

# In the Public Interest

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## From the Editors

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*In the Public Interest*

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## IN THE PUBLIC INTEREST

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*In the Public Interest* was originally conceived as a forum through which students and professionals could explore and discuss the meaning and destiny of public interest law. It was not intended to be a legal periodical but rather a magazine which would explore legal issues by examining their historical, economic, and social context. The editorial board remains committed to publishing a broad range of opinions, while at the same time continuing to maintain an editorial policy that places the lives, health, and integrity of people in the focus of legal practice.

Our chief source of articles for this issue is seminar manuscripts produced by law students; however, we welcome contributions from students, faculty, professionals, and other interested persons from diverse fields. Our staff size limits our ability to use a uniform citation style; footnotes are the responsibility of the individual author. Readers who desire further information regarding a particular article are encouraged to contact *In the Public Interest* at the address below.

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## FROM THE EDITORS

The national news reports of the devastating floods that hit southeastern Arizona on October 1-2, have scarcely mentioned that some of the towns in this area are the scene of a bitter struggle between Phelps Dodge Corp. and the 13 unions of its employees . . .

*The Militant*, October 21, 1983

Angry copper mine workers, in the seventh month of a strike against the Phelps Dodge Corporation, are engaged in . . . a desperate effort to win national attention for their confrontation with the country's second largest copper producer.

*The New York Times*, January 22, 1984

A story similar to the following has occupied the national media for the better part of two years. A coalition of unions attempts to negotiate on behalf of workers in three towns. Not only are the overtures rebuffed, but the workers are issued an ultimatum. A strike ensues. Government troops enter the striking areas and arrest several demonstrators. Strike leaders are arrested in their homes. Police question children about their parents' union activities and whereabouts and conclude by telling them that their parents will soon be arrested. Children's permanent school records are altered to indicate parents' involvement in the strike. Striking families are threatened with eviction and are refused medical care.

Though it bears a startling resemblance, this story is not about the embattled Polish Solidarity movement. This story is about a strike against Phelps Dodge, a copper mining company in Arizona. The union action, which began in July 1983, was centered in isolated company towns and received almost no national press coverage.

The strike is over now — technically. The unions were decertified by Phelps Dodge scabs a year and a half after the strike began, but a larger issue remains. In spite of the oppressive tactics, violence and intimidation, in spite of the compelling parallels to Solidarity, the Phelps Dodge strike did not make the news. The media, electronic and print, chose to highlight the bravery of the Solidarity movement as it fought for better working and living conditions in Poland; yet, the media all but ignored the same struggle in the United States. The Arizona unions were systematically denied access to public opinion, and the public was denied information about the strike.

Periodically, the media have fits of self-consciousness and take a "long, hard" look at themselves. The questions they ask usually revolve around the way stories are reported. Are there biases? Are timely reports unduly influencing national trends or elections? But these queries miss the point, for those stories were at least reported. More appropriately, the media should ask themselves what makes an event worthy of presentation to the public. Why do some stories make the twenty-two minute national news reports, while others do not? What are the criteria for a front-page story?

Access means choices, and the media makes them almost singlehandedly. Remember, this is not just about the tone or color of an article; that is step two. This is about what gets reported at all, what makes the news. James J. Kilpatrick, a conservative commentator, noted that he agrees with the more liberal CBS anchorman, Dan Rather, on story selection about nine times out of every ten; mainstream "conservative" and "liberal" newspapers report the same stories. Then they all compare their choices, pat themselves on the back and marvel at how neutral they are. As editors, we have made some different choices. Forewarned is forearmed.

— Mark D. Katz