

Ethics, Libel

Foundations of Journalism

Emerson College

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Ethics

- Absolutely central/essential to any journalist's practice.
- Failing to practice ethical journalism will hurt your credibility and can cost you your job.
- Some things are black and white. Other times there are grey areas.

Black & White

- Plagiarism
 - If you didn't write it, don't make it seem like you did.
- Stick to the facts.
- Don't make things up.
- Don't attack without solid proof.
- Don't distort quotes, information or images.
- Keep your word to your sources.
- Be fair.

Journalism Hall of Shame

I do NOT want to see your name here.

- Jayson Blair
- Janet Cooke
- Stephen Glass

Potential for Ethical Issues

- Freebies
- Checkbook Journalism
- Conflict of Interest
- Misrepresentation
- Private Lives
- Approval

Ethics

- Freebies

Freebies

- SWAG, free meals, free trips, gifts, etc.
 - In short, anything given to you by people you cover.
- Reporter should cover the check.
- Most outlets have a policy on how this should be handled.
 - Generally, anything under \$25 is acceptable.
 - When in doubt check with your editor.

Ethics

- Freebies
- Checkbook Journalism

Checkbook Journalism

- Paying people for stories.
- As a reporter, you should NEVER do this. The decision for this rest FAR above you.
- As a rule, news organizations should not pay people for stories.
 - News org. have found a way to “justify” this by purchasing photos/videos from subjects.

Ethics

- Freebies
- Checkbook Journalism
- Conflict of Interest

Conflict of Interest

Company/News Org.

- Advertisers (or any other outside person or entity) should not determine/influence coverage.
- If a conflict of interest is unavoidable, it **MUST** be disclosed to your audience.
 - Example: Disneyland saw profits rise for the first time in three years. (Disclosure: Disney is the parent company for ABC News.)

Conflict of Interest

Personal

- As a rule, you should not report on stories or events to which you are DIRECTLY tied/have personal relationships.
- Any potential conflicts of interest MUST be disclosed to your editor.
- If it is a personal conflict of interest, you should remove yourself from the story.
- Do not date people you are covering.

Ethics

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- Conflict of Interest
- Misrepresentation

Misrepresentation

- If you are reporting on a story, introduce yourself as a journalist.
 - Likewise, don't identify yourself as something/someone you are not.
- Make sure it is clear to your subjects that you are reporting on the story and what they say may be used in your final article.
- There *may* be times when not identifying yourself may be acceptable. This is NOT a decision you can make your own. Consult your editor.

Ethics

- Freebies
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- Conflict of Interest
- Misrepresentation
- Private Lives

Private Lives

- All individuals have the right to private lives.
 - This includes famous people and elected officials.
 - Although, parameters are slightly different for high-profile individuals.
- If something is not impacting/relevant to the individual's professional life, it likely is not news.
- Individuals' families are largely off limits. Children are always off limits.

Ethics

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Approval

- NEVER give sources approval of stories before they run. Same goes for quotes.
- This goes even if...
 - They say they've been burned before...
 - They say they won't speak to you otherwise.
- Reason: What happens if they want you to change something?
- Politely, but firmly decline.

Intrusion

- At least one party must be aware of recording.
 - Some states require two party consent.
- You cannot trespass on private property.
- Consent obtained through misrepresentation.

Corrections

- If you're wrong, admit it.
 - Issue a retraction.
 - Mistakes happen.
 - That said, if you're careless/sloppy, mistakes happen more often.
 - Avoid avoidable mistakes.
- Information lives forever on the Web -- and in your outlet's database/archive.
- Not correcting information can spread misinformation.

Libel

- Libel = Published defamation
- Slander = Spoken defamation
- However, anything defamatory “published” is considered libel.
 - Published can be in text or broadcast (audio, TV)

Libel

- Defamation = shunned or avoided, public hatred/contempt/ridicule, injured in occupation.
- People who (believe they) have been defamed can sue for libel.
 - Civil court
- Isn't libel if it's true.

Libel

- Thorough research/reporting, proper attribution is absolutely essential to protect against libel.
- Controversial stories will generally be run by lawyers.
- Inaccuracies, careless mistakes can be ground for libel.
 - Don't convict in the press.
 - Difference between questioned, arrested, charged, convicted.

Libel

- Printing a retraction does not protect you from a libel suit.
- Just because you quote someone saying something and attribute it, doesn't protect you from libel.
 - Must verify controversial/defamatory claims.
- Court reporting and statements by public officials in official proceedings are privileged.
 - You can report the quotes, even if what is said could be defamatory otherwise.

Courts

- Anything said in open court can be printed.
- Open:
 - Trials
 - Hearings
 - Arraignments
 - Appellate proceedings
- Closed:
 - Grand jury
 - Judges deliberations
 - Family court
 - Juvenile court
 - Exceptional circumstance

Courts

- Do not publish names of victims of sexual assault.
 - Depending on case, may not even publish names of family members.
- Do not publish names of children or juveniles
 - Exception: If juvenile is charged as an adult.
- Gag orders = Discussing case with outside parties is prohibited by judge.
 - Attempts to apply this to prohibiting media from covering case.
 - That part is ruled Unconstitutional.

Libel

- Right to exercise “fair comment and criticism.”
- Different standards to prove libel for private citizens and public/high-profile individuals.
 - Private citizens must show negligence.
 - Public figures must show:
 - They’ve been defamed.
 - The claims weren’t true
 - The journalist knew it wasn’t true or acted with “reckless disregard.”
 - This is often impossible.

Libel

- Only the person defamed can sue for libel.
- Must show the story caused damage.

Libel

- Five things a successful libel plaintiff must prove -- AP Stylebook
 1. A defamatory statement was made.
 2. Statement is matter of fact, not opinion.
 3. Statement is false.
 4. Statement is about plaintiff
 5. Statement was published with degree of fault.

Privacy

- Little privacy in news.
- Exceptions:
 - Intrusion: You can't break into people's homes or private property (also where they assume they have a right to privacy)
 - False light: You can't (falsely) portray their private life falsely
 - Can't publish embarrassing information on people whose actions are not considered newsworthy
 - Families of public individuals - specifically children.

Protecting Sources

- Reporters do not have special access to protect them from having to testify in court.
- Thirty-three states do have shield laws that allow reporters rights to protect their sources.
- Shield laws do not apply in federal court.
- Reporters have not only an ethical obligation, but a legal obligation to protect their sources.
 - Considered a verbal contract.

Protecting Sources

- You can go to jail for protecting your sources.
 - Held in contempt.
- News outlet will pay your legal bills.

Notes

- Some reporters keep notes forever. Others toss notes after each story.
 - Be consistent.
- Do not turn your notes over to anyone.