition of newsworthiness. Before proposing an addition to the professional codes of ethics concerning newsworthiness, one must unpack the sources' motivations (the authors of resources used in this dissertation) and whether these news values are portrayed as what is actually in practice or what is the idealized version of journalism, newsworthiness, and story selection. The next chapter attempts to clarify newsworthiness from a variety of perspectives, representing both common elements and what should be included in the criteria.

9 FINDINGS AND CONCLUSIONS

9.1 Introduction

The problems addressed in this dissertation have to do with the call for increased professionalism from journalists concerning ethical practices, and the evolving relationship between the media and legal fields. There is a relatively new pattern of litigation in which judges are placing themselves in the role of the news editor by forming decisions about what is newsworthy and of public interest. This not only blurs the professional lines between judge and journalist, but also, judges making value decisions about newsworthiness rather than the journalists themselves moves the journalism profession further away from citizen autonomy and independent news judgment. Additionally, the lack of a legal definition of newsworthiness has led to an influx of journalism privacy cases on court dockets.

This dissertation attempts to alleviate ambiguity or tensions around varying definitions of newsworthiness in legal, ethical, and professional educational realms by developing more concrete criteria for newsworthiness and proposing updates to the professional codes of ethics concerning newsworthiness and socially responsible story selection. A secondary of this dissertation is to help journalists avoid litigation over privacy law and First Amendment freedom of expression cases by identifying the court's operative values on newsworthiness. Previous chapters examined the concepts of newsworthiness and news values from four perspectives: journalism textbooks, journalism ethics textbooks, journalism professional codes of ethics, and U.S. Supreme Court cases. This final chapter answers two research questions: RQ6 "Is there a definition of newsworthiness that would clarify and better incorporate both ethical and legal views? If so, how could this be applied? Discuss the implications" and RQ7 "What guidance, if any, should be added to journalism codes of ethics to better address newsworthiness as a part of

ethical practice and why?” This chapter will review key findings of the textual analysis, develop theoretically-informed newsworthiness criteria, suggest updates/additions to the professional codes of ethics, discuss how the findings contribute to existing research, and outline opportunities for future research.

The findings of this dissertation are significant in that they will provide new insights for the evolving fields of journalism and law, and increase clarity to the disjointed relationship between journalism, ethics, and the law. Formulating more concise newsworthiness criteria for socially responsible journalism will provide professional guidance for journalists, in that the criteria will serve as guideposts for news organizations concerning ethical story selection. As indicated in the introductory chapter, this dissertation develops newsworthiness guidelines informed by social responsibility of the press theory rather than creating a new theory of newsworthiness altogether. The fields of journalism, ethics and law already have generalized ideas in place regarding news values, however, these notions are disjointed, which creates an immediate need for newsworthiness criteria that are comprehensive and provide guidance for socially responsible journalists.

This criteria can also advance the dissertation’s secondary goal of helping journalists and news organizations avoid litigation by identifying the court’s operative values concerning the newsworthiness exemption. In terms of privacy law, more concise newsworthiness criteria could lead to concrete rules as to when the newsworthiness exemption may be applied, which would mean that journalists would have a better grasp of where the legal line is between protected / unprotected speech, and that potentially fewer privacy law cases would clutter the court dockets. Less privacy cases related to media organizations would also help advance the goal of enhancing journalism as a socially responsible profession.

9.2 Findings and Analysis

According to the journalism textbook authors, “news” is a cultural conversation, and a journalist’s role is to curate information the public needs to know in order to participate in robust debates and keep watch on government and corporate powers. While there is no clinical formula for newsworthiness, journalists typically evaluate and prioritize a series of news and storytelling values. **The journalism textbooks’ top news values (in order of priority) are: timeliness, prominence, significance, proximity, deviance, human interest, conflict, currency, educational value, public interest, and pseudo events.**

While the journalism textbook authors focus on story selection and storytelling, the journalism ethics textbook authors discuss the relationship between newsworthiness, the public, and morality – focusing on both the current criteria for newsworthiness as well as the potential expansion of news values. The ethics textbook authors expressed concern about the court’s reliance on journalists for a definition of news, while journalism itself is subject to economic influence, potential conflicts of interest, self-interested motivations, and other pressures that can affect news judgment. They stress that the role of journalists is to provide the public with information they *need* to know, rather than *want* to know, and this should guide the process of story selection and evaluation of newsworthiness. **The journalism ethics textbooks’ top news values (in order of priority) are: timeliness, prominence, impact, proximity, novelty, significance, conflict, relevance, negativity, clarity, follow-up, human interest, good news, entertainment, and popularity. The authors suggest that this list should be expanded to include moral news values, such as: accuracy, community, dignity, diversity¹⁴, equity,**

¹⁴ “Diversity” being the inclusion of perspectives that are based on accuracy, truth, and fact – not just a diversity of opinions and/or expression in general

reciprocity, sufficiency, and tenacity. They write that responsible reporters should treat persons with respect and dignity, and topics with fairness and accuracy.

Unlike the two previous resources, the journalism professional codes of ethics do not incorporate words like “story selection” or “news criteria,” however, the codes do make indirect references to the concept of newsworthiness. The codes explore certain news values, including (in order of reference frequency): **prominence (dignity), public interest, truth, avoidance of polarization in conflicts, follow-up, novelty, human interest, and significance.**

The final resource in this dissertation was U.S. Supreme Court cases – more specifically, the cases in which the Justices’ ruling provided insight on newsworthiness as tied to or impacting media organizations. As the U.S. Supreme Court is the nation’s highest legal authority and protector of constitutional values such as First Amendment freedom of expression, it is important to include the relevant cases in order to develop comprehensive newsworthiness criteria that incorporates tenets of journalism, ethics, and the law. Just as the journalism textbook authors wrote that there is no specific definition of “newsworthiness,” in the legal system, the concept of newsworthiness is based on legal precedents rather than black-letter law. Legal precedents that relate to newsworthiness include The First Amendment, which protects freedom of speech and the right for journalists to publish, and privacy law, where journalists’ claims of newsworthiness serve as a legal defense to an accusation of invasion of privacy. **In the Supreme Court cases, the Justices did reference a number of news values, including (in order of mentions): prominence, truth, public interest, information that helps foster important debate, and timeliness.**

Journalism, ethics, and the law function together. There are overlapping principles concerning their perspectives on newsworthiness, while there are also a number of ways in

which they disagree on certain news values or selection criteria. Both the ethics textbooks and the professional codes of ethics emphasize *truth, accuracy, and objectivity* – whereas the Court holds that both truths and untruths are protected, unless the media makes a false statement with actual malice against a private individual. Concerning *significance*, journalism textbooks focus on the number impacted by a story, while the ethics textbooks focus on the degree of impact. For the news value *timeliness*, journalism textbooks emphasize that a news story should be new, while the journalism ethics textbooks and professional codes of ethics discuss the importance of follow-up and continuing coverage over time. On the news value of *proximity*, both the journalism textbooks and journalism ethics textbooks discuss the importance of geographic and cultural proximity, while the professional codes of ethics challenge journalists to include more diverse (accurate, factual) perspectives. Journalism textbooks and journalism ethics textbooks also emphasize *conflict* as a news value and storytelling technique, but the professional codes of ethics advise against false dichotomies and encourages incorporating a wider range of perspectives. The journalism textbooks and U.S. Supreme Court cases approach *prominence* similarly; however, the Court holds that criminals are not automatically deemed public figures, and that a public figure can eventually return to private status. Finally, both the journalism textbooks and the U.S. Supreme Court cases agree that the stories about the government and the judiciary are newsworthy, as this relates back to journalism’s “watchdog” role within democratic society. The four sources are working in tandem here by distilling the primary news values as well as refining the newsworthiness criteria for socially responsible journalism. These textbooks, codes, and cases point to socially responsible story selection as well as socially responsible reporting.

9.3 Developing More Concise Newsworthiness Criteria

This sub-section answers RQ6, “Is there a definition of newsworthiness that would clarify and better incorporate both ethical and legal views? If so, how could this be applied? Discuss the implications.”

Based on the textual analysis of the four resources (journalism textbooks, journalism ethics textbooks, journalism professional codes of ethics, and relevant U.S. Supreme Court cases), it is clear that there is no one, concise definition of “newsworthiness.” This dissertation is not attempting to create that. But the sources’ overlapping criteria for determining newsworthiness do incorporate some normative traits along with evaluative elements. These shared criteria or aligned definitions help to create newsworthiness guidelines for the socially responsible journalist. It is important to note that in this dissertation, I am not attempting to develop criteria that determines *everything* that can qualify as news. Instead, I am setting out criteria for what is more highly newsworthy in light of a commitment to social responsibility theory.

Ethically, and from the perspective of social responsibility of the press theory, journalists are expected to adhere to the chosen values and conceptions of the “common good” and to serve the public interest. As suggested by the journalism ethics textbooks and professional codes of ethics, responsible reporting is truth-telling that includes diverse perspectives, minimizes harm, and serves the public in general (not just an elite group). The resource materials did not always emphasize diversity; however, I am including it as part of the newsworthiness criteria as diversity is directly relevant to public interest determinations; the public is best served when it is exposed to a diversity of experiences and perspectives (based on truth, accuracy, and fact – more than mere diversity of opinion). This also falls under social responsibility of the press, insofar as

fair and comprehensive reporting should include the representation of a diverse range of people – which was also one of the obligations identified in the Hutchins Commission’s report (Pickard, 2015). Another reason for me to include diversity in the newsworthiness criteria is to temper the news value of cultural proximity so it is not seen as a license to only favor dominant cultural perspectives.

When a socially responsible journalist is first making his or her story selections, there are two questions: 1) who is newsworthy, and/or 2) what is newsworthy. I am categorizing these who and what story selection elements as “objective” because they provide the foundation or basis of a news story; in other words, it is objective because every news item has to either be about a person, an issue, or both. **Concerning the *who* aspect of story selection, the research in this dissertation on news values has revealed a newsworthy subject is a prominent person or a public figure.** (A private figure can also be newsworthy, but it is because he or she is tied to a significant event or issue, which is more of a *what* aspect than a *who* aspect). This individual, whether a government leader, social figure, celebrity, popular athlete or entertainment figure, must be willfully and actively engaged in that which has rendered him or her a prominent figure in the first place. While the journalism textbooks suggest that prominence can be automatic and a public figure status cannot be downgraded into a private figure status, the law instead suggests that not all individuals associated with a newsworthy issue or event are automatically public figures themselves, and that this status can wane over time. For the purposes of this dissertation, and viewing this news value through the lens of social responsibility theory, if “willful participation” in a newsworthy event or issue is a key requirement to be considered a public figure, it should follow that prominence is not automatic,

and this status can dissipate over time – just as a newsworthy issue can become less newsworthy over time.

Concerning story selection and evaluating *what* is newsworthy, the key news values discussed in the dissertation resources (with varying degrees of priority) are significance and/or impact, proximity, and timeliness¹⁵. Significance has to do with the amount of people affected by an issue or an occurrence – the more significant a story, the more newsworthy it is. Impact is the degree to which some in the public are affected by an issue. The higher the level of impact, the more newsworthy an item is. I chose to put significance and/or impact together as related news values because of their similarity in nature and function within news selection criteria. Also, significance and impact both have basis in social responsibility of the press theory in that evaluating the amount of people affected or degree of effect helps filter out less substantive topics, which is an important part of the news selection process and a valuable service to the public interest. There are two types of proximity, geographic and cultural. Geographic proximity is the physical distance between an issue or an occurrence and the audience. Cultural proximity is the similarity in personal values and foundations. The closer a person is to an issue or event, either physically or cognitively, the more newsworthy that issue or event is. Timeliness deals with when an event happened or when an issue arose. The more timely information is, the more newsworthy it is (remember, news has to be new). These objective elements cover the “what, where, when”¹⁶ of the news story.

¹⁵ One caveat having to do with timeliness is the considering of complex social and ecological problems. These issues should be considered newsworthy, even though they are not an acute event. Examples include climate change, ongoing slow pollution, gradual health risks of diet, etc. The significance or impact news values of these life-altering stories outweigh the news value of “timeliness” if it is just meant to mean acute, dramatic events that just occurred.

¹⁶ Journalism students are often instructed that a complete news item will cover the who, what, when, where, how, and why of the story.

As viewed through the lens of social responsibility of the press theory, the evaluation of *who* is newsworthy or *what* is newsworthy do have overlapping ethical considerations. Who: A socially responsible news story on a prominent person or public figure should be reported in a way that is respectful, not harmful (where possible), and promotes social good and cohesion (this is influenced by the definition of public interest). What: For stories involving several elements of timeliness, significance and/or impact, or cultural and geographic proximity (or any combination thereof), the reporter should present the newsworthy item in a way that is accurate and in context, so as to be fair, truthful, and free from conflicts of interest.

Having identified who or what makes a story newsworthy, several of the authors mention that these news values should be considered in concert with each other - that there must be at least two or more news values present in order for a story to be newsworthy. Otherwise, the information lacks relevance or usefulness. For example, a local story is not newsworthy just because it is timely. There must also be some sort of accompanying act or event that is significant to the public. A sinkhole forming today on a small residential street is timely and geographically proximate to a few, but not very newsworthy. A sinkhole forming today in the center of an interstate during commuter traffic is timely, geographically proximate, *and* potentially impacts a large amount of people – and is therefore a highly newsworthy story.

There is also a more evaluative element, which is the audience appeal of the story. I chose the word “evaluative” because these elements incorporate more discretion and independent news judgment than the objective items (who and what). The evaluative news values are not necessarily present in every story, and can be balanced or weighed against each other in the news selection process. A socially responsible journalist is tasked with providing the public with the important information needed to foster robust debate, but also presenting this information in a

way that is appealing and easy to read (Hodges, 1986). **The evaluative news values dealing with the storytelling aspect of journalism include: conflict, drama, novelty, and human interest.** These news values related to enhanced storytelling are a lower priority than the objective values (determining who and what), as they relate to the reporting of the story more than the subject-matter selection of the story, which is why it falls under the evaluative category.

To explain part of my rationale for selection of the objective and evaluative news values outlined above, I have chosen to agree with the most popular/core values of newsworthiness, as identified in the four sources (journalism textbook, journalism ethics textbook, professional codes of ethics, and U.S. Supreme Court cases). I narrowed this list down based on the frequency of citations and mentions, as well as how thoroughly these news values were developed across the four resources. I have decided to exclude some of the more subjective criteria (ex: currency, novelty) as these news values are not as prevalent or developed.

The following summarizes my normative guidelines for socially responsible newsworthiness criteria, as influenced by the fields of journalism, ethics, and law:

- **NEWS SELECTION:** A journalist trying to determine if a story is newsworthy and in the public interest must decide whether the material features a prominent individual and issue or event that is some combination of significant and/or impactful, timely, or in geographic or cultural proximity to news consumers.
- **NEWS REPORTING:** The journalist can take the storytelling process into consideration – how to report the information in a way that will be appealing and easy for public consumption (ex: including conflict, drama, novelty, or human interest). However, a socially responsible journalist must also take into account whether their story serves the public interest and a wide variety of social groups by including diverse perspectives

(perspectives that are based on truth, accuracy, and fact), and minimizing harm where possible.

The News Selection criteria (prominent individual; timely, significant, impactful issue; in proximity) are informed primarily by the news values highlighted in the journalism textbooks and journalism ethics textbooks, as viewed through the lens of social responsibility of the press theory. These resources provided ample and focused information about who and what are considered newsworthy in light of a socially responsible journalist's role of proving society with ample information of public interest. The textbooks stress the importance of stories being current or recent, and that prominent people such as public officials or celebrities are pervasive and therefore newsworthy and of public interest. Both the journalism textbooks and the journalism ethics textbooks emphasize significance and impact as well as proximity as factors to consider in socially responsible determination of newsworthy stories, based on the relevance of the issue and the degree to which it affects the public. The U.S. Supreme Court cases also contribute to the criteria insofar as the cases support the importance of timeliness as a news value, thus justifying its inclusion in the criteria; the cases also help develop the definition of a public figure or official, and his or her protections under the First Amendment. The journalism professional codes of ethics did not inform the News Selection criteria as the codes' news values are more normative in nature – how to be truthful and accurate, minimize harm, avoid conflict, and include diverse perspectives. The codes of ethics do provide some advice related to timeliness and the importance of updating stories; the codes also reference significance as a news value, thus further justifying its inclusion in the list of criteria.

The News Reporting criteria (diverse perspectives, truth, accuracy, minimization of harm) are informed largely by the journalism ethics textbooks, the journalism professional codes

of ethics, and the U.S. Supreme Court cases. The ethics textbooks and codes of ethics both focus on newsworthiness as it relates to public interest and morality. These sources most directly align with or echo the tenets of the social responsibility of the press perspective because of their shared motivations and principles: ethical and responsible reporting, best interests of the public, ample and accurate information, and so forth. As such, these sources emphasize news values and storytelling that is truthful, accurate, that includes diverse perspectives (that are based in truth, accuracy, fact) and the minimization of harm where possible. The U.S. Supreme Court cases also contribute to the News Reporting criteria, as the Court discusses minimization of harm within the scope of privacy law, protection of public and private figures, actual malice, and newsworthiness as a legal defense against invasion of privacy. The Court also discusses the news value of truthfulness, drawing distinctions between First Amendment protected expressions and actionable actual malice/reckless disregard of truth. The journalism textbooks do not inform the News Reporting criteria, as the textbooks offer more objective news values relating to who or what is newsworthy, whereas this set of criteria focuses on more evaluative news values related to storytelling and social responsibility.

Just as the three fields of journalism, ethics, and law contributed to these newsworthiness criteria, all three fields may benefit from specific guidelines related to newsworthiness. To begin, it is important to develop a more comprehensive understanding of newsworthiness among journalism, ethics, and law because, while they serve different purposes within society, all three have overlapping functions. Journalists adhere to a professional code of ethics; Courts rely on journalists for working definitions of newsworthiness; Courts determine whether a journalist's work is protected under First Amendment freedom of speech or privacy law; legal language incorporates policies of ethics and morality. All three fields have guideposts (direct or implied)

regarding news values or newsworthiness. A more comprehensive understanding fills in the gaps and increases clarity in the relationship between journalism, ethics, and the law. Journalism can benefit from newsworthiness criteria in that journalists would have clearer guidelines in their newsgathering and reporting process as to who or what are newsworthy; the criteria also provides reminders about journalists' social responsibility in a democratic society – to be truthful and accurate in providing the public with ample information which arms them for robust political debates and vigilant citizenship. It also provides journalists with a clearer picture of what is protected expression and when the newsworthiness exception is applicable, based on the insights from the Courts regarding news values and privacy law (ex: definition of public figure, private figure, protected expressions, and truth as a defense). This helps advance the dissertation's secondary goal of helping journalists and news organization avoid litigation by identifying the court's operative values on newsworthiness and potentially helping to develop newsworthiness-related laws. While journalism does have multiple sub-categories such as television news, radio news, newspaper, online journalism, and photojournalism, all of these channels can benefit from a universal understanding of newsworthiness. These sub-categories may have different functions and purposes, but at their heart, they are curators of information. Whether through a video, image, or soundbyte, the reporters, editors and producers are still selecting topics based on what is newsworthy and of public interest. The newsworthiness criteria do not replace independent news judgment or dictate how every story should be evaluated and presented; the criteria merely serve as guidelines in identifying newsworthiness as a basic foundation principle for the socially responsible journalist.

The field of journalism ethics can benefit from newsworthiness criteria in that the professional codes of ethics do not currently feature any guidelines about news values and

newsworthiness, and so this would bolster an area that is currently lacking. In the current state of the journalism industry, with market and political forces calling for increased professionalism around ethical practices and editorial decisions, having guidelines in place concerning ethical newsgathering story selection can only be a benefit to journalism and journalists. With newsworthiness criteria included in the professional codes of ethics, journalists can further distinguish themselves as authoritative sources of information as well as socially-responsible professionals who serve the public interest.

The Courts, while they may be a secondary audience for this dissertation, can also benefit from newsworthiness criteria. For decades, the Court has relied on journalism for a providing a working definition of newsworthiness; the Justices have also called for the clearing of any ambiguity related to the word “newsworthy” (*Regan v. Time*). With more comprehensive newsworthiness criteria in place, the court system can make better-informed and consistent rulings in regard to privacy law cases where the newsworthiness exemption is in question. This doctrinal clarity will provide a line between what is newsworthy and protected versus what is not protected, which also advances the dissertation’s secondary goal of helping to produce newsworthiness-related laws so as to help journalists and news organizations avoid costly litigation. Having this clarity of law concerning newsworthiness would ideally lead to fewer privacy cases (with media defendants or otherwise) on court dockets. Having newsworthiness criteria could also potentially lead to the development of a legal test of newsworthiness, similar to the development of the actual malice standard in media-related cases.

9.4 Suggested Additions to Professional Codes of Ethics

Having narrowed down the criteria for determining newsworthiness, this next section addresses RQ7: “What guidance, if any, should be added to journalism codes of ethics to better address newsworthiness as a part of ethical practice and why?” All of these suggestions to the major existing professional codes of ethics in the United States (ASNE, AP, NPPA, RTDNA, and SPJ) aim to incorporate news values and criteria of newsworthiness, as well as stress means of ethical, responsible reporting, and remind journalists of their duty to the general public under the Social Responsibility of the Press Theory. While these codes do provide guidance on certain aspects of journalism ethics, they do need to be amended. (My proposed amendments are not uniform across the codes, because some already cover newsworthiness, such as diversity, privacy, or minimization of harm). The codes, by being vague or implicit about identifying newsworthiness criteria and public interest values, fail to clarify the fundamental elements of what makes journalism socially valuable and unique as a profession, especially in the current digital age, where there are many other sources of information and non-fiction storytelling. Professional news judgment and values should drive the evaluation, prioritization, and selection of which stories qualify as most worthy of the public’s attention and time.

9.4.1 *American Society of News Editors*

“ARTICLE I – Responsibility: The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time.” **In this capacity, journalists should present stories that are newsworthy (featuring a prominent person or significant issue, that is timely and/or in*

*proximity), while also considering the public's best interest by including a diversity of factual viewpoints and minimizing harm where possible.*¹⁷

These additions to the American Society of News Editors Code of Ethics stress the importance of curating information that is within the public's best interest. It incorporates an objective definition of newsworthiness as well as ethical elements including diversity and the minimization of harm.

9.4.2 Associated Press Statement of News Values and Principles

[New Section]: *Newsworthiness: In making determinations of newsworthiness and story selection, journalists must consider both the objective and evaluative elements. In addition to selecting a newsworthy subject (ex: prominent person, public figure) and topic (ex: timely, significant or impactful, in proximity), journalists should also remember their duties to serve the public. This can be achieved by reporting where possible on stories featuring diverse perspectives (based in truth and fact) and minimizing harm.*

The Associated Press Statement of News Values and Principles did not have an existing paragraph or sentences directly related to newsworthiness. This new paragraph provides criteria for story selection and serves as a reminder to journalists as to their ethical and professional duties to serve the public interest.

9.4.3 National Press Photographers Association

*“Code of Ethics 9. No Code of Ethics can prejudge every situation, thus common sense and good *independent news judgment are required in applying ethical principles” *of truth, diversity, accountability, and minimization of harm. Journalists should remain cognizant of their role of serving the public interest.*

¹⁷ Italics indicate the recommended addition to the professional codes of ethics

[Add to Preamble]. *In the determination of newsworthy subject matter, the photojournalist should take into consideration a combination of core news values such as prominence, significance or impact, proximity, and/or timeliness. The photojournalist should also attempt to serve all groups in society by including diverse perspectives (based in truth, accuracy, and fact) and experiences where possible.*

These additions to the National Press Photographers Association’s Code of Ethics remind photojournalists of their duty to serve the public. It also emphasizes ethical and professional values such as diversity (the representation of all groups, including minorities), minimization of harm, and maintaining independent news judgment. The additions also incorporate basic newsworthiness criteria, including prominence, significance, impact, and timeliness.

9.4.4 Radio Television Digital News Association

“Journalism’s obligation is to the public: Journalism places the public’s interests ahead of commercial, political and personal interests. Journalism empowers viewers, listeners and readers to make informed decisions for themselves.” **The public interest is properly served by covering newsworthy topics.*

“Truth and accuracy above all: For every story of significance, there are always more than two sides. While they may not all fit into every account, responsible reporting is clear about what is omits, as well as what it includes.” **To be most newsworthy and in the public interest, these stories of significance should incorporate multiple news values such as prominence, timeliness, impact, or proximity. The journalists should also be mindful of ethical issues such as the inclusion of diverse perspectives (based in truth, accuracy, and fact) and the minimization of harm.*

The suggested update to the Radio Television Digital News Association emphasizes the importance of newsworthiness in relation to serving the public interest. It also incorporates objective and ethical criteria of newsworthiness, such as significance, prominence, timeliness, impact, diversity, and the minimization of harm.

9.4.5 *Society of Professional Journalists Code of Ethics*

“PREAMBLE: Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of ~~justice~~ **social welfare and justice* and the foundation of democracy. Ethical journalism strives to ensure the free **and independent* exchange of information that is accurate, fair and thorough...”

“SEEK TRUTH AND REPORT IT. Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information. Journalists should” **vigorously pursue stories that benefit the public and are objectively newsworthy in nature, meaning they incorporate multiple news values such as prominence, significance or impact, timeliness, or proximity.*

The suggested updates emphasize journalist’s role within a democratic society and the importance of avoiding conflicting interests and maintaining independent news judgment. The updates also incorporate newsworthiness criteria including prominence, significance and impact, timeliness, and proximity.

9.5 How Findings Contribute to Existing Research

In addition to refining the criteria related to newsworthiness, the findings in this dissertation help supplement gaps in academic literature concerning the relationship between journalism, professional ethics, and communication law. Previously, media scholars have focused on traditional journalism news values, on ethical issues related to journalism, and on the

historical develop of communication law. Scholars have not, however, examined how newsworthiness operates within the relationship between journalism, ethics, and the law.

9.5.1 *Existing Research*

According to existing research, the determination of “newsworthiness” is not an exact science; it is based on news judgment, the evaluation of news values, and also whether the story would be appealing and easy to understand. The story selection process is also influenced by professional traditions, newsroom policies, the digital revolution (new media landscape, proximity, and interactivity), and the political economy (market forces, power relationships). When it comes to the legal system, newsworthiness is a concept which is often associated with privacy cases, as “newsworthiness” is a viable defense in invasion of privacy cases. Legal newsworthiness, like journalism newsworthiness, does not have a specific definition – it is based on legal tradition and precedents, including the protections provided under the First Amendment freedom of speech, and judicial determinations of public interest (what the public needs to know vs. what the public wants to know). One of journalism’s primary roles in a democratic society is to protect public interest by keeping communities informed and serving as a watchdog on corporations and government entities.

Journalism ethics bridges the gap between journalism and the law. Ethically, journalists are expected to adhere to chosen social values and legal privileges, such as protecting the public from the unlawful disclosure of private facts or preserving the public’s right to know and to have access to information. Professional codes of ethics guide journalists in the principles and practices of their field; journalists adhere to these codes because of their social contract with the public. A socially responsible press (as drawn from social responsibility of the press theory) is the notion that all journalists functioning in any/all democratic capacities are expected to serve

the public interest. Under this theory, journalists are expected to gather information with critical awareness and deliver ample supplies of meaningful public information that is both eye-catching and easy to understand. There exists a series of interdependent relationships between journalism, ethics, and the law – in how each industry describes its obligations to the public, to each other, and how these fields define and evaluate newsworthiness.

9.5.2 *How Dissertation Findings Contribute to Existing Literature*

This dissertation’s analysis of four interwoven viewpoints (journalism textbooks, journalism ethics textbooks, professional codes of ethics, and U.S. Supreme court cases) contributes to existing research concerning: 1) cultural and geographic proximity, 2) the role of a socially responsible journalist, 3) independent news judgment, and 4) newsworthiness criteria in selection and reporting.

First, concerning proximity, the existing research addresses how the current digital media environment (outside nation-state boundaries) is reshaping audience’s perceptions of stories that are so-called “close to home” (Wu, 2007). Because of new broadcast technology and capabilities, reporters are able to cover stories occurring across the globe, in real time (Beckett, 2008). As their coverage area expands, so does the audience’s scope of *geographic* proximity (Wu, 2007). In this dissertation I also looked at *cultural* proximity, which is a feeling of connection based on similar or familiar cultural values. The journalism textbooks discussed the importance of cultural proximity and consonance as a news value. Additionally, existing literature also discusses how cultural relationships (language, history of immigration, shared sense of nationality or ethics) can influence the flow of international news and information (Wu, 2007). Yet I noticed that the journalism ethics textbooks and professional codes of ethics suggested that journalists should explore *outside* their cultural foundations and beliefs and to include more diverse perspectives

(perspectives that are based in truth, accuracy, and fact). In terms of multiculturalism, the textbooks and codes also recommended that socially responsible journalists should incorporate minority viewpoints as part of their ethical reporting. Concerning the tension between geographic proximity and cultural proximity, it was my recommendation that as the news coverage area and audiences' notion of geographic proximity expands, so should their concept of cultural proximity expand – and to achieve this, journalists should incorporate diverse cultural perspectives and viewpoints.

Finally, the findings also add to current research related to responsible reporting and the importance of maintaining independent news judgment. Newsworthiness, as evaluated by journalism professionals, can often be influenced by newsroom policies, the political economy, and other factors: “newsworthiness is susceptible to trendy shifts in news values and often is adjusted when competition for markets is fierce” (Christians, 2010, p. 204). However, the journalism ethics textbooks and journalism professional codes of ethics stressed that socially responsible journalists need to prioritize public interest over other influencing factors such as commercial, political, and/or newsroom personnel pressures. The professional codes of ethics also emphasize that journalists should be cognizant of all conflicts of interest (ex: economic influence, concerns of advertisers and owners, etc.) and remain independent when selecting, gathering, and disseminating information of public interest.

The primary aim of this dissertation was to develop newsworthiness guidelines for a socially responsible press that incorporated the three fields of journalism, ethics, and the law. I was able to accomplish this goal, in the sense that I narrowed down the newsworthiness factors into categories of normative news values (news selection: prominent figure or event, timely, significant or impactful geographic or cultural proximity) and evaluative values (news reporting:

storytelling, diverse perspectives, truth, accuracy, minimizing harm), in light of ethical and socially responsible considerations.

A judge animated by a concern with invasion of privacy issues and the viability of the newsworthiness defense ought to take such values into account because of their comprehensive and ethically-informed nature, as well as the inherent values of abiding by such socially responsible newsworthiness criteria. The newsworthiness guidelines also contribute to the secondary aim of the dissertation, which was to help journalists and news organizations avoid litigation by identifying court's operative news values and potentially helping to develop newsworthiness-related laws. Similarly, the court system could also potentially incorporate these factors into a legal test of newsworthiness (similar to the test of actual malice, discussed in the literature review and U.S. Supreme Court case analysis chapter). The newsworthiness criteria may also prove valuable for journalism students learning about story selection, information that benefits the public, and socially responsible reporting, as the criteria help clarify ethical guidelines for newsworthiness.

9.6 Limitations and Future Research

This dissertation developed concise “newsworthiness” criteria based on data collected from U.S. journalism textbooks, journalism ethics textbooks, journalism professional codes of ethics, and U.S. Supreme Court cases. While the scope and number of resources were appropriate for this research project, the overall concept could be expanded to include sub-categories of journalism (business, sports, public relations) or could be broadened to include international newsworthiness. As this project attempted to find universalities in newsworthiness, and took public interest into consideration, additional research could also examine possible universalities in the identification, definition, and application of “public interest” standards. An

additional study could also examine whether public or noncommercial news media sources have more independence or motivation to follow the newsworthiness guidelines outlines here.

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APPENDICES

Appendix A: American Society of News Editors (ASNE) Statement of Principles

PREAMBLE

The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on news people a particular responsibility. Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation. To this end the American Society of News Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

ARTICLE I - *Responsibility*

The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Newsmen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust. The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

ARTICLE II - *Freedom of the Press*

Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private. Journalists must be constantly alert to see that the public's business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.

ARTICLE III - *Independence*

Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

ARTICLE IV - *Truth and Accuracy*

Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports. Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

ARTICLE V - *Impartiality*

To be impartial does not require the press to be unquestioning or to refrain from editorial expression. Sound practice, however, demands a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

ARTICLE VI - *Fair Play*

Journalists should respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports. Persons publicly accused should be given the earliest opportunity to respond. Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founders.

(From <http://asne.org/content.asp?pl=24&sl=171&contentid=171>, Accessed August 2017)

Appendix B: Associated Press Standards and Practices

ANONYMOUS SOURCES

Transparency is critical to our credibility with the public and our subscribers. Whenever possible, we pursue information on the record. When a newsmaker insists on background or off-the-record ground rules, we must adhere to a strict set of guidelines, enforced by AP news managers.

Under AP's rules, material from anonymous sources may be used only if:

1. The material is information and not opinion or speculation, and is vital to the news report.
2. The information is not available except under the conditions of anonymity imposed by the source.
3. The source is reliable, and in a position to have accurate information.

Reporters who intend to use material from anonymous sources must get approval from their news manager before sending the story to the desk. The manager is responsible for vetting the material and making sure it meets AP guidelines. The manager must know the identity of the source, and is obligated, like the reporter, to keep the source's identity confidential. Only after they are assured that the source material has been vetted should editors allow it to be transmitted.

Reporters should proceed with interviews on the assumption they are on the record. If the source wants to set conditions, these should be negotiated at the start of the interview. At the end of the interview, the reporter should try once again to move some or all of the information back on the record.

Before agreeing to use anonymous source material, the reporter should ask how the source knows the information is accurate, ensuring that the source has direct knowledge. Reporters may not agree to a source's request that AP not pursue additional comment or information.

The AP routinely seeks and requires more than one source. Stories should be held while attempts are made to reach additional sources for confirmation or elaboration. In rare cases, one source will be sufficient – when material comes from an authoritative figure who provides information so detailed that there is no question of its accuracy.

We must explain in the story why the source requested anonymity. And, when it's relevant, we must describe the source's motive for disclosing the information. If the story hinges on documents, as opposed to interviews, the reporter must describe how the documents were obtained, at least to the extent possible.

The story also must provide attribution that establishes the source's credibility; simply quoting "a source" is not allowed. We should be as descriptive as possible: "according to top White House aides" or "a senior official in the British Foreign Office." The description of a source must never be altered without consulting the reporter.

We must not say that a person declined comment when he or she is already quoted anonymously. And we should not attribute information to anonymous sources when it is obvious or well known. We should just state the information as fact.

Stories that use anonymous sources must carry a reporter's byline. If a reporter other than the bylined staffer contributes anonymous material to a story, that reporter should be given credit as a contributor to the story.

And all complaints and questions about the authenticity or veracity of anonymous material – from inside or outside the AP – must be promptly brought to the news manager's attention.

Not everyone understands “off the record” or “on background” to mean the same things. Before any interview in which any degree of anonymity is expected, there should be a discussion in which the ground rules are set explicitly.

These are the AP’s definitions:

On the record. The information can be used with no caveats, quoting the source by name.

Off the record. The information cannot be used for publication.

Background. The information can be published but only under conditions negotiated with the source. Generally, the sources do not want their names published but will agree to a description of their position. AP reporters should object vigorously when a source wants to brief a group of reporters on background and try to persuade the source to put the briefing on the record. These background briefings have become routine in many venues, especially with government officials.

Deep background. The information can be used but without attribution. The source does not want to be identified in any way, even on condition of anonymity.

In general, information obtained under any of these circumstances can be pursued with other sources to be placed on the record.

ANONYMOUS SOURCES IN MATERIAL FROM OTHER NEWS SOURCES:

Reports from other news organizations based on anonymous sources require the most careful scrutiny when we consider them for our report.

AP's basic rules for anonymous-source material apply to pickups as they do in our own reporting: The material must be factual and obtainable no other way. The story must be truly significant and newsworthy. Use of sourced material must be authorized by a manager. The story must be balanced, and comment must be sought.

Further, before picking up such a story we must make a bona fide effort to get it on the record, or, at a minimum, confirm it through our own sources. We shouldn't hesitate to hold the story if we have any doubts. If the source material is ultimately used, it must be attributed to the originating member and note their description of their sources.

AUDIO:

AP's audio actualities must always tell the truth. We do not alter or manipulate the content of a newsmaker actuality in any way. Voice reports by AP correspondents may be edited to remove pauses or stumbles.

With the permission of a manager, overly-long pauses by news subjects may be shortened.

The AP does permit the use of the subtle, standard audio processing methods of normalization of levels, general volume adjustments, equalization to make the sound clearer, noise reduction to reduce extraneous sounds such as telephone line noise, and fading in and out of the start and end of sound bites _ provided the use of these methods does not conceal, obscure, remove or otherwise alter the content, or any portion of the content, of the audio. When an employee has questions about the use of such methods or the AP's requirements and limitations on audio editing, he or she should contact the desk supervisor prior to the transmission of any audio.

BYLINES:

Bylines may be used only if the journalist was in the datelined location to gather the information reported. If a reporter in the field provides information to a staffer who writes the story, the reporter in the field gets the byline, unless the editor in charge determines that the byline should more properly go to the writer.

We give bylines to photographers, broadcast reporters and TV crew members who provide information without which there would be no story.

If multiple staffers report the story, the byline is the editor's judgment call. In general, the byline should go to the staffer who reported the key facts. Or, one staffer can take the byline for one cycle, and another for the following cycle.

A double byline or editor's note also can be used when more than one staffer makes a substantial contribution to the reporting or writing of a story. Credit lines recognize reporting contributions that are notable but don't call for a double byline.

If either of the staffers with a double byline was not in the datelined location, we should say who was where in a note at the story's end.

For roundups, the byline goes to the writer, with credit in an editor's note to the reporters who contributed substantial information.

Regarding credits for staffers who do voice or on-camera work: We do not use pseudonyms or "air names." Any exceptions – for instance, if a staffer has been known professionally by an air name for some time – must be approved by a manager.

CORRECTIONS/CORRECTIVES:

Staffers must notify supervisory editors as soon as possible of errors or potential errors, whether in their work or that of a colleague. Every effort should be made to contact the staffer and his or her supervisor before a correction is moved.

When we're wrong, we must say so as soon as possible. When we make a correction in the current cycle, we point out the error and its fix in the editor's note. A correction must always be labeled a correction in the editor's note. We do not use euphemisms such as "recasts," "fixes," "clarifies" or "changes" when correcting a factual error.

A corrective corrects a mistake from a previous cycle. The AP asks papers or broadcasters that used the erroneous information to use the corrective, too.

For corrections on live, online stories, we overwrite the previous version. We send separate corrective stories online as warranted.

For graphics, we clearly label a correction with a FIX logo or bug, and clearly identify the material that has been corrected.

For photos, we move a caption correction and retransmit the photo with a corrected caption, clearly labeled as a retransmission to correct an error.

For video, corrections in scripts and/or shotlists are sent to clients as an advisory and are labeled as such.

For live broadcasts, we correct errors in the same newscast if at all possible. If not, we make sure the corrected information is used in the next appropriate live segment. Audio correspondent reports that contain factual errors are eliminated and, when possible, replaced with corrected reports.

DATELINES:

A dateline tells the reader where we obtained the basic information for a story. In contrast, a byline tells the reader that a reporter was at the site of the dateline.

When a datelined story contains supplementary information obtained in another location – say, when an official in Washington comments on a disaster elsewhere – we should note it in the story.

The dateline for video or audio must be the location where the events depicted actually occurred. For voice work, the dateline must be the location from which the reporter is speaking; if that is not possible, the reporter should not use a dateline. If a reporter covers a story in one location but does a live report from a filing point in another location, the dateline is the filing point.

FABRICATIONS:

Nothing in our news report – words, photos, graphics, sound or video – may be fabricated. We don't use pseudonyms, composite characters or fictional names, ages, places or dates. We don't stage or re-enact events for the camera or microphone, and we don't use sound effects or substitute video or audio from one event to another. We do not “cheat” sound by adding audio to embellish or fabricate an event. A senior editor must be consulted prior to the introduction of any neutral sound (ambient sound that does not affect the editorial meaning but corrects a technical fault).

We do not ask people to pose for photos unless we are making a portrait and then we clearly state that in the caption. We explain in the caption the circumstances under which photographs are made. If someone is asked to pose for photographs by third parties and that is reflected in AP-produced images, we say so in the caption. Such wording would be: “XXX poses for photos.”

GRAPHICS:

We use only authoritative sources. We do not project, surmise or estimate in a graphic. We create work only from what we know.

We post or move a locator map only when we can confirm the location ourselves.

We create charts at visually proper perspectives to give an accurate representation of data. The information must be clear and concise. We do not skew or alter data to fit a visual need.

We credit our sources on every graphic, including graphics for which AP journalists have created the data set or database.

IMAGES:

AP pictures must always tell the truth. We do not alter or digitally manipulate the content of a photograph in any way.

The content of a photograph must not be altered in Photoshop or by any other means. No element should be digitally added to or subtracted from any photograph. The faces or identities of individuals must not be obscured by

Photoshop or any other editing tool. Only retouching or the use of the cloning tool to eliminate dust on camera sensors and scratches on scanned negatives or scanned prints are acceptable.

Minor adjustments in Photoshop are acceptable. These include cropping, dodging and burning, conversion into grayscale, and normal toning and color adjustments that should be limited to those minimally necessary for clear and accurate reproduction (analogous to the burning and dodging previously used in darkroom processing of images) and that restore the authentic nature of the photograph. Changes in density, contrast, color and saturation levels that substantially alter the original scene are not acceptable. Backgrounds should not be digitally blurred or eliminated by burning down or by aggressive toning. The removal of “red eye” from photographs is not permissible.

When an employee has questions about the use of such methods or the AP's requirements and limitations on photo editing, he or she should contact a senior photo editor prior to the transmission of any image.

On those occasions when we transmit images that have been provided and altered by a source – the faces obscured, for example – the caption must clearly explain it. Transmitting such images must be approved by a senior photo editor.

Except as described herein, we do not stage, pose or re-enact events. When we shoot video, environmental portraits, or photograph subjects in a studio care should be taken to avoid, misleading viewers to believe that the moment was spontaneously captured in the course of gathering the news. In the cases of portraits, fashion or home design illustrations, any intervention should be revealed in the caption and special instructions box so it can't be mistaken as an attempt to deceive.

For video, the AP permits the use of subtle, standard methods of improving technical quality, such as adjusting video and audio levels, color correcting due to white balance, eliminating buzzing, hums, clicks, pops, or overly long pauses or other technical faults, and equalization of audio to make the sound clearer _ provided the use of these methods does not conceal, obscure, remove or otherwise alter the content, or any portion of the content, of the image. The AP also allows digitally obscuring faces to protect a subject's identity under certain circumstances. Such video must not be distributed without approval of the Editor of the Day or senior manager. In addition, video for online use and for domestic broadcast stations can be fonted with titles and logos.

Graphics, including those for television, often involve combining various photographic elements, which necessarily means altering portions of each photograph. The background of a photograph, for example, may be removed to leave the headshot of the newsmaker. This may then be combined with a logo representing the person's company or industry, and the two elements may be layered over a neutral background.

Such compositions must not misrepresent the facts and must not result in an image that looks like a photograph – it must clearly be a graphic.

Similarly, when we alter photos to use as graphics online, we retain the integrity of the image, limiting the changes to cropping, masking and adding elements like logos. Videos for use online can be altered to add graphical information such as titles and logos, to tone the image and to improve audio quality. It is permissible to display photos online using techniques such as 360-degree panoramas or dissolves as long as they do not alter the original images.

OBSCENITIES, PROFANITIES, VULGARITIES:

We do not use obscenities, racial epithets or other offensive slurs in stories unless they are part of direct quotations and there is a compelling reason for them.

If a story cannot be told without reference to them, we must first try to find a way to give the reader a sense of what was said without using the specific word or phrase. If a profanity, obscenity or vulgarity is used, the story must be flagged at the top, advising editors to note the contents.

A photo containing something that could be deemed offensive must carry an editor's note flagging it.

When a piece of video or audio contains something that might be deemed offensive, we flag it in the written description (rundown, billboard and/or script) so clients know what they are getting.

Recognizing that standards differ around the world, we tailor our advisories and selection of video and audio according to customer needs.

We take great care not to refer readers to Web sites that are obscene, racist or otherwise offensive, and we must not directly link our stories to such sites.

In our online service, we link the least offensive image necessary to tell the story. For photo galleries and interactive presentations we alert readers to the nature of the material in the link and on the opening page of the gallery or interactive. If an obscene image is necessary to tell the story, we blur the portion of the image considered offensive after approval of the department manager, and flag the video.

PRIVACY:

We do not generally identify those who say they have been sexually assaulted or pre-teenage children who are accused of crimes or who are witnesses to them, except in unusual circumstances. Nor do we transmit photos or video that identify such persons. An exception would occur when an adult victim publicly identifies him/herself.

Senior editors/managers must be consulted about exceptions.

PROVIDING ATTRIBUTION:

We should give the full name of a source and as much information as needed to identify the source and explain why he or she is credible. Where appropriate, include a source's age; title; name of company, organization or government department; and hometown.

If we quote someone from a written document – a report, e-mail or news release -- we should say so. Information taken from the Internet must be vetted according to our standards of accuracy and attributed to the original source. File, library or archive photos, audio or videos must be identified as such.

For lengthy stories, attribution can be contained in an extended editor's note, usually at the end, detailing interviews, research and methodology. The goal is to provide a reader with enough information to have full confidence in the story's veracity.

QUOTATIONS:

The same care that is used to ensure that quotes are accurate should also be used to ensure that quotes are not taken out of context.

We do not alter quotations, even to correct grammatical errors or word usage. If a quotation is flawed because of grammar or lack of clarity, the writer must be able to paraphrase in a way that is completely true to the original quote. If a quote's meaning is too murky to be paraphrased accurately, it should not be used.

Ellipses should be used rarely.

When relevant, stories should provide information about the setting in which a quotation was obtained – for example, a press conference, phone interview or hallway conversation with the reporter. The source's affect and body language – perhaps a smile or deprecatory gesture – is sometimes as important as the quotation itself.

Use of regional dialects with nonstandard spellings should generally be limited to a writer's effort to convey a special tone or sense of place. In this case, as in any interview with a person not speaking his or her native language, it is especially important that their ideas be accurately conveyed. Always, we must be careful not to mock the people we quote.

Quotes from one language to another must be translated faithfully. If appropriate, we should note the language spoken.

The video or audio editing of quotations or soundbites must not alter the speaker's meaning. Internal editing of audio soundbites of newsmakers is not permitted. Shortened soundbites by cutaway or other video transition are permitted as long as the speaker's meaning is not altered or misconstrued. Sound edits on videotape are permitted under certain circumstances, such as a technical failure. They must be done only after approval by a senior editorial manager.

RESPONSES:

We must make significant efforts to reach anyone who may be portrayed in a negative way in our stories, and we must give them a reasonable amount of time to get back to us before we move the story. What is “reasonable” may depend on the urgency and competitiveness of the story. If we don't reach the parties involved, we must explain in the story what efforts were made to do so.

USE OF OTHERS' MATERIAL:

An AP staffer who reports and writes a story must use original content, language and phrasing. We do not plagiarize, meaning that we do not take the work of others and pass it off as our own.

But in some respects, AP staffers must deal with gray areas.

It is common for an AP staffer to include in his or her work passages from a previous AP story by another writer – generally background, or boilerplate. This is acceptable if the passages are short. Regardless, the reporter writing the story is responsible for the factual and contextual accuracy of the material.

Also, the AP often has the right to use material from its members and subscribers; we sometimes take the work of newspapers, broadcasters and other outlets, rewrite it and transmit it without credit.

There are rules, however. When the material is exclusive, controversial or sensitive, we always credit it. And we do not transmit the stories in their original form; we rewrite them, so that the approach, content, structure and length meet our requirements and reflect the broader audience we serve.

Similar rules apply when we use material from news releases. Under no circumstances can releases reach the wire in their original form; we can use information and quotes from releases, but we must check the material, augment it with information from other sources, and then write our own stories.

We apply the same judgment in picking up material from members or from news releases that we use when considering information we receive from other sources. We must satisfy ourselves, by our own reporting, that the material is credible. If it does not meet AP standards, we don't use it.

For video, if another broadcaster's material is required and distributed, the name of that broadcaster shall be advised on the accompanying shotlist.

Pickups of audio and of television graphics are credited in billboards/captions when the member requests it.

CONFLICTS OF INTEREST:

The AP respects and encourages the rights of its employees to participate actively in civic, charitable, religious, public, social or residential organizations.

However, AP employees must avoid behavior or activities - political, social or financial - that create a conflict of interest or compromise our ability to report the news fairly and accurately, uninfluenced by any person or action.

Nothing in this policy is intended to abridge any rights provided by the National Labor Relations Act.

Here is a sampler of AP practices on questions involving possible conflict of interest. It is not all-inclusive; if you are unsure whether an activity may constitute a conflict or the appearance of a conflict, consult your manager at the onset.

EXPRESSIONS OF OPINION:

Anyone who works for the AP must be mindful that opinions they express may damage the AP's reputation as an unbiased source of news. They must refrain from declaring their views on contentious public issues in any public forum, whether in Web logs, chat rooms, letters to the editor, petitions, bumper stickers or lapel buttons, and must not take part in demonstrations in support of causes or movements.

FAVORS:

Employees should not ask news sources or others they meet in a professional capacity to extend jobs or other benefits to anyone. They also should not offer jobs, internships or any benefits of being an AP employee to news sources.

FINANCIAL INTERESTS:

Associated Press employees who regularly write or edit business or financial news must always avoid any conflict of interest or the appearance of any conflict of interest in connection with the performance of these duties. For these reasons, these employees must abide by the following rules and guidelines when making personal investment and financial decisions.

These employees must not own stock, equities or have any personal financial investment or involvement with any company, enterprise or industry that they regularly cover for the AP. A technology writer, for example, must not own any technology equities; a retail industry writer must not own the stock of any department store or corporate enterprise that includes department stores. Staff members who are temporarily assigned to such coverage or editorial duties must immediately notify a manager of possible conflicts to determine whether the assignment is appropriate. If necessary, employees might be asked either to divest or to suspend any activity involving their holdings.

Editors and writers who regularly cover the financial markets may not own stock in any company. They may invest in equity index-related products and publicly available diversified mutual funds or commodity pools.

Financial news employees must also avoid investment activities that are speculative or driven by day-trading or short-term profit goals because such activities may create the impression that the employee is seeking to drive market factors or is acting upon information that is not available to the public.

Instead, the personal financial activities and investments of these employees must be based upon the longer term and retirement savings. For these reasons, an employee covered by this policy should not buy and sell the same financial product within 60 days, unless he/she gains the permission of the department manager and is able to demonstrate financial need that is unrelated to information discussed or gained in the course of his/her employment. This trading limitation does not apply to equity-index funds, broadly diversified and publicly available mutual funds and commodity pools.

All employees must comply with federal and local laws concerning securities and financial transactions, including statutes, regulations and guidelines prohibiting actions based upon "inside information." All employees are reminded that they may not act upon, or inform any other person of, information gained in the course of AP employment, unless and until that information becomes known to the general public.

Employees should avoid any conflict of interest or the appearance of a conflict of interest in the investments and business interests of their spouses or other members of their household with whom they share finances. They are expected to make every effort to assure that no spouse or other member of their household has investment or business interests that could pose such a conflict.

Employees should be aware that the investment activities and/or financial interests of their spouses or other individuals with whom they share financial interests may make it inappropriate

for them to accept certain assignments. Employees must consult with their managers before accepting any such assignment.

Employees who are asked to divest holdings will be given one year from the date of the request to do so, in order to give them the opportunity to avoid market fluctuations.

When this document requires the sale of stock holdings, an employee can satisfy this requirement by putting the shares into a blind trust (or into an equivalent financial arrangement) that meets the same goal: preventing an individual from knowing, at any given time, the specific holdings in the account and blocking an individual from controlling the timing of transactions in such holdings. If AP assigns a staff member to a new job where mandatory divestiture would impose a financial hardship even after the one-year grace period, AP will reimburse the staff member up to a maximum of \$500 for the reasonable costs of setting up a blind trust.)

FREELANCE WORK:

Individuals who seek to engage in non-AP work are subject to the following restrictions:

Freelance work must not represent a conflict of interest for either the employee or the AP.

Such activities may not interfere with the employees' job responsibilities, including availability for newsgathering.

Such activities may not exploit the name of The Associated Press or the employee's position with the AP without permission of the AP.

Inevitably, some employees will use material they accumulated in their AP work - notes, stories (either written or broadcast), images, videotape, graphics - for other-than-AP uses. The resulting product must be presented to

the AP for its approval prior to submission to any outside publisher, purchaser or broadcaster. And under no circumstances should the AP incur expenses for research material that is not used for AP purposes.

FREE TICKETS:

We do not accept free tickets to sports, entertainment or other events for anything other than coverage purposes. If we obtain tickets for a member or subscriber as a courtesy, they must be paid for, and the member should reimburse the AP.

GIFTS:

Associated Press offices and staffers are often sent or offered gifts or other items -- some of them substantial, some of them modest, some of them perishable -- by sources, public relations agencies, corporations and others.

Sometimes these are designed to encourage or influence AP news coverage or business, sometimes they are just "perks" for journalists covering a particular event. Whatever the intent,

we cannot accept such items; an exception is made for trinkets like caps or mugs that have nominal value, approximately \$25 or less. Otherwise, gifts should be politely refused and returned, or if that is impracticable, they should be given to charity.

Books, CDs, DVDs, and other items received for review may be kept for staffers' professional reference or donated to charities, but may not be sold for personal gain. In cases where restrictions forbid transfer to third parties, these items, usually CDs and DVDs should be recycled. Items of more than nominal value that are provided for testing, such as computer gear, must be returned.

AP and its employees may accept discounts from companies only if those discounts are standard and offered to other customers.

We do not accept unsolicited contest awards from any organization that has a partisan or financial interest in our coverage; nor do we enter such contests.

The aim in all dealings should be to underscore the AP's reputation for objectivity.

OFFICIAL SCORERS:

Employees may not serve as official scorers at sports events.

OUTSIDE APPEARANCES:

Employees frequently appear on radio and TV news programs as panelists asking questions of newsmakers; such appearances are encouraged.

However, there is potential for conflict if staffers are asked to give their opinions on issues or personalities of the day. Advance discussion and clearance from a staffer's supervisor are required.

Employees must inform a news manager before accepting honoraria and/or reimbursement of expenses for giving speeches or participating in seminars at colleges and universities or at other educational events if such appearance makes use of AP's name or the employee represents himself or herself as an AP employee. No fees should be accepted from governmental bodies; trade, lobbying or special interest groups; businesses, or labor groups; or any group that would pose a conflict of interest. All appearances must receive prior approval from a staffer's supervisor.

POLITICAL ACTIVITIES:

Editorial employees are expected to be scrupulous in avoiding any political activity, whether they cover politics regularly or not. They may not run for political office or accept political appointment; nor may they perform public relations work for politicians or their groups. Under no circumstances should they donate money to political organizations or political campaigns. They should use great discretion in joining or making contributions to other organizations that may take political stands.

Non-editorial employees must refrain from political activity unless they obtain approval from a manager.

When in doubt, staffers are encouraged to discuss any such concerns with their supervisors.

And a supervisor must be informed when a spouse -- or other members of an employee's household -- has any ongoing involvement in political causes, either professionally or personally.

TRIPS:

If a trip is organized, and we think the trip is newsworthy, we go and pay our way. If we have a chance to interview a newsmaker on a charter or private jet, we reimburse the news source for the reasonable rate of the costs incurred - for example, standard airfare. There may be exceptional circumstances, such as a military trip, where it is difficult to make other travel arrangements or calculate the costs. Consult a manager for exceptions.

(From <https://www.ap.org/about/our-story/news-values>, accessed August 2017).

Appendix C: National Press Photographers Association (NPPA) Code of Ethics

PREAMBLE

The National Press Photographers Association, a professional society that promotes the highest standards in visual journalism, acknowledges concern for every person's need both to be fully informed about public events and to be recognized as part of the world in which we live.

Visual journalists operate as trustees of the public. Our primary role is to report visually on the significant events and varied viewpoints in our common world. Our primary goal is the faithful and comprehensive depiction of the subject at hand. As visual journalists, we have the responsibility to document society and to preserve its history through images.

Photographic and video images can reveal great truths, expose wrongdoing and neglect, inspire hope and understanding and connect people around the globe through the language of visual understanding. Photographs can also cause great harm if they are callously intrusive or are manipulated.

This code is intended to promote the highest quality in all forms of visual journalism and to strengthen public confidence in the profession. It is also meant to serve as an educational tool both for those who practice and for those who appreciate photojournalism. To that end, The National Press Photographers Association sets forth the following.

CODE OF ETHICS

Visual journalists and those who manage visual news productions are accountable for upholding the following standards in their daily work:

1. Be accurate and comprehensive in the representation of subjects.
2. Resist being manipulated by staged photo opportunities.
3. Be complete and provide context when photographing or recording subjects. Avoid stereotyping individuals and groups. Recognize and work to avoid presenting one's own biases in the work.
4. Treat all subjects with respect and dignity. Give special consideration to vulnerable subjects and compassion to victims of crime or tragedy. Intrude on private moments of grief only when the public has an overriding and justifiable need to see.
5. While photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events.
6. Editing should maintain the integrity of the photographic images' content and context. Do not manipulate images or add or alter sound in any way that can mislead viewers or misrepresent subjects.
7. Do not pay sources or subjects or reward them materially for information or participation.
8. Do not accept gifts, favors, or compensation from those who might seek to influence coverage.
9. Do not intentionally sabotage the efforts of other journalists.

10. Do not engage in harassing behavior of colleagues, subordinates or subjects and maintain the highest standards of behavior in all professional interactions.

Ideally, visual journalists should:

1. Strive to ensure that the public's business is conducted in public. Defend the rights of access for all journalists.
2. Think proactively, as a student of psychology, sociology, politics and art to develop a unique vision and presentation. Work with a voracious appetite for current events and contemporary visual media.
3. Strive for total and unrestricted access to subjects, recommend alternatives to shallow or rushed opportunities, seek a diversity of viewpoints, and work to show unpopular or unnoticed points of view.
4. Avoid political, civic and business involvements or other employment that compromise or give the appearance of compromising one's own journalistic independence.
5. Strive to be unobtrusive and humble in dealing with subjects.
6. Respect the integrity of the photographic moment.
7. Strive by example and influence to maintain the spirit and high standards expressed in this code. When confronted with situations in which the proper action is not clear, seek the counsel of those who exhibit the highest standards of the profession. Visual journalists should continuously study their craft and the ethics that guide it.

(From <http://nppa.org/code-ethics>, accessed August 2017)

Appendix D: Radio Television Digital News Association (RTDNA) Code of Ethics

Guiding Principles:

Journalism's obligation is to the public. Journalism places the public's interests ahead of commercial, political and personal interests. Journalism empowers viewers, listeners and readers to make more informed decisions for themselves; it does not tell people what to believe or how to feel.

Ethical decision-making should occur at every step of the journalistic process, including story selection, news-gathering, production, presentation and delivery. Practitioners of ethical journalism seek diverse and even opposing opinions in order to reach better conclusions that can be clearly explained and effectively defended or, when appropriate, revisited and revised.

Ethical decision-making – like writing, photography, design or anchoring – requires skills that improve with study, diligence and practice.

The RTDNA Code of Ethics does not dictate what journalists should do in every ethical predicament; rather it offers resources to help journalists make better ethical decisions – on and off the job – for themselves and for the communities they serve.

Journalism is distinguished from other forms of content by these guiding principles:

- Truth and accuracy above all
 - The facts *should* get in the way of a good story. Journalism requires more than merely reporting remarks, claims or comments. Journalism verifies, provides relevant context, tells the rest of the story and acknowledges the absence of important additional information.
 - For every story of significance, there are always more than two sides. While they may not all fit into every account, responsible reporting is clear about what it omits, as well as what it includes.
 - Scarce resources, deadline pressure and relentless competition do not excuse cutting corners factually or oversimplifying complex issues.
 - “Trending,” “going viral” or “exploding on social media” may increase urgency, but these phenomena only heighten the need for strict standards of accuracy.
 - Facts change over time. Responsible reporting includes updating stories and amending archival versions to make them more accurate and to avoid misinforming those who, through search, stumble upon outdated material.
 - Deception in newsgathering, including surreptitious recording, conflicts with journalism's commitment to truth. Similarly, anonymity of sources deprives the audience of important, relevant information. Staging, dramatization and other alterations – even when labeled as such – can confuse or fool viewers, listeners and readers. These tactics are justified only when stories of great significance cannot be adequately told without distortion, and when any creative liberties taken are clearly explained.

- Journalism challenges assumptions, rejects stereotypes and illuminates – even where it cannot eliminate – ignorance.
- Ethical journalism resists false dichotomies – either/or, always/never, black/white thinking – and considers a range of alternatives between the extremes.
- Independence and transparency
 - Editorial independence may be a more ambitious goal today than ever before. Media companies, even if not-for-profit, have commercial, competitive and other interests – both internal and external -- from which the journalists they employ cannot be entirely shielded. Still, independence from influences that conflict with public interest remains an essential ideal of journalism. Transparency provides the public with the means to assess credibility and to determine who deserves trust.
 - Acknowledging sponsor-provided content, commercial concerns or political relationships is essential, but transparency alone is not adequate. It does not entitle journalists to lower their standards of fairness or truth.
 - Disclosure, while critical, does not justify the exclusion of perspectives and information that are important to the audience’s understanding of issues.
 - Journalism’s proud tradition of holding the powerful accountable provides no exception for powerful journalists or the powerful organizations that employ them. To profit from reporting on the activities of others while operating in secrecy is hypocrisy.
 - Effectively explaining editorial decisions and processes does not mean making excuses. Transparency requires reflection, reconsideration and honest openness to the possibility that an action, however well intended, was wrong.
 - Ethical journalism requires owning errors, correcting them promptly and giving corrections as much prominence as the error itself had.
 - Commercial endorsements are incompatible with journalism because they compromise credibility. In journalism, content is gathered, selected and produced in the best interests of viewers, listeners and readers – not in the interests of somebody who paid to have a product or position promoted and associated with a familiar face, voice or name.
 - Similarly, political activity and active advocacy can undercut the real or perceived independence of those who practice journalism. Journalists do not give up the rights of citizenship, but their public exercise of those rights can call into question their impartiality.
 - The acceptance of gifts or special treatment of any kind not available to the general public creates conflicts of interest and erodes independence. This does not include the access to events or areas traditionally granted to working journalists in order to facilitate their coverage. It does include “professional courtesy” admission, discounts and “freebies” provided to journalists by those who might someday be the subject of coverage. Such goods and services are often offered as enticements to report favorably on the giver or rewards for doing so; even where that is not the intent, it is the reasonable perception of a justifiably suspicious public.
 - Commercial and political activities, as well as the acceptance of gifts or special treatment, cause harm even when the journalists involved are “off duty” or “on their own time.”

- Attribution is essential. It adds important information that helps the audience evaluate content and it acknowledges those who contribute to coverage. Using someone else's work without attribution or permission is plagiarism.
- Accountability for consequences
 - Journalism accepts responsibility, articulates its reasons and opens its processes to public scrutiny.
 - Journalism provides enormous benefits to self-governing societies. In the process, it can create inconvenience, discomfort and even distress. Minimizing harm, particularly to vulnerable individuals, should be a consideration in every editorial and ethical decision.
 - Responsible reporting means considering the consequences of both the newsgathering – even if the information is never made public – and of the material's potential dissemination. Certain stakeholders deserve special consideration; these include children, victims, vulnerable adults and others inexperienced with American media.
 - Preserving privacy and protecting the right to a fair trial are not the primary mission of journalism; still, these critical concerns deserve consideration and to be balanced against the importance or urgency of reporting.
 - The right to broadcast, publish or otherwise share information does not mean it is always right to do so. However, journalism's obligation is to pursue truth and report, not withhold it. Shying away from difficult cases is not necessarily more ethical than taking on the challenge of reporting them. Leaving tough or sensitive stories to non-journalists can be a disservice to the public.

(From https://www.rtdna.org/content/rtdna_code_of_ethics, accessed August 2017)

Appendix E: Society of Professional Journalists (SPJ) Code of Ethics

Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. Ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough. An ethical journalist acts with integrity.

The Society declares these four principles as the foundation of ethical journalism and encourages their use in its practice by all people in all media.

Seek Truth and Report It

Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information.

Journalists should:

- Take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible.
- Remember that neither speed nor format excuses inaccuracy.
- Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing or summarizing a story.
- Gather, update and correct information throughout the life of a news story.
- Be cautious when making promises, but keep the promises they make.
- Identify sources clearly. The public is entitled to as much information as possible to judge the reliability and motivations of sources.
- Consider sources' motives before promising anonymity. Reserve anonymity for sources who may face danger, retribution or other harm, and have information that cannot be obtained elsewhere. Explain why anonymity was granted.
- Diligently seek subjects of news coverage to allow them to respond to criticism or allegations of wrongdoing.
- Avoid undercover or other surreptitious methods of gathering information unless traditional, open methods will not yield information vital to the public.
- Be vigilant and courageous about holding those with power accountable. Give voice to the voiceless.
- Support the open and civil exchange of views, even views they find repugnant.
- Recognize a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public's business is conducted in the open, and that public records are open to all.
- Provide access to source material when it is relevant and appropriate.
- Boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear.
- Avoid stereotyping. Journalists should examine the ways their values and experiences may shape their reporting.
- Label advocacy and commentary.

- Never deliberately distort facts or context, including visual information. Clearly label illustrations and re-enactments.
- Never plagiarize. Always attribute.

Minimize Harm

Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect.

Journalists should:

- Balance the public's need for information against potential harm or discomfort. Pursuit of the news is not a license for arrogance or undue intrusiveness.
- Show compassion for those who may be affected by news coverage. Use heightened sensitivity when dealing with juveniles, victims of sex crimes, and sources or subjects who are inexperienced or unable to give consent. Consider cultural differences in approach and treatment.
- Recognize that legal access to information differs from an ethical justification to publish or broadcast.
- Realize that private people have a greater right to control information about themselves than public figures and others who seek power, influence or attention. Weigh the consequences of publishing or broadcasting personal information.
- Avoid pandering to lurid curiosity, even if others do.
- Balance a suspect's right to a fair trial with the public's right to know. Consider the implications of identifying criminal suspects before they face legal charges.
- Consider the long-term implications of the extended reach and permanence of publication. Provide updated and more complete information as appropriate.

Act Independently

The highest and primary obligation of ethical journalism is to serve the public.

Journalists should:

- Avoid conflicts of interest, real or perceived. Disclose unavoidable conflicts.
- Refuse gifts, favors, fees, free travel and special treatment, and avoid political and other outside activities that may compromise integrity or impartiality, or may damage credibility.
- Be wary of sources offering information for favors or money; do not pay for access to news. Identify content provided by outside sources, whether paid or not.
- Deny favored treatment to advertisers, donors or any other special interests, and resist internal and external pressure to influence coverage.
- Distinguish news from advertising and shun hybrids that blur the lines between the two. Prominently label sponsored content.

Be Accountable and Transparent

Ethical journalism means taking responsibility for one's work and explaining one's decisions to the public.

Journalists should:

- Explain ethical choices and processes to audiences. Encourage a civil dialogue with the public about journalistic practices, coverage and news content.
- Respond quickly to questions about accuracy, clarity and fairness.
- Acknowledge mistakes and correct them promptly and prominently. Explain corrections and clarifications carefully and clearly.
- Expose unethical conduct in journalism, including within their organizations.
- Abide by the same high standards they expect of others.

(From <http://www.spj.org/ethicscode.asp>, accessed August 2017)