

NOTES ON A SCANDAL

Several of you have asked my opinions about the on-going hearings into the National Labor Relations Board's charges that the *Santa Barbara News-Press* violated labor laws in dismissing eight newsroom workers who were trying to organize a union. My sympathies are well known: I support the employees because of their journalistic values and because I believe in their right to organize and bargain collectively.

Sympathies aside, an onlooker from Mars who attended these hearings would gain little insight into normal newsroom practices from the testimony of Scott Steepleton, the associate editor of the *News-Press*. That is mostly but not entirely Mr. Steepleton's fault. Paraphrasing what I said last week to *Ventura County Star* reporter Stephanie Hoops, and which she accurately reported, these hearings and Mr. Steepleton's testimony in particular have been largely devoid of context. There has been scant discussion of how news stories are assigned, reported, written, and edited or how they are vetted for the "bias" that newspaper management claims was the reason for dismissal of two reporters. The NLRB contends that these two reporters and six others were illegally dismissed for trying to organize a union. One would think that the context of customary journalistic procedure would be helpful in the adjudication of these charges, at least those involving the two reporters.

Take just two examples of what lack of context—and arguably a lack of sufficient cross-examination—means to analyzing the claim of bias. The first is Mr. Steepleton's astounding claim that reporters are supposed to be aware of the editorial stances taken by the newspapers that employ them. "That's one of those journalism 101 things," said Steepleton. More like Propaganda 101. In more than 40 years as a newspaper reporter, 26 of them at *The Washington Post*, I cannot recall a single instance where the editorial stance of the newspaper was mentioned during an assignment discussion. There is an obvious reason for this, to which any expert witness with elemental knowledge of common journalistic practices would testify. The reason is that one wants the reporter—whether he or she is covering a fire, a trial, a zoning hearing or the resignation of a president—to focus on the story NOT on the opinions of his or her employer. There are certain basic rules of fair play in journalism, and they are not mysterious. Find out what happened. Talk to both sides or every side, to the degree that this is possible. Check your facts or what you believe to be your facts. Write a balanced story that is accessible to readers (not to mention your editor).

Here's a hypothetical example. Suppose a reporter worked for a newspaper owner who liked turtles and disliked people. The reporter is sent to cover a story in which mistreatment of turtles is alleged. The last thing you want ringing in this reporter's head as he goes about investigating this claim is the owner's view that the turtles have been mistreated. Facts, as the press critic A. J. Liebling once said, are precious. Opinions are cheap.

Mr. Steepleton's claim—in addition to contradicting his testimony in another proceeding that he didn't read the editorials—undermines the entire premise of *News-Press* owner Wendy McCaw's contention that she sought to eliminate "bias" from the paper. Emphasizing the owner's opinion to a reporter who is covering to story is a means of introducing bias at the source. This is what would normally be taught in Journalism 101. I wish that the NLRB lawyers had called someone who pointed out these verities in court.

Take another example. Mr. Steepleton testified that Ms. McCaw reprimanded him for the supposed bias of a reporter in writing about foxes and eagles. Forgive my obtuseness, but I don't know if this was one story or two stories or a continuing series. I'm going with one story. Mr. Steepleton's testimony seems strange on its face—was the reporter prejudiced against foxes and eagles?—but it was in any case Mr. Steepleton's testimony. At this point one assumes Mr. Steepleton would have asked Ms. McCaw a simple question: In what way is the story biased? Mr. Steepleton testified that he did not do this.. Can this possibly be true? How would it be possible for Mr. Steepleton to correct or reprimand the reporter if he didn't know what the bias was?

As I listened to this incredible account, my mind flashed back to 1960 (okay, so I'm an old guy) when I was editor of the *Contra Costa Times*. The publisher was concerned about a story we had published involving a dubious mining claim. He thought we had not shown insufficient skepticism in our account and asked me to look into it. I did. The details are lost in the mists of time, but we did a follow-up story that backtracked on our first one. I told the reporter to me more careful in the future but informed the publisher that it was my fault for letting the original story get into the paper. It was. Editors are supposed to take responsibility for mishaps of that sort—and, yes, for bias. That's what Ben Bradlee and his editors at *The Washington Post* did. As I said to Ms. McCaw in a letter she declined to publish as part of her policy of keeping opposing views out of the *News-Press*, reporters usually had high morale at *The Post* because the publisher and the editors supported and valued them rather than undercutting and demeaning them. That would be a useful practice at the *News-Press*, but I digress. In any event, Mr.

Steepleton couldn't possibly have taken steps to eliminate the presumed bias against foxes and eagles because he didn't know what the nature of the bias. He couldn't have cared about it terribly, for, as he testified, he didn't bother to put a reprimand in the reporter's personnel file. The NLRB attorneys didn't make much of this on cross-examination, but they may have done enough. One suspects that Judge William Kocol, who comes across as smart and experienced, will be able to figure this one out for himself.

While I found most of Mr. Steepleton's testimony unbelievable, I rise to his defense on a matter for which he has been criticized in various media and blogs. These critics question whether it was possible for Mr. Steepleton to have been unaware of his wife's union activities at the paper. I have known couples—often when one spouse was in politics and the other in the media or when the spouses belonged to different political groups—where job discussion was off limits. In fact, it would have been prudent for the Steepletons NOT to have discussed the union or anti-union activities of either one of them. I don't know the Steepletons, and he strikes me as an editor who is truly out to lunch, but he deserves the benefit of the doubt on this point.

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When, green as grass, I covered my first trial 50 years ago, my city editor at the *Merced Sun-Star* warned me not to confuse the attorney with his client. It was good advice, which I appreciated many years later after coming to know Edward Bennett Williams. I don't think that Barry Capello is quite in that exalted league, but his performance at this hearing has struck me as exceptionally thorough and professional in every respect. My guess is that he's worth every penny of the presumably sky's-the-limit billings he's sending Ms. McCaw. On its merits this hearing would seem to be a slam dunk for the NLRB, but I wouldn't underestimate what a good lawyer can accomplish, even when there's no jury involved. Mr. Capello has also performed the useful service of saying, in court and outside of it, that Ms. McCaw will testify. He is presumably saying this because she wants to testify, but it would be hard to see how she could avoid it now even if she didn't. I'm obviously not a fan of Ms. McCaw, but I'm not going to prejudge her testimony or assume she'll make a fool of herself on the stand. Let's see how she does.

My other thought about this hearing concerns the news coverage. It's been first rate, especially since the reporters haven't had access to many of the memos and statements that the lawyers are passing back and forth among

themselves.. I've covered many trials and hearings and at a similar stage of my career my work couldn't have equaled the reports of Matt Kettmann in the *Independent*, Eric Lindberg in the *Santa Barbara Sound*, or Hoops in the *Ventura County Star*. If you read any of their reports and supplement it with Craig Smith's fine blog and Nick Walsh's commentary in the *Independent*, you will know what's going on. James Rainey of the *Los Angeles Times* also wrote a good story, but he's at the disadvantage of not being able to follow what's happening day to day and of being assigned to a wide range of other stories. I can't comment on the coverage of these hearings in the *News-Press*, as I canceled my subscription in protest to the newspaper's disgraceful treatment of Jerry Roberts.

Let me say a special word about Mr. Lindberg, a recent USC graduate whose reporting and writing have much improved the *Sound*. The obligatory disclosure required about possible conflicts requires me to say that I have taught journalism at USC and that Mr. Lindberg's mentor there is Bryce Nelson, a friend and distinguished professor who is the only person in my acquaintance who worked successfully at the three big battalions of journalism: *The New York Times*, *the Los Angeles Times*, and *The Washington Post*. It would have been nice to hear from Professor Nelson at this hearing as an expert witness. Unlike Mr. Steepleton, he knows what goes on in a real newsroom.

- Lou Cannon
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