



1972

To Kill A Messenger: Television News and the Real World by William Small

Melvin M. Belli

Belli, Ashe, Ellison, Choulos and Lieff

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Belli, Melvin M. (1972) "To Kill A Messenger: Television News and the Real World by William Small," *Kentucky Law Journal*: Vol. 60 : Iss. 3 , Article 11.

Available at: <https://uknowledge.uky.edu/klj/vol60/iss3/11>

This Book Review is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@sv.uky.edu.

Book Reviews

TO KILL A MESSENGER: TELEVISION NEWS AND THE REAL WORLD. By William Small, News Director, Bureau Chief of CBS News, Washington.

Will the real William Blackstone please rise? Or, will the real (new or old) Richard Nixon please stand?

To the philosopher's conjuring and mental convolutions and gymnastics of "what's reality" has been added a new clinical dimension: Television. Is "it" what we see—certainly "it's" there before our eyes for our own judgment—or has "it" been so edited and slanted and cut that "it" (that which we see) isn't "it" at all, but a sinister image of what the man behind the desk behind the camera wants us to see? It goes without saying that the man in the "cutting room" of the moving picture industry can make or ruin a good picture. So it is with television. The raw footage may come in and may be as true and factual as life itself, but when some is cut out and an end added to a middle, then it's true that all the ingredients are there, but one would never recognize them as originally intended. And, what's more, we have the further complexity—how frequently does the real life actor, on viewing himself on television say, "I didn't mean that" or, "That's not what I intended to say."

Well, television is not only with us, but with TV cassettes it's getting as personal and close as Grandfather's watch snuggled next to our abdomen in our vest pocket. And "wide open" television, *i.e.*, "porno," is promised. With this can we expect complete viewer fare limited only by an appreciation, in his commercial sanguinity, of what the producer thinks the public wants. Or will there still be "controls," government attempts to "equalize," *i.e.*, "equal time," and such?

The atrocities of the Indo-China war are no worse than those in the civil war, what the Germans did to the Belgians or what the English did to the Irish, but they are instant atrocities, with the victim still in the hospital undergoing surgery in Saigon while we're viewing, thousands of miles away by satellite, the morning ambush. The flashing teeth, that look like a well polished piano keyboard of the candidates skiing in the morning in New Hampshire are shown to us at barbeque time on the patio during an evening in sunny Southern California.

But, *To Kill a Messenger*—television viewers in Chicago in 1959 were surprised to see a little Chicago carpenter by the name of Lar

Daly campaigning for the city's mayoralty in a red and white and blue Uncle Sam suit, a high hat, satin lapel jacket and stripped trousers. This man had filed for the mayoralty, his thirteenth attempt at public office. Most surprising about this individual though, was the fact that not only did he know what he wanted to do as far as public office was concerned, but he knew something about the law. The law referred to specifically, was Section 315 of the Communications Act of 1934. The text read, "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunity to all other such candidates for this office in the use of such broadcasting station." This meant any qualified candidate was legally entitled to equal air time. Already the potential ridiculous of this is apparent. Lar "American First" Daly watched television very carefully over the preceeding weeks and had calculated that every other candidate, including the incumbent Mayor, had appeared for an average of 66 minutes in either news broadcasts or political promotion programs, read as falling within Section 315. He convinced the FCC that this entitled him to his 66 minutes.

The moral of the illustration drawn in the book seems to be that the dilemma of television is trying to find a path between what one of America's first television anchormen, Edward R. Murrow, called "television's Timidity" and television's resultant reaction to being an objective and terrifyingly clinical commentator. The result of this latter capacity has caused abuse of television cameramen and newsmen in inflammatory situations where the actors felt that television could do more damage to their cause than can any other medium. (Mr. Nixon, knowing what candid TV did to him in the Kennedy election seems terrified of affronting TV and selects it as a medium of communication over all others. His self conscious gestures and saccharine smiles attest to the knowledgeable observer his still uneasiness with television.)

The saga of television developed by Small deals with the things that are seen on television in contemporary America every day. An illustration is the comment made recently by Dr. David Hubbard, a Texas psychologist, who said that he felt the exposure of skyjacking on the media was precipitating similar incidents due to what he called the "Skyjacking syndrome". This syndrome was the desire, unconscious or real, to emulate a previous incident. This he conceded was possibly accidental, but was definitely part of some embryonic idea introduced by television in its reporting method.

Television and the black riots; television and the black revolution; television and the violence in America; television and the war; television and antiwar; these are topics of the various chapters in this

book. They are dealt with topically, humorously and poignantly. But beneath all this is an undercurrent of sadness and frustration, a frustration expressed by the writer at the inability of television to please those critically predisposed factions amongst its viewers.

The development of television is so basically intertwined with the development of contemporary American society that it reflects society's bad habits in a tangible and reviewable and instant form. Because television is capable of pointing up such often embarrassing factors to society, the medium has become the message and is being criticized as such. In many respects this book is a companion volume to the works of Marshall McLuhan. In fact, it offers an antidote to McLuhanism. The main theme of the book is the development of television and the functions it plays as an informative and journalistic medium rather than a vehicle of entertainment or an opiate for the bored masses. The informative function is graphic and it is very palatable in its impact and effective in its influence. The right to manipulate the medium is the real controversy. This controversy, the author maintains, is perpetuated to a degree by the critics of the Medium and the lack of anyone, other than politicians, to lay down constructive ground rules for television, its editorial methods and journalistic techniques. But, the dilemma and consequent problems, as most of us realize, are not confined to television, but the whole society. The author concedes ethical behavior has been discussed and rules developed from such discussions, but these rules have been laid down at certain stages of television's development more as a matter of political expedience rather than plans with long term goals in mind. Illustrations are given of television's effect in Chicago at the Democratic Convention in 1968. The results of television mismanagement of the journalistic possibilities were extremely destructive.

Time magazine recently commented on the controversial documentary "The Selling of the Pentagon". That was TV in a special and the charge was that it was manipulated. There was an investigation and well could have the investigators read Small's book. Time capsulized the controversy:

... the real issue is the validity of his implicit charge—that seeing TV news does not always merit believing. So-called staging is neither automatically evil nor restricted to TV. Still photographers sometimes pose pictures for newspapers and magazines, and print journalism could not function without selection and editing of material. Television, by its nature, requires staging of a sort; initial interviews that amount to rehearsals, placing subjects for the best sound and lighting effects, interjecting a commentator's remarks in the flow of events filmed earlier. In this process there is

a fine line between innocence and deceit, and it would take a most unusual congressional investigation to make the boundary clear.

If one ever wished to make criticism of television but never really crystalized the thought, or precise words, here they are said in a factual and plausible manner from a speaker on the inside. To the average reader, *To Kill a Messenger* affords a contemporary kaleidoscope of television's development in this country with which the average American viewer can identify. Criticism is precise and objective, presenting to the reader a picture that provides answers to the many questions one has no doubt had about television journalism in this country.

*Melvin M. Belli**

THE INJURY INDUSTRY: AND THE REMEDY OF NO-FAULT INSURANCE. By Jeffrey O'Connell, Chicago, Illinois: University of Chicago Press, 1969. \$6.50.

Based on the significant lack of common understanding of the problems of humanity demonstrated in this book one might say college law professors have little practical judgment. Such sweeping statements would be as wrong as O'Connell's efforts to blame all lawyers for the few bad apples in the barrel. Space nor time will permit an analysis of the book on a chapter by chapter basis but it is fitting that we point out some of the many glaring rash and erroneous statements in the book. We can only hit the high spots.

He engages in outright fabrication when he cites as a rule that the lawyer settles the case to the lawyer's advantage and not to the client's. Any lawyer who settles a case without his client's approval is certainly in violation of his contract as well as the canons of ethics. Lawyers are simply not the criminals that this man would seek to make them. O'Connell should be in the arena and he would find out that actually the degree of honesty in the ranks of the trial bar are apparently much, much higher than in the ranks of the professors of the law schools. Members of the trial bar would never attempt to make such gross inaccurate statements to a jury, as are made in this

* Member of Los Angeles and San Francisco bars, Past President of American Trial Lawyers, and author of *Modern Trial Lawyer*. Mr. Belli is with the firm of Belli, Ashe, Ellison, Choulos and Lief.