
Inside Reporting

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Law & ethics

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Press rights

Rights fall into two main categories:

- Privileges and protections for journalistic activities.
- Access to government operations and records.

Congress shall make no religion, or prohibiting law respecting an establishment of the free exercise thereof; abridging the freedom of speech, or of the press...
The First Amendment to the U.S. Constitution

Press rights

Privilege and protection for sources and stories

- Fair report privilege
 - Allows journalists to report anything said in official government proceedings.
 - Must be accurate and fair.
- Opinion privilege
 - Protects written opinions from libel suits.
 - Distinction between facts and opinion.

Press rights

Privilege and protection...

- Fair comment and criticism
 - Allows journalists to criticize performers, politicians and other matters of public interest.
- Freedom from newsroom searches
- Shield laws

Press rights

A final question

- Are bloggers entitled to the same rights and protections as mainstream media reporters?

Press rights

Journalistic access

- Open courtrooms

The issues

- Does media coverage harm trial defendants?
- Do cameras turn courtrooms into circuses?
- Should press be banned from some trials?

The law

- U.S. Supreme Court ruled that criminal trials must remain open to the media except for “overriding interest.”

Press rights

Journalistic access

- Open meetings

The issues

- Should public officials be allowed to make decisions behind closed doors?
- At what point does government secrecy become a threat?

The law

- Varies by state.
- Generally, if the government board or commission receives revenue from taxes, subject to open meeting laws.

Press rights

Journalistic access

- Open records

The issues

- Should all government records be accessible to the public?
- Who decides what is off-limits?

The law

- 1966 Freedom of Information Act requires federal agencies to make most of their records available.
- Every state has own version of FOIA.

Press rights

Online resources

- The Reporters Committee for Freedom of the Press (www.rcfp.org)
 - "How to Use the Federal FOI Act"
 - "Tapping Officials' Secrets"
 - "Can We Tape?"
- Legal Defense Hotline ([1-800-336-4235](tel:1-800-336-4235))
- Student Press Law Center (www.splc.org)
 - "Open records Law Request Letter Generator"
 - SPLC Virtual Lawyer

Press wrongs

Reporter's Guide to Trouble

- **Stories that can get you jailed**

- Contempt of court
- Trespassing
- Sedition

- **Stories that can get you sued**

- Libel
- Invasion of privacy
- Breach of contract

Press wrongs

Reporter's Guide to Trouble

- **Stories that can get you fired**
 - Plagiarism
 - Fabrication
 - Lapses in ethics
- **Stories that can get you angry phone calls**
 - Bias
 - Bad taste
 - Blunders & bloopers

Understanding libel

Beginning reporter's guide to libel

- Who can sue for libel?

- Living people.
- Small groups.

- Who is it that gets sued?

- Usually, the publication.

What is libel?

- False statements and
- Defamatory and
- Published and
- Identifiable plaintiffs and
- Defendant must be at fault through negligence or malice.

Understanding libel

Beginning reporter's guide to libel

- How do I defend myself?
 - Truth
 - Consent
 - Privilege
- How can I avoid libel?
 - Verify material.
 - Allow people to defend themselves.
 - Remember, public officials often make "unofficial" claims.
 - If you make mistake, correct it.

Understanding libel

The Cherry Sisters vs. "Fair Comment and Criticism"

- Iowa supreme court – "Any performance to which the public is invited may be freely criticized."



- "Also, any editor may publish reasonable comments on that performance."

Understanding libel

A lexicon of libel

- **Actual malice** – knowing you are lying or disregarding the truth
- **Opinion** – ideas that don't claim to be factual
- **Slander** – defamation that is spoken
- **Public official** – someone who exercises power or influence in governmental affairs
- **Public figure** – person who has acquired fame or notoriety

Invasion of privacy

4 Most common ways to invade someone's privacy

- Intrusion
 - Trespass
 - Secret surveillance
 - Misrepresentation
- Public disclosure of private facts
 - Private
 - Intimate
 - Offensive

Invasion of privacy

4 Most common ways to invade someone's privacy

- False light
 - Anything that portrays someone in an inaccurate way
- Appropriation
 - Unauthorized use of someone's name, photo or words to endorse or sell a product or service.

Copyright law

A journalist's guide to copyright

- What is copyright?
- What happens if I plagiarize?
- Can I use excerpts from copyrighted material?
- What about using copyrighted photos and illustrations?
- I write for a small paper. Do big corporations really care if I use their material?

Taste and decency and censorship

5 Reasons your story might get spiked

- Vulgar language
- Offensive topics
- Conflict of interest
- Legal/ethical issues
- Reporting flaws

Taste and decency and censorship

Student press law: How much can a school administrator censor?

- Public colleges
 - Student editors are entitled to control the content.
- Public high schools
 - Some guidelines, but lots of gray area.

Taste and decency and censorship

Student press law: How much can a school administrator censor?

- Private colleges and high schools
 - Administrator can act like any other publisher in controlling what's printed.

The seven deadly sins

Ethical pitfalls

- Deception
 - Lying or misrepresenting yourself to obtain information.
- Conflict of interest
 - Accepting gifts or favors from sources or promoting social and political causes.

The seven deadly sins

Ethical pitfalls

- Bias
 - Slanting a story by manipulating facts to sway opinions.
- Fabrication
 - Manufacturing quotes or imaginary sources or writing anything you know to be untrue.

The seven deadly sins

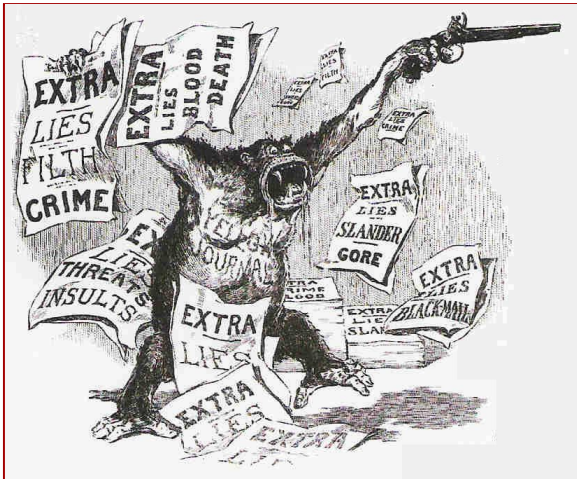
Ethical pitfalls

- Theft
 - Obtaining information unlawfully or without a source's permission.
- Burning a source
 - Deceiving or betraying the confidence of a source.
- Plagiarism
 - Passing off someone else's words or ideas as your own.

Journalistic ethics

Reporters, editors maintain high standard of professional behavior

- When you face an ethical dilemma:
 - What purpose does it serve to print this?
 - Who gains?
 - Who loses?
 - Is it worth it?
 - What best serves the readers?



Journalistic ethics

Code of ethics

- Seek truth and report it.
- Minimize harm.
- Act independently.
- Be accountable.

Do they love us?

- 62% of Americans say they don't trust the press.
- 59% think newspapers care more about profits than public interests.
- 58% don't think reporters care about inaccuracies.