

of decency and good taste are not abrogated. It is just as well, however, that this rule is not capable of explicit statement; papers ought to continue to differ as to what "social policy" prohibits and as to what complete frankness demands.

ADVERTISING AND CIRCULATION

Section VII, "Advertising and Circulation" (page 286), does not adopt the policy widely advertised by some Eastern publications of guaranteeing every statement made and every article offered in the advertising pages. Such a rule implies vast facilities for investigation. It does promise, however, that all matter will be barred which the publisher believes harmful or intended to deceive.

A recent questionnaire sent out by the School of Journalism revealed that a considerable number of Oregon publishers are already excluding from their advertising pages considerable classes of copy. Some accept no oil or mining promotion schemes except where production is already established; some, nothing speculative; some bar all

medicines to be taken internally; some exclude cigarettes and one or two, all forms of tobacco. Many stated that they took no advertising which they believed fraudulent or harmful—the rule since enacted into the code. These facts illustrate some of the difficulties that await the future author of a code which shall be explicit as to practices and which will not, like the Oregon Code, rest content with principles. There are mining and oil prospects which by reason of their location and management are good speculative investments; there are some internal remedies which—while they may work evil by postponing the needed visit to the doctor—are useful and harmless; and many think tobacco is one of the blessings bestowed upon man by a kindly Providence.

But conscience is alive in the newspaper profession; the writer knows many, many newspapers which sacrifice and have sacrificed profits to principle; and the establishment of a code is a step in the already active mobilization of the constructive ethical forces in journalism.

The Practice of the Kansas Code of Ethics for Newspapers

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THE "Code of Ethics for Newspapers" was adopted by the Kansas Editorial Association March 8, 1910, thus making it one of the earliest, if not the earliest code of its kind adopted by a state association. The Code was largely the individual work of the late W. E. Miller, a country editor living at St. Marys, Kansas. It represented years of thought and

much work on the part of Mr. Miller, whose interest continued until his death two years ago, and who followed closely the gradual advance made in newspaper standards.

An important contribution of the Kansas Code outside of the state has been the stimulating of other state associations and organizations to adopt codes which are beneficial, to say the

least. In this article, the Kansas Code, which is still presumably the standard for Kansas publications, will be considered by sections in relationship to its effect on Kansas newspapers after twelve years.

As an early code there are necessarily imperfections, and it is significant that in a number of cases present accepted standards have advanced beyond the standards outlined by Mr. Miller in 1910. Miss Ruth Armstrong, a graduate in the University of Kansas Department of Journalism, who is preparing her thesis on "The Ethical Responsibility of the Newspaper," states, however, that the Kansas Code is more comprehensive than many of the codes adopted by other state editorial associations since 1910. The writer is indebted to Miss Armstrong for much information on which comment regarding the Kansas Code is based.

As interesting as the Kansas Code, is the discussion and argument printed by Mr. Miller at the time of the Code's adoption. Mr. Miller saw in the efforts then being made in Congress to restrict postal rights of newspapers, an indication that newspapers were guilty of offenses against public interest. He outlined these offenses under three headings: (1) influencing reports to serve the interest of larger advertisers; (2) influencing reports to serve political ambitions; and (3) offenses against the sensibilities of more enlightened people while influencing the reports to sate the morbid appetite of those less enlightened.

Mr. Miller called attention to the presidential message of George Washington advocating the transmission of newspapers and periodicals through the mails free of postage. Washington held that such publications were public utilities "because they were calculated to preserve the liberty,

stimulate the industry, and meliorate the morals of an enlightened and free people."

"The sensational journalism and large advertising interests of today were unknown then," Mr. Miller said. "The former does not meliorate the morals of the people, and the latter does not tend to the preservation of their liberties." Mr. Miller urged that the postal restrictions were the natural result of newspaper policies that tended away from public interest. He advocated self-control of newspapers by the publishers themselves along the right lines to prevent governmental restrictions. The Code was offered as a standard of guidance.

"I do not anticipate that such a code would be practised to the letter," Mr. Miller explained. "In our case we have no power of enforcement and want none.

"We might have a state board of press discipline whose members are selected by this association, and who are empowered by statute to hear complaints and try offenders, but such a board is, like legal or postal interference, subject to very serious objections. We would better obtain the desired results by recommending that our state department of journalism imitate the example of that famous institution, Fordham University, which was the first law school in the land to offer a course in professional ethics, and urge that our University school take advantage of its fine facilities and offer a course in newspaper ethics."

Since that time, newspaper ethics has become a regular subject in the Department of Journalism of the University of Kansas in the course, "Newspaper Problems and Policies."

The Kansas Code is in two general divisions: first, for the publisher; second, for the editor. Under the heading, "For the Publisher," there

are four general headings to cover advertising, circulation, estimating (every small Kansas newspaper office has its job shop), and news (news under this heading being considered from the publisher's standpoint). The code for the editor is briefer and deals largely with the presentation of the views of the editor. The Code will be given in full with discussion of its effect and actual practice following each general division:

FOR THE PUBLISHER
IN ADVERTISING

Definition. Advertising is news, or views, of a business or professional enterprise which leads directly to its profits or increased business.

News of the industrial or commercial development of an institution which in no way has a specific bearing upon the merits of its products is not advertising.

Beside news which leads to a profit, advertising also includes communications and reports, cards of thanks, etc., over the space of which the editor has no control. Charges for the latter become more in the nature of a penalty to restrict their publication.

Responsibility. The authorship of an advertisement should be so plainly stated in the context or at the end that it could not avoid catching the attention of the reader before he has left the matter.

Unsigned advertisements in the news columns should either be preceded or followed by the word "advertisement" or its abbreviation.

We hold that the publisher in no degree be held responsible for the statement of fact or opinion found in an advertisement.

Freedom of Space. We hold the right of the publisher to become a broker in land, loan, rental and mercantile transactions through his want and advertising columns and condemn any movement of those following such lines to restrict this right of the publisher to the free sale of his space for the

purpose of bringing buyer and seller together.

This shall not be construed to warrant the publisher as such in handling the details, terms, etc., of the trade, but merely in safeguarding his freedom in selling his space to bring the buyer and seller together, leaving the bargaining to the principals.

Our advertising is to bring together the buyer and the seller, and we are not concerned whether it is paid for and ordered by the producer, the consumer or a middleman.

Acceding to any other desires on the part of traders is knocking the foundations out from under the advertising business—the freedom of space. We hold that the freedom of space (where the payment is not a question) should only be restricted by the moral decency of the advertising matter.

We hold that the freedom of space denies us the right to sign any contract with a firm which contains any restriction against the wording of the copy which we may receive from any other firm, even to the mentioning of the goods of the first firm by name.

Compensation. We condemn the signing of contracts carrying with them the publication of any amount of free reading matter.

We condemn the acceptance of any exchange articles, trade checks, or courtesies in payment for advertising, holding that all advertising should be paid for in cash.

We condemn the giving of secret rebates upon the established advertising rate as published.

Rates. All advertising rates should be on a unit per thousand basis and all advertisers are entitled to a full knowledge of the circulation, not only of the quantity but also of the distribution. Statements of circulation should show the number of bona fide subscribers, the number of exchanges, the number of complimentaries, and the number sold to newsdealers, and if possible the locality of distribution, in a general way.

Position. Position contracts should

be charged a fixed percentage above the established rate of the paper, and no contracts should be signed wherein a failure to give the position required results in a greater reduction from the established rate than the position premium is greater than the established rate.

Comparison. We consider it beneath the dignity of a publisher to place in his columns statements which make invidious comparisons between the amount of advertising carried or the circulation of his paper and that of his competitor.

Press Agents and Unpaid Advertising. The specific trade name of an article of commerce, or the name of a merchant, manufacturer or professional man WITH REFERENCE to his wares, products, or labors should not be mentioned in a pure news story.

We condemn as against *moral decency* the publication of any advertisement which will OBVIOUSLY lead to any form of retrogression, such as private medical personals, indecent massage parlor advertisements, private matrimonial advertisements, physician's or hospital's advertisement for the care of private diseases, which carry in them any descriptive or suggestive matter of the same.

Under the "responsibility for advertisements," the Code discusses two important phases: First, there is the matter of unsigned advertisements. The Code declares unqualifiedly that any matter for which payment is made, shall be clearly marked as such.

It is notable that there is no limitation as to distinction in typography for advertisements from news. Mr. Miller in his printed article says: "I have no objection to practically any method's being used by the advertiser to induce the reader to read his advertisement, provided the reader learns before he is through that it is an advertisement." Many Kansas editors believe that there is distinct room for argument on this point. Also, it must be admitted

that newspapers in some instances are careless in meeting the present legal requirements that advertisements be plainly marked or distinguished from unpaid matter. On the other hand, this carelessness is becoming less noticeable and there can be no doubt of the attitude of disapproval of the practice of former years of carrying "paid readers" as news matter.

The second phase of responsibilities considered by the Code exonerates the publisher from any degree of responsibility for statements in the advertisements. Since 1910 such publications as *Good Housekeeping*, the *New York Tribune* and others have assumed responsibility for statements in their advertisements, and it has been stated by representatives of these publications that the practice of assuming such responsibility has been good business from a practical standpoint. The natural conclusion is that a distinct step may be taken in advance of the Kansas Code in regard to responsibility. In Kansas, no newspapers, as far as the writer knows, so obligate themselves.

The plank concerning "freedom of space" has more to do with the problems coming before a small-town editor. It is noted that the only limitation which the Code assumes as to freedom of space is that of moral decency in the advertising matter.

"In the case of many questionable speculative propositions there may be objection to this interpretation of the freedom of space," Mr. Miller states. "Upon these I hold that the freedom of space demands that we take the money, print the advertisement, but see that the copy is so worded that the responsibility rests entirely with the promoter. We do not run speculative assurity associations to protect people from their misjudgments," he concludes.

This statement is open to vigorous attack. It is notable that very few Kansas newspapers publish advertisements for wild-cat oil companies, mining concerns, and the like. Recently a Kansas City newspaper of the lurid type has devoted a section to speculative advertisements of doubtful nature, but the disapproval of a number of Kansas editors of such advertisements has been stated publicly. Kansas was the pioneer in "blue sky" legislation. The State Board passes on the right of promoters to sell stock in the state and the recommendations of this board afford guidance for newspapers in acceptance and rejection of advertisements of speculative nature.

A "touchy" case in regard to compensation for advertising is taken up in condemnation of the giving of secret rebates. In the past decade the small-town newspaper has made great advancement in more businesslike conduct of its business. No longer is the editor who is willing to accept potatoes for subscriptions considered in good standing by his associates. Another effect of the more businesslike methods has been the standardization of rates. The giving of secret rebates (which newspapers condemn so vigorously on the part of railroads) has been lessened. The writer has personal knowledge that this practice is continued to a limited extent by some reputable newspapers, especially where competition is severe and publishers are anxious to make a showing in advertisements.

The condemning of advertisements of doubtful decency is natural, and it is in this phase of advertising that probably the greatest advance has been made since the publishing of the Kansas Code. The so-called aristocracy of Kansas newspaper men, which makes up the most of the

Kansas State Editorial Association, has contempt for the newspapers that publish doubtful advertisements and it must be admitted that an important reason for advancement in this line has been legal restriction.

FOR THE PUBLISHER

IN CIRCULATION

Definition. Circulation is the entire list of first-hand readers of a publication and comprises the paid readers, complimentary readers, exchange readers, and advertising readers.

Compensation. Subscriptions should be solicited and received only on a basis of cash consideration, the paper and its payment being the only elements to the transaction.

Newsdealers. The purchase of a quantity of papers should be made outright, allowing for no return of unsold copies.

Gambling. We condemn the practice of securing subscriptions through the sale or gift of chances.

Complimentaries. Complimentary copies should not be sent to doctors, lawyers, ministers, postal clerks, police or court officials for news or mailing privileges.

Since the publication of the Kansas Code, the federal government has been putting into effect restrictions against unlimited complimentaries and delayed payments of subscriptions. The same advance in business methods that has taken place in newspapers of recent years, has cut down the complimentary copy evil, also, and limited investigation by the writer has failed to reveal any newspapers that had officials on its free list in return for special privileges. An exception to this statement must be made in regard to postal clerks.

There is a special importance attached to the statement in the Code that subscriptions should be solicited and received only for cash and that the

payments for the paper be the only element of the transaction. There are a few Kansas newspapers which still give premiums for payment of subscription. This practice has decreased materially, however, and the old-fashioned newspaper subscription contest is also a rarity in Kansas.

FOR THE PUBLISHER
IN ESTIMATING

Definition. Estimating is the science of computing costs. Its conclusion is the price.

Basis. We do not favor the establishment of a minimum rate card for advertising which would be uniform among publishers, but we do favor a more thorough understanding of the subject of costs and commend to our members the labors of the American Printers Cost Commission of the First International Cost Congress recently held in Chicago. Let us learn our costs and then each establish a rate card based upon our investment and the cost of production, having no consideration for the comparative ability of the advertisers to pay, or the semi-news nature of the advertisement.

Quantity Discount. We consider it unwise to allow discounts greater than 10 per cent from the rate of first insertion for succeeding insertions.

The material advance in the business methods of computing possible costs has been the result of self-interest on the part of publishers; the Code, here, is merely a statement in favor of methods which will allow a fair profit.

FOR THE PUBLISHER
NEWS

Definition. News is the impartial report of the activities of mind, men and matter which do not offend the moral sensibilities of the more enlightened people.

Lies. We condemn against truth:

(1) The publication of fake illustrations of men and events of news

interest, however marked their similarity, without an accompanying statement that they are not real pictures of the event or person but only suggestive imitations.

(2) The publication of fake interviews made up of assumed views of an individual, without his consent.

(3) The publication of interviews in quotations unless the exact approved language of the interviewed is used. When an interview is not an exact quotation it should be obvious in the reading that *only* the thought and impression of the interviewer is being reported.

(4) The issuance of fake news dispatches, whether the same have for their purpose the influencing of stock quotations, elections, or the sale of securities or merchandise. Some of the greatest advertising in the world has been stolen through the news columns in the form of dispatches from unscrupulous press agents. Millions have been made on the rise and fall of stock quotations caused by newspaper lies, sent out by designing reporters.

Injustice. We condemn against justice:

(1) The practice of reporters making detectives and spies of themselves in their endeavors to investigate the guilt or innocence of those under suspicion.

Reporters should not enter the domain of law in the apprehension of criminals. They should not become a detective or sweating agency for the purpose of furnishing excitement to the readers.

No suspect should have his hope of a just liberty foiled through the great prejudice which the public has formed against him because of the press verdict slyly couched in the news report, even before his arrest.

We should not even by insinuation interpret of facts our conclusions, unless by signature we become personally responsible for them. Exposition, explanation, and interpretation should be left to the field of the expert or specialist with a full con-

sciousness of his personal responsibility.

(2) The publication of the rumors and common gossips or the assumptions of a reporter relative to a suspect pending his arrest or the final culmination of his trial. A staff of reporters is not a detective agency, and the right of a suspect to a fair and impartial trial is often confounded by a reporter's practise of printing every ill-founded rumor of which he gets wind.

Indecencies. Classification: for the sake of clearness and order, crimes with which we will be concerned may be divided into those which offend against the PUBLIC TRUST (such as bribery, defalcation, or embezzlement by a public official); those which offend against PRIVATE INSTITUTIONS OR EMPLOYERS (which are also often defalcations and betrayals of confidence); and crimes which offend against PRIVATE MORALITY most often centering around the family relation.

(1) In dealing with the suspicions against PUBLIC OFFICIALS or trustees we urge that ONLY FACTS put in their TRUE RELATION and records be used in the news reports.

(2) In dealing with the suspicions against agents of private institutions facts alone put in their true relation should again be used.

(3) In dealing with the offenses against private morality we should refuse to print any record of the matter, however true, until the warrant has been filed or the arrest made, and even then our report should contain only an epitome of the charges by the plaintiff and the answers by the defendant, preferably secured from their respective attorneys.

No society gossips or scandals, however true, should ever be published concerning such cases.

However prominent the principles, offenses against private morality should never receive *first page position* and their details should be eliminated as much as possible.

Certain crimes against private morality which are revolting to our finer sensibilities should be ignored

entirely; however in the event of their having become public with harmful exaggeration we may make an elementary statement, couched in the least suggestive language.

In no case should the reckless daring of the suspect be lionized.

(4) Except when the suspect has escaped his picture should never be printed.

Naturally the news element has the greatest public interest.

In regard to the condemning of untruthful statements, there has been an advance since the adoption of the Code. There is now practically no use of fake illustrations and fake interviews. However, interviews are still published in Kansas, just as in other states, which violate the requirement in the Code that only exact quotations be used in quotation marks.

In the matter of injustice in the handling of news, the Code has a comprehensive statement. I believe that the small-town newspapers have less of a tendency toward injustice in forming public opinion regarding a criminal than a large city newspaper. I believe it fair to state that the effect of the Code has been to call attention of editors to their responsibility in the matter of justice in a way that has brought favorable results. The condemning of the practice of reporters' making themselves detectives in connection with criminal cases, is sweeping. There are reporters who will justify themselves in limited activities in aiding the police in crime detection. The Code discusses the matter from the publisher's viewpoint, which calls attention to an interesting comment made by Governor Allen of Kansas, who is proprietor of the *Wichita Beacon*. In a recent letter to Miss Armstrong, he states:

It always remains a problem to secure from one hundred individuals united in

the preparation of a newspaper, the sort of reaction that makes the paper an expression of all you would have it be.

The human element in a newspaper frequently prevents the living-up to the Code, even though the publisher so wishes.

There are members of the family of reputable newspapers which do not meet all of the requirements of the Code regarding so-called indecency. In the publication of uncertain crime material it is doubtful whether much progress has been made since the Kansas Code was written. In the opinion of the writer the rather upset conditions following the War have probably lowered standards of newspapers. Two specific suggestions of the Kansas Code are interesting: One is that the picture of a suspect should not be published except to aid in apprehension; the other, that doubtful crime material be kept off "page one position" when published.

FOR THE EDITOR

VIEWS

Definition. Views are the impressions, beliefs, or opinions which are published in a paper, whether from the editorial staffs of the same, outside contributors, or secured interviews.

A Distinction. We hold that whenever a publication confines the bulk of its views to any particular line of thought, class of views, or side of a mooted question, it becomes to that extent a class publication, and inasmuch ceases to be a newspaper.

An Explanation. You will note by our definition of news that it is the impartial portrayal of the decent activities of mind, men and matter. This definition applied to class publications would be changed by replacing the word IMPARTIAL with the word PARTIAL.

In this section we will deal with IMPARTIALITY in the presentation of the

decent activities of the mind of the community—with the views or editorial policy of a paper.

Responsibility. Whereas a view or conclusion is the product of some mind, or minds, and whereas the value and significance of a view is dependent upon the known merit of its author or authors, the reader is entitled, and has the right to know the personal identity of the author, whether by the signature in a communication, the statement of the reporter in an interview, or the caption in a special article and *the paper as such* should in no wise become an advocate.

Influence (editorial). We should avoid permitting large institutions or persons to own stock in, or make loans to our publishing houses if we have reasonable grounds to believe that their interests would be seriously affected by any other than a true presentation of all news and a free willingness to present every possible point of view under signature or interview.

Influence (reportorial). No reporter should be retained who accepts any courtesies, unusual favors, opportunities for self-gain, or side employment from any factors whose interests would be affected by the manner in which his reports are made.

Deception. We should not allow the PRESUMED knowledge on the part of the interviewed that we are newspaper men to permit us to quote them without their explicit permission, but where such knowledge is certain we insist upon our right to print the views unless directly forbidden.

Faith with Interviewed. An interview or statement should not be displayed previous to its publication without the permission of the author.

Bounds of Publicity. A man's name and portrait are his private property and the point where they cease to be private and become public should be defined for our association.

The Kansas Code takes up a vital problem for every editor. As a general

rule the Kansas editor has made favorable progress along the lines outlined by the Code. The whole matter of editorial views simmers down to the personal responsibility of the editor in charge to be the spokesman of public interest. The requirement of the Code that editors keep free from financial influence is logical. Especially is this true of a few of the Kansas newspaper publishers and editors, as Mr. Miller was undoubtedly aware. Scores of Kansas newspapers have been financed by banks, sometimes to the embarrassment of the editors, and some cities have been fortunate enough to see two newspapers as spokesmen for two opposing bank factions. It is the natural desire of every editor to become free from such influence and this freedom is gradually being achieved. Likewise, the better class of bankers are realizing more and more that their financial interest in the newspaper does not carry with it the right of editorial influence unless the banker himself is the editor.

The statement of the Code that a man's name and portrait are his private property must meet limitations from the newspaper man's standpoint. The Kansas State Editorial Association has not taken upon itself to define the point at which the rights of the private individual to prevent publication of facts concerning him, extends. Every individual has the right of the protection of the law of libel against injustice by a newspaper, but it is a commentary either on the high standard of Kansas newspapers or the inadequacy of the law that libel suits are very rarely successful.

Individual planks of the Code from the standpoint of the editor are undoubtedly violated; for example, reporters, to the personal knowledge of the writer, are not immune from

special courtesies given by interested persons with selfish interests. Part of this is the fault of the publisher who winks at such practices or pays a low wage.

It is difficult to judge the influence of the Kansas Code of Ethics except in a very general way. It has had its influence in the profession; it has turned the thoughts of its practitioners in the direction of the ethics to be adopted in the conducting of their business. On the other hand, the Code, as a code, is not studied with any frequency by individual editors and publishers. Miss Armstrong, in conducting her investigation, received letters from scores of editors over the country in answer to her queries. Six of the most prominent leaders in the Kansas editorial profession discussed the ethical phase of their business without mentioning specifically the code which their editorial association had adopted. However, the answers stating the individual opinions of the editors, lived up to, in every respect, the requirements specified by the Code.

The statement by William Allen White, publisher of the *Emporia Gazette*, to Miss Armstrong is particularly illuminating:

Generally speaking, I do not print any advertising in the *Gazette* which I could not personally guarantee. That means that I won't use any patent medicine, travelling doctors, unregistered oil stock, or any unregistered stock, travelling fire sales, slaughter sales, and any sort of travelling merchandisers, and I refuse to print any advertisement to lure girls to the city for employment. We also refuse matrimonial agencies, and all that sort of thing. In the news end we have just one rule; the subscriber runs the paper and the advertisers have no right the subscriber is bound to respect, and in that way the subscriptions are kept up and the advertiser, in the long run, profits.