

**BERNSTEIN CRISIS MANAGEMENT, INC.**  
Crisis Management, Response, Prevention, Planning & Training

**FIGHT BACK USING THE JOURNALISTIC ETHICS CODE**

**A Crisis Management Editorial by Jonathan Bernstein**

*I hope we never live to see the day when a thing is as bad as some of our newspapers make it. (Will Rogers)*

*Editor: a person employed by a newspaper, whose business it is to separate the wheat from the chaff, and to see that the chaff is printed. (Abby Aronowitz)*

**INTRODUCTION**

In any profession, there are unethical people and unethical organizations. But while I may be too myopic to accurately analyze the ethical practices of my own profession, I can say that -- in the 31 years since I was last a reporter -- there appears to have been a steady deterioration of adherence to the principles taught in Journalism School, by mentors to young journalists, and by various journalism associations. I believe certain factors have exacerbated this decline in the past 5-10 years in particular, to include:

- ❖ Globalization of news demand via the Internet, driving the need to compete for news audiences 24/7.
- ❖ Fewer reporters (largely as a result of falling ad revenue), so they are spread thin in terms of copy length and ability to carefully research stories.
- ❖ The growing popularity of sensationalism in the United States in particular, to the point where even the most staid media outlets look to entertain as much as they do to inform.

Some backlash has started to occur within the journalistic community, sparking the formation of organizations such as [FactCheck.org](http://FactCheck.org), [PolitiFact.org](http://PolitiFact.org) and the [Center for Media and Democracy](http://Center for Media and Democracy). The [Ethical Journalism Initiative](http://Ethical Journalism Initiative) is attempting to "rekindle old values in media worldwide." A remarkable throwback to the days of true investigative reporting has appeared at [ProPublica.org](http://ProPublica.org). There is hope.

What I want to do here, however, is give anyone dealing with unethical journalists an invaluable tool that can be used, now, for mitigating damage -- [the Society of Professional Journalists' \(SPJ\) Code of Ethics](http://the Society of Professional Journalists' (SPJ) Code of Ethics). It was designed to prevent damage from occurring but, even after the fact, I believe it can and should be used for damage control.

## **HOW TO USE THE SPJ'S CODE OF ETHICS**

This is the Preamble to SPJ's Code of Ethics:

*Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.*

Can you imagine any mainstream journalist daring to say that he or she does **not** support those principles, even if not a member of the SPJ? Other than Jon Stewart of *The Daily Show*, of course, who's been quoted as saying that he and his team "travel in fake ethics." Ironically, Stewart has pulled the covers on innumerable journalistic faux pas and is perceived as one of the most credible on-air figures in America.

In 21<sup>st</sup> Century communications, of course, we have traditional media and non-traditional media (e.g., social media), the latter (unless associated with a traditional media outlet) *totally ungoverned* by any ethics code.

But, if you understand the Code, you can go back to a reporter, an editor, a news director or an editorial board, and say, "Hey, this practice of yours is a violation of the SPJ's Code of Ethics. We sure you don't mean to do that -- do you?" All non-journalists involved with news development -- sources, spokespersons, PR representatives -- must become assertive endorsers and users of the Code to which journalists allegedly subscribe.

***If we don't do that***, we're saying, "Go ahead, do me harm, I'll just whine about it." Or as Stewart might put it, "How far do you want me to bend over?" We're enabling the behavior we abhor.

The Code is divided into four main sections:

- ❖ **Seek Truth and Report It**
- ❖ **Minimize Harm**
- ❖ **Act Independently**
- ❖ **Be Accountable**

I am going to print every bullet point in the Code and, when applicable, follow it in with my italicized commentary, to include how it might apply to real-life ethical violations that I've witnessed or had reported to me (by multiple independent sources, of course!). And, in the interest of my own ethical disclosure, please note that I am writing this as an editorial, an opinion piece (see the Code on that subject).

Here, then, is the balance of the Society of Professional Journalists' Code of Ethics, with my comments. If you see no commentary, it's because I had nothing to add, but that doesn't preclude the possibility that each tenet of the Code might be useful in challenging media coverage.

### **Seek Truth and Report It**

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.

*Commentary: the guidance I was given by my first mentor in journalism, columnist Jack Anderson, was to use "multiple independent sources in a position to know" to test accuracy. That latter phrase can mean, literally, a source was a witness. But it can also mean the source is an expert (whose credentials have been verified, an easy thing for a reporter to mess up when in a hurry) or a document that in and of itself needs to be established as authentic (it's way too easy to forge documents with a computer!). Challenge journalists on this, ask them how they tested the accuracy of their information.*

- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.

*Commentary: The following are just a few examples of how this often isn't done:*

- *Calling the main switchboard of an organization after hours and making no further attempt (e.g., going to the organization's website) to identify a media contact (if you don't put your media contact on your website, then it's **your** problem.*
- *Contacting a source 30 minutes or less before deadline.*

- *Intentionally avoiding an organization's or individual's **known** PR contact and then claiming that the desired spokesperson was unavailable for comment.*

- Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.

*Commentary: A certain environmental organization, in years past, engaged in the infamous practice of quoting "John Jones, Ph.D." as if he were an expert on the relevant science. The media went right along with that charade until those being criticized did some research and found that "Dr. Jones'" degree was in History or some other completely unrelated-to-the-story field.*

- Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.

*Commentary: It's always risky to speak "off-the-record" or "not for attribution," but, if you do, I strongly recommend getting the agreement in writing (at least email). Or you may find yourself at the wrong end of a convenient misunderstanding about what you agreed.*

- Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.

*Commentary: You can really hoist a news organization on this petard. Headlines and news teases, in particular, are seldom written by the people who reported the story and are designed to draw your attention to the story, often at the damaging expense of one or more subjects of the article. I have seen articles that, when read in depth, seemed fairly innocuous, yet to read the headline you would believe that horrendous crimes have been committed – by you or your organization. Guess what the public remembers?*

- Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.

*Commentary: News organizations should have made some good faith effort to ensure that photographic material provided by outside sources has not been doctored or manipulated.*

- Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.

*Commentary: I believe this should apply to:*

- *Ambush interviews if used as the media's first approach.*
  - *Undercover consumer investigations conducted before the target organization has been directly approached for information.*
  - *Any type of sneaky journalism when the information being sought is not, in fact, "vital to the public."*
- Never plagiarize.
  - Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
  - Examine their own cultural values and avoid imposing those values on others.

*Commentary: This applies, for example, to the reality that many media organizations demonstrate a clear anti-business bias, i.e., if a business is being criticized, the default assumption is that the critic is right. That's a clear violation of the SPJ's Code. I don't think I've ever seen a consumer reporter, for example, write a piece that said, "Mrs. Smith told us that she'd been ripped off by The West Company, but our investigation determined that Mrs. Smith was lying. If you come to us with false information, consumers, we'll report on you instead!" There are other types of cultural value issues, of course, such as blatantly favoring one political party's viewpoints while claiming to be an impartial news organization.*

- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- Give voice to the voiceless; official and unofficial sources of information can be equally valid.

*Commentary: When it comes to complaints, consumers often have a louder voice – with the media – than businesses or other organizations. That’s a good thing for consumers who have been wronged, but a bad thing for organizations about whom some consumers are making false allegations. Real adherence to this principle should, I believe, mean that the “voiceless” get an equal voice, not a superior voice. Additionally, some sources of information, such as the Better Business Bureau, are portrayed as being a lot more official than they actually are and, as a result, many “average citizens” think the BBB is a governmental agency instead of a member-supported private organization with its own credibility issues.*

- Distinguish between advocacy and news reporting. Commentary and commentary should be labeled and not misrepresent fact or context.

*Commentary: This is another area in which many media outlets do a dismal job of disclosure and policing, particularly when it comes to columnists. For our edification, The Boston Globe, provides this description of the difference between a columnist and a news reporter:*

- *A reporter gathers facts and information on an event of public interest and then presents them in a readable style to inform the reader. The reporter is supposed to provide objective observation about events that editors deem newsworthy. Reporters are often assigned to "beats," or particular areas, such as business, politics, energy, or education.*
- *A columnist gives opinions, usually his or her own. A columnist is expected to gather accurate information, just as a reporter does, and then comment on that information. A columnist has more latitude and license than a reporter and is not constrained by the rule of impartiality that governs news writing. While they are subject to the editing and approval of one or more editors, columnists can write just about what they please, as long as it remains within the boundaries of good taste and public acceptability, as defined by the paper.*

*However, knowing full well that most readers aren’t aware of these definitions, many columnists present their opinions as if they were news. It is incumbent on both the columnist and the publisher to educate readers in a more transparent manner – with each column.*

- Distinguish news from advertising and shun hybrids that blur the lines between the two.

- Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

### **Minimize Harm**

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect. Journalists should:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.

*Commentary: If a media inquiry appears to be heading in a direction that will harm your reputation and/or bottom line, you certainly qualify as someone who "may be affected adversely by news coverage." And you may also be an "inexperienced source." Yet I can't recall a single time a reporter appeared to genuinely "show compassion" for my crisis-impacted clients when they were on the hot seat. Call them on it!*

- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.

*Commentary: So if your factory has just burned down, friends and co-workers killed or injured, and the TV crews want to get in the face of survivors, this tenet lets you say no and explain why.*

- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.

*Commentary: The next time a reporter starts getting arrogantly demanding on the phone, you have recourse.*

- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.

*Commentary: Please. Probably 90 percent of the media violates this one.*

- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.

*Commentary: Unfortunately, in the rush to “scoop” the competition, media outlets often strain the definition of “judicious”.*

- Balance a criminal suspect’s fair trial rights with the public’s right to be informed.

### **Act Independently**

Journalists should be free of obligation to any interest other than the public’s right to know.  
Journalists should:

- Avoid conflicts of interest, real or perceived.

*Commentary: For example, I’m aware of a columnist whose sister worked for an organization related to one subject of a story she was covering, but that relationship wasn’t disclosed until external pressure was brought to bear.*

- Remain free of associations and activities that may compromise integrity or damage credibility.

*Commentary: For example, wearing a political campaign button or any other form of political partisanship on the job.*

- Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.

*Commentary: I know of a government employee who also wrote for notoriously conservative publications and constantly used her media pulpit in favor of her boss, whom she knew was soon to campaign for state office.*

- Disclose unavoidable conflicts.

*Commentary: See the first bullet point in this section.*

- Be vigilant and courageous about holding those with power accountable.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.  
*Commentary: I think this principle is generally well-observed with regard to advertisers, but when the “special interest” is, for example, a major lobbying group whose viewpoints support the political leaning of a specific media outlet, I’m less confident that favored treatment won’t be given.*
- Be wary of sources offering information for favors or money; avoid bidding for news.

### **Be Accountable**

Journalists are accountable to their readers, listeners, viewers and each other.  
Journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- Encourage the public to voice grievances against the news media.

*Commentary: Have you seen any communication from your favorite media outlets inviting you to do this (except, perhaps, buried somewhere it’s not likely to be seen by most)?*

- Admit mistakes and correct them promptly.

*Commentary: To truly correct a mistake, the correction must have the same prominence as the mistake. If someone is damaged by mistaken information in a page 1 newspaper story, but the mistake is published on page 34, that is clearly not a true correction. It is merely technical compliance with this tenet and I’m sure is not what the SPJ had in mind.*

- Expose unethical practices of journalists and the news media.

*Commentary: Media worldwide are quick to report the story when a reporter at some prominent newspaper is caught falsifying information, but how often do any of them report on the unethical practices of their own staff? It’s up to us to push for this to happen more often.*

- Abide by the same high standards to which they hold others.

*Commentary: If a media outlet is getting preachy on a topic, it's worth looking to see if they're walking their talk on that subject and/or related topics. And this last bullet applies to you, if you intend to use the SPJ's Code of Ethics in the manner I suggest. Most professions have membership organizations that establish suggested or even mandatory ethics codes. Whether or not we are members of those organizations, it would behoove us to walk our talk as well before challenging others' ethics, else our glass houses shatter around us.*

### **WHAT TO DO WITH CODE VIOLATIONS**

The next time you perceive what you believe to be an ethical violation by a journalist reporting on you, your company or your client/customer, evaluate the violation in the context of the SPJ's Code. In many cases, you'll conclude that more than one tenet of the Code was violated. Then:

1. **Write it out.** Outline the journalist or media outlet's behavior, what Code sections were violated, and why you think the behavior was a violation of those sections.
2. **Appeal to the media outlet.** For this you need someone who understands media relations and how to approach different types of media. In some cases, an appeal directly to a reasonable reporter may do the trick, in other cases you may have to take the issue "to the top," such as an editorial board.
3. **Evaluate feedback.** After your media appeal, do you still think there were violations? Did the media agree to make things right in a satisfactory manner? If so, congratulations, that's a "win." If not, see step 4.
4. **Fight back in the court of public opinion.** The traditional media no longer have the monopoly on communication with broad audiences. The Internet provides each of us with many ways to become our own publisher. Press releases are inexpensive or even free to distribute, depending on the service used. How many media outlets would like to see a news headline, prominent blog headline or Tweet with the message "The (name of city) Times refuses to comply with journalistic ethics code"? I'm sure your own PR consultants, working closely with legal counsel to keep them on the safe side of defamation laws, can come up with many effective tactics. Hint: One such tactic is to put all allegations into a civil lawsuit, if there's any basis for filing one. Then you (and

other media outlets) can quote directly from the complaint and face little risk of defaming anyone.

### **IN CLOSING**

*“If you’re not part of the solution, you’re part of the problem.” (1960’s activist Stokely Carmichael, although his wife is reported to have written the speech)*

I have, on a small scale, begun to employ the SPJ’s Code of Ethics on behalf of my clients. I intend to start doing that a lot more, effective immediately. But it will take some critical mass of us doing the same thing to begin to have a long-term impact on the traditional media with which we interact. Remember that the goal of crisis management is to avoid damage when we can, and minimize it even when we can’t. We can and must start using this tool to achieve both of those goals.

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