

# *Historiography*

in Mass Communication



Volume 7 (2021). Number 2

# *Historiography in Mass Communication*

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## Contents

From the Editor: "Historians and a Civil Society"	1
Bruce J. Evensen, "A Third Revolution in American Journalism"	5
Thomas A. Mascaro, "'The Scent of Human Flesh': Interpreting Primary Documents To Recover Human Values and Character"	21
Historical Roundtable: "Applying Theory and Legal History to Research Press Rights and Freedoms"	39
Erin Coyle, Eric Easton, Victoria Smith Ekstrand, Patrick File, and Jared Schroeder	
Historian Interview: Tracy Lucht	55
Book Award Interview: Michael Robertson, <i>Stephen Crane, Journalism, and the Making of Modern American Literature</i>	63

After you download the pdf of this issue, you can go directly to an article by clicking on its title.

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# Historians and a Civil Society

By Wm. David Sloan ©



Sloan

**T**imes most charged with partisanship bring out the most rancorous behavior. We saw it over the results of the 2020 presidential election. In such times it's difficult even for historians to remain level-headed. Some employ rhetoric equal to that of former President Donald Trump, language that most JMC historians deplore.

Yet it is in such times that historians can demonstrate one of history's most valuable benefits. That is its capacity to contribute to a civil society.

By "civil society" I don't mean the theoretical concept of organizations and social connections that is popular with social scientists today. I mean it simply in the traditional, usual sense of people acting with civility — of being respectful of others.

A year ago, on the 35th holiday honoring Martin Luther King, his son called for political tempers to cool and for us to rid ourselves of the vituperative partisanship that so disastrously marks our public life. "It's time," Martin Luther King III declared, "for political leaders across the

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ideological spectrum to realize that, while partisanship is understandable, hyper-partisanship is destructive to our country. We need more visionary leaders who will earnestly strive for bipartisanship....”

His remarks could just as well be addressed to historians as to politicians. We should be visionary leaders.

Back when I was teaching history (and not claiming here that I was a visionary leader), each semester in an introductory lecture I tried to convince students of the many benefits they could gain by studying history. I stressed that history gives us a broader perspective, helps us to understand ourselves (both individually and as a group), helps us to understand other people, and makes us more tolerant of ideas. I imagine many readers of this journal tell their students something similar.

In his book *Why Study History?* (2013) John Fea made an analogous point. “The narcissist,” he said, “sees the world — both the past and the present — in his own image. Mature historical understanding teaches us to do the opposite: to go beyond our own image, to go beyond our brief life, and to go beyond the fleeting moment in human history into which we have been born. History educates (‘leads outward’ in the Latin) in the deepest sense. Of the subjects in the secular curriculum, it is the best at teaching those virtues once reserved for theology — humility in the face of our limited ability to know, and awe in the face of the expanse of history....”

“As we celebrate the 150th anniversary of this tragic event [the Civil War] in the American past, democracy is no longer being threatened by secession, slavery, or a bloody civil war, but it is being threatened by our failure to resolve our differences in a civil fashion, work for the common good, and develop the kinds of social virtues necessary for our republic to continue to function.”

Like Fea, many historians today emphasize the civil function that

the study of history plays. In fact, the importance of history to civil discourse has been recognized for centuries, and it remains the same in our own age. Some brief excerpts from the American Historical Association's "Statement on Standards of Professional Conduct" will illustrate. It declares:

"Historians celebrate intellectual communities governed by mutual respect and constructive criticism. The preeminent value of such communities is reasoned discourse — the continuous colloquy among historians holding diverse points of view who learn from each other as they pursue topics of mutual interest. A commitment to such discourse — balancing fair and honest criticism with openness to different ideas — makes possible the fruitful exchange of views, opinions, and knowledge wherever those exchanges take place, from scholarly books and articles to social media and face-to-face encounters.... [Historians] should respect and welcome divergent points of view.... They believe in vigorous debate, but they also believe in civility...."

That respect that historians have for one another is critical — but it should not be confined to discourse among ourselves. It should be reflected in a tolerance of opposing views in the broader society as well.

My experience is that most JMC historians observe such standards. Certainly, with remarkably few exceptions, the best ones do. I know of hardly any accomplished historian who is a virulent partisan.

If we are candid, though, we will admit that a small coterie of vituperative members inhabit the ranks of JMC historians. Spend a quarter-hour on Facebook, and you will run across several. In fact, among my own Facebook friends, the majority of the dozen or so who are particularly shrill claim to be historians.

Perhaps one explanation for their brazenness is that they have not been trained well enough in history to become immersed in the civic

mindset of historians. Perhaps their training as journalists, which should have served the purpose, was not adequate to overcome their tendency to extreme partisanship.

Perhaps even their general education failed. Traditionally we have assumed that one of the most important roles of education is to make the student more tolerant of ideas. One could not prove, by looking at how some JMC “historians” comport themselves, that it worked. Many of us probably have JMC friends who are more prejudiced and intolerant than those who have never set foot on a college campus.

Even if some outsiders are acerbic, that doesn’t justify acrimony by a historian. No real historian should join the brawl. It is incumbent on all of us to avoid the temptation to wallow in the slough of intolerance. We would do well to follow the advice of Jeff Rasley in his book *Polarized! The Case for Civility in the Time of Trump: An Experiment in Civil Discourse on Facebook*.

“My commitment,” he declared, “is to urge us all toward moderation and good will toward fellow citizens. If we can set aside unworthy emotions that deepen our political divide, concentrate on finding solutions to the problems our country and communities face, we can then work toward a brighter future with less rancor but firm in our purpose. Or, we can feed our primitive fight or flight impulse by lashing out in social media and then duck into our silos. If we do that, the unhealthy polarization of the time of Trump will get even worse.”

Rasley addressed himself to members of the general public. Historians have an even greater responsibility than most others in our society. In this time of caustic division, we need to live up to it.

[CLICK HERE  
TO RETURN  
TO THE TABLE  
OF CONTENTS](#)

# A Third Revolution in American Journalism

By Bruce J. Evensen ©



Evensen

**F**uture JMC historians are likely to note that two violent attacks on our nation’s capital 209 years apart reflect the circuitous nature of American journalism history. The partisan press that took opposing sides on the War of 1812 looks a great deal like the warring factions in the news media divided in their coverage of Donald Trump’s presidency and twin impeachments. The historic parallel demonstrates the distance we’ve traveled only to return to the rhetorical rancor of the American press in its infancy. Across two centuries — historians may regard with some dismay — we are returning to where we started.

British destruction of the White House and Capitol building on August 24, 1814, was retaliation for the American burning of Port Dover. It also included demolition of the building housing the *National Intelligencer*, the pet publication of President James Madison. A January 6, 2021, attack on the U. S. Capitol by Trump supporters aimed to “stop the steal” of electoral votes making Joe Biden President-elect. It

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was a theft, Trump insisted, that was carefully choreographed by “the fake news media.”

In a seminal study on American journalism, Walter Lippmann in 1931 reflected back on the partisan start of the American press. Opinions in print could get a man killed. On June 20, 1812, Baltimore’s Alexander Hanson opposed “Mr. Madison’s War” in the pages of his *Federal Republican*. Two days later, a mob burned the newspaper office and beat Hanson and eleven others. Hanson and another victim later died from their injuries. Five died following the 21st century attack on the Capitol. Much of the mainstream media openly cheered what constitutional authority Jonathan Turley called “a snap impeachment” of Trump one week later with a week to go in his presidency on charges he’d incited insurrection. It was what rioters and their defenders charged Hanson with as well.

Lippmann observed that a revolution in the American press during the 1830s enabled printers to achieve political independence through commercial support. That was when the penny press positioned itself on the side of the “people” and used multiple strategies in making them loyal readers. Serving citizens with news they needed to know competed with extravagant story-telling in making the news pay. Lippmann predicted a second revolution in his time would be led by rational readers who’d tired of the “exploitation” found in jazz age journalism, and demanded something better. That greater “maturity” would force itself on the press and reward greater “professionalism” with larger profits.<sup>1</sup>

Press watchers during America’s interwar era did not share Lippmann’s certainty. The American Society of Newspaper Editors warily warned that “since the war the national nerves have not returned to normal.” Circulation managers were insisting “we fill our pages with boot legging, jazz dancing, automobiles, moving pictures, radio, and sports

## A Third Revolution in American Journalism

to get ourselves read.”<sup>2</sup> Contemporary historians observed the current enthusiasm of playing sports, sex, sensation and sentiment to the limit showed few signs of abating.<sup>3</sup> Historians, looking back on the period in which Lippmann lived, argue the revolution in American journalism he hoped for required breaking through the clutter of consumption choices available to members of America’s rapidly emerging leisure culture.<sup>4</sup>

It has been ninety years since Lippmann hoped for a more mature press, and we can say with some confidence that a third revolution in American journalism has come, even if it is not the one Lippmann predicted. It began with a rapidly accelerating democratization of information that Lippmann saw quite clearly, but it is leading to a place he would have deeply regretted. The rise of the Internet and social media has severely challenged the media’s old business plan of how to deliver a wide readership and viewership to advertisers.

The monopoly control of legacy media over printing and broadcasting has been irrevocably shattered. Scarcity in transmission methods has been replaced by an abundance of means of getting the word out. It has revolutionized public expectations and media practice. Patterns of story-telling are now often aimed at expanding a narrow niche in news. Future journalism historians are likely to see the Era of Trump as accelerating this third revolution in American journalism. It is a revolution away from claims of objectivity, balance and fairness and toward an unbridled partisanship harkening back to how American mass media got their start.

In the earliest days of the American republic, two competing political parties — the Federalists and the Democratic Republicans — financed rival national newspapers aimed at shaping public policy. “For god’s sake, my dear sir,” Secretary of State Thomas Jefferson wrote political confidant James Madison on July 7, 1793, “take up your pen,

select the most striking heresies, and cut him to pieces in the face of the public.” Jefferson was incensed by articles, published in the July 3 and July 6 editions of *Gazette of the United States* and written by his chief political opponent Secretary of the Treasury Alexander Hamilton under the pseudonym “Publius.” Hamilton had helped launch the *Gazette* in Philadelphia four years before to push Federalist Party policies in assuming the national debt and creating a national bank that strengthened a commercial and financial class supported by executive action. These essays defended President George Washington’s neutrality declaration in the face of continued fighting between France and Great Britain and openly speculated Democratic-Republicans were subordinating American security and sovereignty to the interests of France.

Writing under the pen name “Helvidius,” named after a 1st-century Roman leader who opposed imperial rule, Madison advocated Congressional supremacy in foreign policy. His published essays of August 24 and 28 warned against the war powers of an imperial presidency. He charged the secret purpose of Federalist legislators was to make money trading with Britain, while abandoning America’s oldest ally France. Jefferson and Madison created a national newspaper of their own *The National Gazette*, published by a trusted Republican Philip Freneau. Jefferson saw it as an antidote to “a paper of pure Toryism, disseminating the doctrines of monarchy, aristocracy and the exclusion of the influence of the people.”<sup>5</sup>

The partisan press that Hamilton and Jefferson helped establish saw editors as little more than pawns that could be bought for the right price. Some hired hands switched sides when the money was better. James Callender was a man on the make from his early days as an anonymous political reporter in Philadelphia. His eight installments on *The History of the United States for 1796* were a huge hit with Demo-

cratic Republicans in its allegation of Hamilton's "amorous attachment" to Maria Reynolds, a married woman whose husband, Hamilton later admitted, had attempted to blackmail him. In his confession, Hamilton excoriated Callender's "malicious intent" in making the sordid story public. Later, when Jefferson refused to support Callender's political advancement, the editor published in the September 1, 1802 edition of the *Richmond Recorder* that Jefferson had a child by his slave Sally Hemings, who had the same "sable semblance to those of the President himself."<sup>6</sup>

It was within this partisan press that the young nation knew of news and views of the nation's western march through the Cumberland Gap, the journey of the Corps of Discovery, the building of the Erie Canal, and the rise of Jacksonian Democracy with the establishment of nearly a universal, white male franchise. In 1831, Alexis de Tocqueville celebrated a nation of news readers, writing, "In America there is scarcely a hamlet which has not its own newspaper." He found "its influence in America is immense," observing "the power of the periodical press is only second to that of the people." Although De Tocqueville didn't know it, he was also witnessing the end of an era. It was a period where political interests and actors paid the bills and newspapers were their extensions into public life, read for their views as much as their news.<sup>7</sup>

The low cost of printing and the rise of a democratic marketplace by the 1830s commodified news gathering and dissemination. Newspapers and magazines no longer needed to rely on political partisans to pay their bills. A new way of marketing the news was the construction of stories sold to a mass readership that could be delivered over to advertisers. Melville Stone, who helped found the *Chicago Daily News*, discovered competing with twenty-seven other daily newspapers was "war in the mud and mud to the neck." Stone's work with the Associated

Press helped standardize the news, leading readers in communities large and small to read the same accounts of the same stories at nearly the same time.<sup>8</sup> That paradigm reported the end of a disastrous Civil War, the celebration at the completion of the transcontinental railroad, the start of what would become the American Century, the Progressive Period and wars to end war. In all this, news became a national sentinel and our constant companion.<sup>9</sup>

Suffragette and Temperance leader Frances Willard reflected on how news found her, even in rural Wisconsin. “It was journalism that tracked us into the wilderness,” she fondly remembered. “It kept us company in our isolation, and poured into our minds the brightest thoughts of the best speakers and made us a family of rural cosmopolites. It was journalism that developed in us the passion of patriotism and the insight into politics. Upon our prairie farm, one mile from any neighbor and several miles from anywhere, the white wings of the press flew in, so broad and so free.”<sup>10</sup>

The new journalism that Willard and Lippmann knew had a communitarian regard for readers, many of them newly arrived immigrants, who helped double the nation’s population in forty years to 106 million by 1920. The best regarded journalism of this era saw serving the “public interest” as a necessary antidote to the inadequate housing, sanitation, and working conditions of the urban poor in industrializing America. The next generation of progressive minded journalists targeted trusts and high finance, sweatshops and slums, municipal and electoral reform and the nation’s food and drug supply. Its work in behalf of the American people extended to probes of special interests and their control of the nation’s land and water supply.<sup>11</sup>

The final two-thirds of the 20th century saw the triumph of news broadcasting — first in radio and newsreels, then television, and even-

tually cable. Early returns suggested a certain seriousness in news gathering and dissemination Lippmann admired. America became a radio republic during the Great Depression. The transmission of the news of the day destroyed distance in a simultaneous, shared experience across communication communities. Radio became a midwife for millions, the human voice giving it a powerful authenticity that print journalism lacked. Edward R. Murrow became a trusted voice over CBS in detailing the Battle of Britain. Americans reached for their radios as network newscasters chronicled allied efforts in Europe and the Pacific.<sup>12</sup>

Television established itself as the medium of record in the post-war period, particularly following the assassination of President John Kennedy on November 22, 1963. One hundred seventy million Americans, 93 per cent of the population, watched television's coverage of a national tragedy. Many remembered where they were when they watched 47-year-old CBS news anchor Walter Cronkite at 2:38 in the afternoon Eastern Time as he and the nation awaited official word on Kennedy's condition. Putting on his glasses, Cronkite began reading: "From Dallas, Texas, the flash, apparently official, President Kennedy died at one p.m. Central Standard Time, two o'clock Eastern Time, some 38 minutes ago." Cronkite took off his glasses, gathered himself, and put them on again without speaking. His shock and disbelief mirrored the horror the country felt.

Cronkite went on to be the most trusted man in America. He and his companions on the nightly news would bring America word of the War in Vietnam, the burning of American cities following the assassinations of Martin Luther King, Jr. and Robert Kennedy, the moon landing, Watergate, the Reagan presidency and the end of the Cold War.<sup>13</sup> The rise of cable news and the Internet in the '90s, however, signaled a shift — what Lippmann would have seen as a third revolution

— in how Americans received the news of the day. Fox and MSNBC joined CNN in keeping a 24-hour watch on the news with views increasingly filling some of the space. Their niche followers found still smaller information silos on the Internet, where a digital revolution forever ended the monopoly of the printing press and the broadcast tower. Users could self-select a source of information they agreed with. They would be rewarded for doing so by discovering news, chaperoned so closely with views, it was getting harder and harder to tell them apart.

Reporting Watergate in the old analog era took two years to bring down Richard Nixon, but a juicy January 1998 sex scandal leading to the impeachment of Bill Clinton took only a matter of days for most Americans to make up their minds. The story was broken by an Internet startup, the Drudge Report, with print and broadcast operations abandoning the two-source rule to play catch-up. Thirteen months later, Clinton was acquitted of perjury and obstruction of justice in a Senate trial. Fox viewership had increased 400 percent during that time, a sure sign that partisanship paid. At the start of the scandal only one in three Americans got their news from cable and only one in ten from their computers, but that was changing. So, too, was public satisfaction with the news media. Seven in ten Americans told Gallup in 1974 that the press “reports the news fully, accurately and fairly.” Two thirds of all Americans liked news of the Clinton scandal from their favorite source, but only one in three felt coverage elsewhere was either fair or accurate.<sup>14</sup>

In the first 209 years of our republic, there had been only one impeachment of a sitting president. Andrew Johnson was acquitted on charges of abuse of power in a Senate trial on May 16, 1868. Richard Nixon resigned the presidency before he could be impeached by the House of Representatives. There were three presidential impeachments

— one of Bill Clinton and two of Donald Trump — in the first 22 years of the hyper-partisan digital presidency. Trump’s two impeachments were less than 13 months apart. This third revolution in the American media — a return to its partisan roots — first widely seen in digital coverage of the Clinton scandal became a fixture in coverage of the Trump presidency in both digital and legacy media.

When Trump announced his candidacy on June 16, 2015, the *Huffington Post* spoke for many in the media establishment who did not take it seriously. “We won’t take the bait,” it told its readers. “Trump’s campaign is a sideshow.” *New York Times* reporter Mark Leibovich dismissed Trump as “a nativist clown.” *Time*’s political analyst Elise Jordan considered Trump just “an orange-haired brand licensor.” *New York Times* columnist Nicholas Kristof insisted it would be “journalistic malpractice to quote each side and leave it to readers to reach their own conclusions.” Instead, readers needed guidance “when a crackpot runs for president.” The paper’s political analyst Jim Rutenberg concurred, arguing it was time “to throw out the textbook that American journalism has been using for the better part of half a century.” Trump was “an abnormal and potentially dangerous candidate.” CNN’s Mel Robbins warned “a vote for Trump is a middle finger to the world.” Dana Milbank told *Washington Post* readers that Trump was “running against democracy itself.” *GQ*’s editor-in-chief Jim Nelson advised voters “to vote hard, like it’s Donald Trump’s face you’re punching, not a ballot.”<sup>15</sup>

Along with the anger, Will Rahn of CBS News Digital detected an “unbearable smugness” of mainstream media. “For months” these news organizations had “mocked the people who had a better sense of what was going on than they did.” After Trump’s surprising election, Liz Spayd, public editor at the *New York Times*, urged the *Times* to better

understand “the half of America the paper too seldom covers who just elected the next president.” She was soon fired. The paper’s Bari Weiss resigned in July 2020, charging the *Times* had abandoned a journalistic philosophy that had long made it America’s newspaper of record. “A neutral objectivity had long been core to the way the paper saw itself, its public mission and its business interests,” the article observed. Now, sadly, “it was an open secret” the paper’s new niche was to be a publication for “coastal liberals.”<sup>16</sup>

It wasn’t only the *Times* that showed how completely the news media was shifting from standards of fairness and impartiality in reporting the news of the day. Thomas Patterson, who oversaw a Harvard study on the subject, found that four of every five stories done by news networks and elite newspapers during President Trump’s first hundred days in office were negative, setting “a new standard for unfavorable press coverage of a president.” The oppositional attitude was “everywhere,” remarked Bob Wright. The former NBC broadcasting chief, who had overseen the launch of CNBC in 1989 and MSNBC in 1996, had “never seen anything like it.”<sup>17</sup>

The drumbeat continued during a two year stretch in which Trump was investigated for supposedly colluding with the Russians to win the presidency. “Evidence-free assertions from anonymous sources that media outlets uncritically treated as fact,” warned Pulitzer Prize winning reporter Glenn Greenwald, had taken a terrible toll on public confidence in the news media. By June 2017 two-thirds of all citizens signaled media obsession over Trump-Russia collusion was “hurting the country.” The negative coverage went unabated. Across Trump’s presidency more than nine in every ten assertions by the network news on the president were negative.<sup>18</sup>

Some of the early results on this third revolution in the American

news media are already in. Future journalism historians will note the precipitous plunge in public confidence in journalism on this side of the digital divide. On the eve of the 2020 presidential election a CNBC national survey showed fewer than one in four Americans now trusted news organizations to give them what Lippmann had once called “a picture of the world on which to act.” Only one in eight trusted social media to perform that role, even though more than half of all Americans received their news from that platform.

The estrangement between journalists and the American people existed whether the citizens were men or women, young or old, black, brown or white. Award-winning investigative journalist Sharyl Attkisson warns partisan journalism has been complicit in “a loss of faith in our basic institutions by at least half the American public.” She observes “Americans know that the key to finding the truth lies in the hands of the very players who have proven to be so conflicted, incompetent, and, at times, dishonest.” James Baker, the 61st Secretary of State of the United States, worries this alienation is contributing to the “undermining of American democracy.”<sup>19</sup>

This article opened with an episode in the life of the nation’s first Secretary of State Thomas Jefferson, who had privately implored his political ally James Madison to attack Alexander Hamilton, his chief political opponent in print. At the time, Jefferson admitted to Attorney General Edmund Randolph there was a certain “indecentcy” in “newspaper squabbling between two public ministers,” but added “lying and scribbling” were the only instruments available to him “for the present.”

Lippmann would have observed that this third revolution in American journalism has returned the nation to Jefferson’s “present” situation with one critical difference. Few in Jefferson’s era were surprised when a dispute between our Founding Fathers was carried on in

the press of the period. The public prints were widely seen as extensions of the political actors and interests that financed them. The rhetoric of the press of our period, however, has not yet caught up to a reality widely perceived by the American public. The language of public service, which news organizations began to perfect in the 1830s as they weaned themselves away from dependence on subsidies from political parties and actors, no longer captures the present reality. Now, as it was in the beginning of our republic, much of our media define first and report second. During this third revolution in American journalism, views increasingly impersonate news. These views become the meta-narratives that precede and guide how news becomes known. We have wound up where we started from. And the public is aware of it, regardless of age, income or party affiliation.

Future journalism historians will note that after the 2020 election, seven in ten Republicans said they didn't trust election reporting that named Joseph Biden president-elect. Similarly, a majority of Democrats insisted they wouldn't have believed initial reports had Trump been named the winner.<sup>20</sup> Like civic life in the 21st century, the party press period was an angry era in American public life. The party press contributed to that rancor. Civic life today is also enfeebled, and journalism historians may well reckon that this third revolution in American journalism is playing its part in making it so.

## NOTES

<sup>1</sup> Walter Lippmann's "Two Revolutions in the American Press," appeared in the *Yale Review* 20 (March 1931) at pp. 437-439.

<sup>2</sup> The words of warning by Paul Bellamy, editor of the *Cleveland Plain-Dealer*, appear in *Problems of Journalism*, vol. 1 (Washington: American Society of Newspaper Editors, 1923), 111-126.

<sup>3</sup> See Silas Bent, *Ballyhoo: The Voice of the People* (New York: H. Liveright, 1927),

## A Third Revolution in American Journalism

particularly chapter one, “The Art of Ballyhoo” and Simon Bessie, *Jazz Journalism: The Story of the Tabloid Newspapers* (New York: Russell and Russell, 1938), especially chapter 13, “What Does It Mean?”

<sup>4</sup> This analysis appears in James E. Murphy’s chapter “Tabloids as an Urban Response” in Catherine Covert and John Stevens, eds., *Mass Media between the Wars* (Syracuse, N.Y.: Syracuse University, 1984), 55-69, and Warren I. Susman, *Culture as History: The Transformation of American Society in the 20th Century* (New York: Pantheon, 1984), particularly chapter 13, “Culture and Communications.”

<sup>5</sup> Jefferson’s views on the party press are found in his letter of May 15, 1791 to Edmund Randolph and appear on pp. 414-416 of Julian P. Boyd, ed., *The Papers of Thomas Jefferson, vol. 20, 1 April-4 August 1791* (Princeton, N.J.: Princeton University, 1982).

<sup>6</sup> See Callendar’s *The History of the United States for 1796, including a Variety of Interesting Particulars Relative to the Federal Government Previous to That Period* (Philadelphia: Snowden & McCorkle, 1797). Hamilton’s public admission was published by John Fenno in Philadelphia in July 1797.

<sup>7</sup> Analysis of the party press is found in Wm. David Sloan, “The Early Party Press: The Newspaper Role in American Politics, 1789-1812,” *Journalism History* 9 (1982): 18-24; Jeffery A. Smith, *Franklin and Bache: Envisioning the Enlightened Republic* (New York: Oxford University, 1990); Carol Sue Humphrey, *The Press of the Young Republic, 1789-1833* (Westport, Conn.: Greenwood, 1996); and Marcus Daniel, *Scandal and Civility: Journalism and the Birth of American Democracy* (New York: Oxford University, 2009).

<sup>8</sup> See Melville Stone’s *Fifty Years a Journalist* (New York: Doubleday, Page and Co., 1921).

<sup>9</sup> Scholarship on the Penny Press era and the period of the Gilded Age includes Hazel Dicken-Garcia, *Journalistic Standards in Nineteenth-Century America* (Madison: University of Wisconsin, 1989); Gerald Baldasty, *The Commercialization of News in the Nineteenth Century* (Madison: University of Wisconsin, 1993); Ted Curtis Smythe, *The Gilded Age Press, 1865-1900* (Westport, Conn.: Praeger, 2003); and Susan Thompson, *The Penny Press: The Origins of the Modern News Media, 1833-1861* (Northport, Ala.: Vision Press, 2004)

<sup>10</sup> Willard’s recollection is found on pp. 496-497 of her wonderful memoir *Glimpses of Fifty Years: The Autobiography of an American Woman* (Chicago: H. J. Smith, 1889).

<sup>11</sup> See my summary on the historiography of Progressive Period journalism in *Journalism and the American Experience* (New York: Routledge, 2018), 148-166.

<sup>12</sup> Historiography on the role of news in creating a radio republic includes Erik Barnouw, *A Tower of Babel: A History of Broadcasting in the United States* (New York: Oxford University, 1966); Stephen Kern, *The Culture of Time and Space* (Cambridge, Mass.: Harvard University, 1983), 65-69; Bob Edwards, *Edward R. Murrow and the Birth of Broadcast Journalism* (Hoboken, N.J.: Wiley, 2004) and James L. Baughman, *The Republic of Mass Culture* (Baltimore: Johns Hopkins University, 2006), 16-21.

<sup>13</sup> The emergence of television news in reporting the War in Vietnam is analyzed in Michael J. Arlen, *The Living Room War* (New York: Viking, 1969); Peter Braestrup, *Big Story: How the American Press and Television Reported and Interpreted the Crisis of TET in 1968 in Vietnam and Washington* (Boulder, Colo.: Westview, 1977); Daniel C. Hallin, *The "Uncensored War": The Media and Vietnam* (New York: Oxford University, 1986); and William M. Hammond, *Reporting Vietnam: Media and Military at War* (Lawrence, Kan.: University Press of Kansas, 1998). See also, Gladys Engel Lang and Kurt Lang, *The Battle for Public Opinion: the President, the Press and the Polls during Watergate* (New York: Columbia University, 1983); Gil Troy, *Morning in America: How Ronald Reagan Invented the 1980s* (Princeton, N.J.: Princeton University, 2005); Clay Risen, *A Nation on Fire: America in the Wake of the King Assassination* (Hoboken, N.J.: John Wiley & Sons, 2009); and David Meerman Scott and Richard Jurek, *Marketing the Moon: the Selling of the Apollo Lunar Program* (Boston: MIT, 2014).

<sup>14</sup> Consider Marvin Kalb's *One Scandalous Story: Clinton, Lewinsky, and the Thirteen Days that Tarnished American Journalism* (New York: Free Press, 2001). Compare results from [www.gallup.com/poll/195542/americans-trust-mass-media-sinks-new-low.aspx?version=print](http://www.gallup.com/poll/195542/americans-trust-mass-media-sinks-new-low.aspx?version=print) to [www.cnn.com/ALLPOLITICS/1998/01/29/poll](http://www.cnn.com/ALLPOLITICS/1998/01/29/poll).

<sup>15</sup> Kristoff's column ran on September 15, 2016. Rutenberg's article appears at [www.newyorktimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html?\\_r=1](http://www.newyorktimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html?_r=1). Nelson is at [www.gq.com/story/trump-lose-election](http://www.gq.com/story/trump-lose-election).

<sup>16</sup> See [www.cbsnews.com/news/commentary-the-unbearable-smugness-of-the-press=presidential-election-2016](http://www.cbsnews.com/news/commentary-the-unbearable-smugness-of-the-press=presidential-election-2016) and [www.newyorktimes.com/2016/11/10/public-editor/want-to-know-what-americas-thinking-try-asking.html?\\_r=0](http://www.newyorktimes.com/2016/11/10/public-editor/want-to-know-what-americas-thinking-try-asking.html?_r=0).

<sup>17</sup> The Harvard study is at [Shorenstein.org/news-coverage-donald-trumps-first-100-days](http://Shorenstein.org/news-coverage-donald-trumps-first-100-days).

Wright's comments appear at [www.foxbusinessnews.com/politics/2017/05/12/former-nbc-chief-bob-wright-on-medias-bias-against-trump—its-everywhere.html](http://www.foxbusinessnews.com/politics/2017/05/12/former-nbc-chief-bob-wright-on-medias-bias-against-trump—its-everywhere.html).

<sup>18</sup> Compare <https://www.washingtonexaminer.com/tag/donald-trump?source=%2F92-percent-of-trumps-tv-coverage-is-negative-report> to <https://har>

## A Third Revolution in American Journalism

vardharrispoll.com/wp-content/uploads/2017/06/Topline\_HCAPS\_HarrisPoll\_June-Wave\_Top-Line-Memo\_Registered-Voters\_06.22.17.pdf.

<sup>19</sup> “Trust in Institutions” is posted at <https://www.cncb.com/american-economic-survey/>. Compare to <https://www.pewresearch.org/fact-tank/2019/09/11/key-findings-about-the-online-news-landscape-in-america/>. Atkisson’s critique is at <https://thehill.com/opinion/white-house/524807-election-suspicion-is-a-result-of-simmering-distrust-in-our-institutions>. Baker’s warning is at [https://www.wsj.com/article/good-grief-the-pollsters-got-it-wrong-11605049069?mod=opinion\\_lead\\_po5](https://www.wsj.com/article/good-grief-the-pollsters-got-it-wrong-11605049069?mod=opinion_lead_po5).

<sup>20</sup> Compare Morning Consult-Politico Tracking Poll, dated November 10, 2020, at [politico.com/f/?id=00000175-aed2-d1da-a775-bef65f2e0000](https://politico.com/f/?id=00000175-aed2-d1da-a775-bef65f2e0000) and [fivethirtyeight.com/features/americans-were-primed-to-believe-the-current-onslaught-of-disinformation/](https://fivethirtyeight.com/features/americans-were-primed-to-believe-the-current-onslaught-of-disinformation/).

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OF CONTENTS

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# “The Scent of Human Flesh”: Interpreting Primary Documents To Recover Human Values and Character

By Thomas A. Mascaro ©



Mascaro

While taking Chris Johnson’s historical methods class at Wayne State University en route to my Ph.D., a passage from Marc Bloch’s *The Historian’s Craft* branded my psyche:

“Behind the features of landscape, behind tools or machinery, behind what appear to be the most formalized written documents, and behind institutions, which seem almost entirely detached from their founders, there are men, and it is men that history seeks to grasp. Failing that, it will be *but an exercise in erudition*. The good historian is like the giant in the fairy tale. He knows that wherever he catches the scent of human flesh, there his quarry lies.”<sup>1</sup> (gendered language original, italics added)

*Tom Mascaro is a retired documentary historian and professor of media and communication at Bowling Green State University. He’s the author of Into the Fray: How NBC’s Washington Documentary Unit Reinvented the News. He’s at work on a new book about NBC News documentaries, 1967-1989, “Hard Truths: The Documentary Odyssey of Bob Rogers and Rhonda Schwartz.” He received his Ph.D. in Radio-TV-Film from Wayne State University.*

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I've been on the trail of "the scent of human flesh" for more than twenty years for a biography on broadcast documentary producer Robert F. Rogers, hired by NBC News in 1961. I met him twice while a grad student in 1987, for a long interview at his Washington Bureau office and as co-organizer, with my professor Mary Ann Watson, of a documentary conference at the University of Michigan that year, which Rogers joined.<sup>2</sup> I called him about a particular program for an article on network documentaries, also in '87. Larry Lichty, who helped assemble the Michigan conference, told me Rogers had produced one of the most important documentaries on Vietnam. He would know. Lichty has seen them all. He led the archival research for the 13-part PBS series *Vietnam: A Television History*. Lichty said Rogers never got the credit he deserved compared to other broadcast documentarians. I set out to rectify that oversight, but within two years, Rogers was dead at age 59 from cancer. I've been trying to suss the "scent" of Bob Rogers the person from documents, photographs, films, and interviews ever since for a book presently titled, "Hard Truths: The Documentary Odyssey of Bob Rogers and Rhonda Schwartz."

Knowing I was on deck to contribute an essay to *Historiography in Mass Communication* I've been thinking about how we write history as I try to bring Rogers to life and place him, and the reader, in his times. I've been aware of how much I am learning about Rogers's personal values from his documentary programs and transcripts, beyond and in concert with material in his papers and film collection housed at the State Historical Society of Wisconsin's Center for Film and Television Research.<sup>3</sup> Bob Rogers did more than *document* events of his day. He expressed himself, his worries and his values, in marginalia and dispatches, as we might imagine. But Rogers also imbued his journalism with his core beliefs, layered artfully in the blend of word and image

## “The Scent of Human Flesh”

depicted in his documentaries. The arc of his opus reveals journalistic method but also how Rogers changed as a person and came to accept and reveal his essential qualities, on social history, foreign policy, and, somewhat surprisingly, race.

I hope this essay will inspire others to take another look at how they cross-process documents to extract the humanity of historical figures. I offer three examples that reveal interesting qualities about Bob Rogers, a person of his times.

- *Second Thoughts on Being Single* (1984) — it’s not the “singles” part that’s interesting
- *First Tuesday*, “The Orange and the Green” (1969) — about Ireland’s “Troubles”
- *Africa’s Defiant White Tribe* (1977) — amid world condemnation of apartheid

**Rogers’s *raison d’être* was documenting foreign and military affairs** — I pounced on *Second Thoughts* because it offered the richest cache of primary source documents, hundreds of pages that reveal the anatomy of a network documentary: proposal, memos with bosses, thesis evolution, staff assignments, phone/interview logs, travel dates, budgets, bios of interview subjects, scientific background (the “biological clock”), culture of the bar and pickup scene (before Internet dating), interview transcripts, rough-cut outlines, final script, promotional material, and reviews.<sup>4</sup> I had seen the program. Most of the production participants were living. The program featured a theme I am developing on women in documentary journalism, including how women covered women. *Second Thoughts on Being Single* holds tremendous historical value in terms of 1980s’ network documentaries that sought to attract larger

audiences — translation, make money for the network — reach professional women in the workforce, and as a showcase for NBC’s female correspondents. As a sample of Roger’s history as a documentary producer, though, the most important value of these records derives from the chronicle of the producer’s Jesuit-inspired, dogged method to cover any subject, whether foreign policy, civil war, or social issues like dating, with the same in-depth work ethic. Didn’t matter to Bob what the subject was — he and his people were going to bore to the core.

Fresh from examining Rogers’s papers, and with a tip from a former NBC News producer who put me in touch with Rogers’s research associate Naomi Spinrad, I arranged interviews with his co-workers, including on *Second Thoughts*. Although I was able to validate Rogers’s methods, an offhand comment by Rhonda Schwartz, who worked with Rogers from 1971-1989, hinted at the “scent” I’d been searching for: “I hope when you set the stage for this whole thing that [instead of dwelling] on the ‘Singles’ story I would just try to set it in the context of what I think he would prefer to be known for, the ones that I think [he] was the fondest of, the Castro Connection, the Secret War in Laos, Africa’s Defiant White Tribe.”<sup>5</sup> Naomi Spinrad said of *Second Thoughts*, which was produced after she left the unit, “It seemed to me that that must have been hard for him to do, because you could almost see the pressure to come up with something sexy.”<sup>6</sup>

The history of *Second Thoughts on Being Single* revealed an array of Rogers’s values. He was a team player, trying to produce a program based more on “information” than “entertainment value.” He plied the documentary craft with the same intensity as for all of his programs. He recognized that to keep NBC News bosses happy and his documentary unit alive, he had to balance their output to boost ratings on a few programs in order to protect their ability to investigate Rogers’s passion, his

## “The Scent of Human Flesh”

country’s effect on foreign and military affairs around the world.

I had been wide-eyed about the cache of papers on *Second Thoughts*. However, the easy bait led me to far more interesting discoveries about my subject’s character. The “scent” of Bob Rogers, his colleagues explained, emanated from a committed foreign affairs documentary journalist. This meant I had to redouble my analysis of much smaller sets of documents on other programs stored in Rogers’s papers. The revelation also sensitized me to assay his documentary organization, juxtapositions, and transcripts, which Rogers wrote almost exclusively, for insights into his personal and professional values.

I began to see Rogers in terms of his maturation not just as a capable producer, but more importantly as someone using documentary art and craft as a medium of self-discovery and expression of his personal values in his times without compromising his journalism. The encouragement from Rogers’s colleagues to focus on his foreign/military stories also opened other notes in the story of this documentary writer. Rogers told me he left a career as a U.S. Army captain to emulate Ernest Hemingway. He was fascinated by Hemingway and Graham Greene, journalist-novelists who trafficked in foreign intrigue laced with macho romance. Throughout his career, Rogers produced documentaries on juvenile crime, religious cults, drug abuse, and several in the 1980s on women’s issues, each done with the same intensity and commitment as the foreign/military stories. To uncover the essence of a man in his times, I had to view the chronology of his documentary programs in light of his commitment to foreign affairs as a continual existential dilemma — being a documentary journalist immersed not only in foreign affairs stories but also America’s complicity in each, versus his compulsion to be a novelist, freed of the limits of objective journalism and able to comment with different artistic tools on his life and times. I knew I

had to do a better job decoding patterns that revealed the human element, but I had found my quarry.

**Rogers Used Allegory to Comment on America** — “The Orange and the Green” was a twenty-minute segment of NBC’s newsmagazine *First Tuesday* about Northern Ireland’s “Troubles,” the 20th-century Catholic-Protestant feud exacerbated by England’s interference. Rogers was Irish Catholic. He grew up in Washington, D.C., where neighborhood covenants restricted where Whites, Jews, Blacks, and other groups could live, separately. In one primary document, Rogers’s high school yearbook, I spotted a note in which he sympathized with segregationist Strom Thurmond. This is a damning trait for anyone, not least someone having “historical” importance. It’s very hard to forget such a devastating snapshot, so I searched for clues in every document and program about whether this was a lifelong trait or teenaged indiscretion.

Launched by Ted Yates and Stuart Schulberg before Rogers took the reins in ’67, the Washington documentary unit never had a regular Black production member in three decades of existence, despite being based in a majority-Black city. Yates hired one Black lighting tech, Tom Paige, in ’64 to reenact the journey of Lewis and Clark. Crews often encountered prejudice in the field. While shooting in Montana, Paige was demeaned and refused service at restaurants. In some hotels, the crew would have to distract the desk clerk while Paige slipped unnoticed into his room to spare him from ridicule or embarrassment. On another shoot, locals asked unit manager Arthur White whether the production crew included any Jews. “No,” he said, counting in his head the number of Jews, including himself, who were part of the crew. Although the NBC Washington unit provided ample opportunity for (White) women to become documentary producers, the same mentor-

ship was not afforded to Black apprentices. It was a wasted opportunity. Rogers was a taskmaster and anyone under his tutelage was destined to become an exceptional producer or documentarian. I often wonder how he might have helped young black professionals learn broadcast journalism. The issue of race stayed in my mind as I continued to develop the Rogers biography.

Lois Farfel, Bob’s associate producer, helped me see her boss in a different light by explaining his goal in “The Orange and the Green.” Religion in Protestant Ulster was tribal, developed through centuries of religious wars. Ulster graffiti reduced The Troubles to slogans: “God save the Queen”; “No Micks Here”; “No Pope.” In Northern Ireland, the report states, “the Pope is still Public Enemy number one.” The Union Jack doubles as a religious symbol. The Queen is revered “not because she is English but because she is Protestant.” The Orange Men, wearing orange banners, suits, and bowler hats, march through town celebrating three hundred years of Protestant dominance. “If you put a whole lot of Catholics, and I mean *Catholics*, together,” a woman asserts, nearly spitting her emphasis, “they would not make one good Orange Man.”<sup>7</sup>

Inspired by America’s civil rights movement, Ulster’s Catholics decided to protest governance in which Protestants dominated the Catholics forced to live in substandard housing. They sing “We Shall Overcome” in a Londonderry church. Farfel was struck by Rogers’s subtlety in commenting on the rage in American cities by showing the roots of discrimination in an entirely different, all-White culture.<sup>8</sup> The singing of America’s civil rights anthem superimposed the struggle for American Blacks over the cause of Catholics in Northern Ireland without ever mentioning it. Civil rights militant Eamonn McCann leads the Catholic protest and tells Rogers, “The creation of Free Derry was, I

suppose, an expression of elemental outrage by a class of people in [Londonderry] who have been for fifty years denied homes, jobs, and votes by a regime that's as near to fascism as makes no difference." McCann's rhetoric is plain — no fists, finger-pointing, or belligerent challenges. People living in slums, five and six to a damp room, McCann says, suffer a form of violence.

The story line, written by Rogers, sounds like a page from a standard-issue playbook for how to exploit religion to dominate others and perpetuate their suffering. Jim Norling's handheld shooting resembles Farm Security Administration photographers (like Gordon Parks, Margaret Bourke-White, or Walker Evans): a plump woman wearing a dirty apron filling a water bucket inside a stone-walled street; a row of gray-brown apartment buildings curving the length of the street, babushka-covered women walking in the lower right of the frame; close-up after close-up, not of cheery Irish travel postcards but of people deeply affected by their times and conditions. Job applicants in long queues are asked their religion; Catholics are told there is no work. A Catholic man, unemployed for five years, has settled in a squalid abandoned building to house his family. The images of exposed plumbing, a filthy, worn toilet, and children playing on the floor in dank-looking spaces are classic scenes of institutional discrimination forever tied to American inaction in documentaries like *Harvest of Shame*. A red-haired Protestant woman says Catholics have no reason to complain. They get food, shelter, and health care from the government. "They're just like rabbits," she says, "they're thrivin' like rabbits. A rabbit hutch is what they need." Catholics live in a slum, she continues. She knows this because the coal-delivery man told her he put a coal in the bath tub. There are some good ones, she allows, "but the majority of them, they don't try to keep themselves clean, they don't try to keep their homes clean."

## “The Scent of Human Flesh”

They gamble, drink, confess their sins to the priest, and do it another day.

Police are eighty-eight percent Protestant and drill in riot control tactics and with water cannons. Voiceover describes black-and-white film footage of police breaking up a demonstration by clubbing shrieking protesters. The crew filmed a Sunday night *céilidh* dance for Catholics. Like Protestants, Catholics self-segregate. Catholics attend religious schools and learn Irish history. Protestants attend public schools and learn British history. The only time Catholics mix socially with Protestants is in college. Inside a current events class, Rogers records a young Catholic man who says until he was sixteen, the only time he came in contact with a Protestant was when he was in a fight, which draws knowing laughter. We grow up thinking Protestants are less than human, he continues, and they think we live in dirty hovels. One Protestant believed that for a Catholic man to get a prostitute he had to go to his priest to get fixed up, a tale that drew hearty laughter and applause.

Other college-aged Catholics have adopted the goals of the American civil rights movement in terms of demanding social justice. The documentary shows the situation for Catholics is as bad as ever. Ian Paisley, leader of militant Protestants, advocates Catholic oppression, using ultimatums and pronouncements akin to Gov. George Wallace’s call for “segregation forever.” The narrator, Sander Vanocur, describes Paisley as a “fundamentalist preacher, an anti-Catholic bigot, and an accomplished demagogue.” Film of Paisley’s boisterous remarks to a cheering crowd validates the characterization: “We stand for Protestantism! We fight for the union! Ulster is ours and we’re going to keep it!” A Protestant tells Rogers why Paisley is so powerful among the people, “He is being used by almighty God for his purposes.”

This short documentary report summarized the state of affairs in early 1969 in Ulster and Londonderry, complete with images and testimony to reinforce the story structure. It also painted Protestants as deniers of Catholic rights. Rogers gives Irish Prime Minister Terence O'Neill the final word, but employs his comment as a foil, to explain racial discrimination the world over<sup>9</sup>: "If you draw in almost with your mother's milk a dislike of the person who doesn't belong to the same religion as yourself, it's very hard to get it out of your system later on in life."<sup>10</sup>

Farfel understood what she was witnessing. Regarding the woman's comment about coal delivered in a family's bathtub: "You see the patent ridiculousness of it, but you also see her firm belief, and so you're delivered sort of the raw material of mythology and how it sustains itself." When Rogers interviewed students at the school, said Farfel, "This is the first time in these vocational schools ... that a Protestant had met a Catholic or a Catholic had met a Protestant." Farfel recalled: "Here were these young adults explaining that a Protestant had heard that the priests were procurers and then you saw again, not just [from] the welfare woman but these young adults, how ... these mental falsehoods were passed generation to generation." Farfel saw the inventiveness of Rogers's journalism about Northern Ireland come into view — it would become a tactic Rogers employed in documentaries on other controversial social subjects. "What you were really showing was America at that time in its own civil rights movement," Farfel said. "But you weren't talking about it in American terms — you were showing it ... so that you could see sort of the roots of human prejudice, the roots of the human condition. And when you saw it ... deflected through another culture, something then could click into your own understanding of human nature and our own national problems that you could get to in a

## “The Scent of Human Flesh”

way that wasn't the debate of what was currently happening within American newspapers and school systems and court systems.”<sup>11</sup>

After high school, Rogers entered The Citadel, the Military College of South Carolina. It lacked intellectual challenge. After a year he transferred to Georgetown University, where he graduated with a military officer's commission and then entered the Army. Whether studying under the Jesuits had changed Rogers's attitudes about race, the experience shaped every aspect of his documentary journalism — to conduct the most intensive research, do the most thorough job documenting, and make the best possible call on the subject that he could. Bob Rogers wanted his documentaries to stimulate thinking. He knew a report on civil rights was likely to be overlooked by the predominantly White NBC audience, but he could attract and hold a primetime audience by inviting them to witness the harmful stupidity of discrimination in the tales of Ireland's “Troubles” — to use one troubling story as an allegory for understanding another at home.

Within two years of taking command of the NBC Washington documentary unit, Rogers was revealing an awareness of the evils of racism and discrimination that grew with each program experience. I concluded the stench of “Strom Thurmond” reeking from the primary source yearbook was an immature outburst that receded as Rogers matured. His 1977 report on South Africa not only echoed the technique used in “The Orange and The Green,” but also expressed Rogers's artful sophistication in terms of how to change minds about discrimination.

**How Rogers Came to Terms with Racism** — Eight years later, Rogers joined the growing condemnation of South African apartheid to develop more explicitly the obvious evils of racism, in the hour-long film *Africa's Defiant White Tribe* (1977).<sup>12</sup> A surprising coincidence emerges

in the primary documents for this film. To punctuate their dehumanization of Blacks, White Afrikaners seem to have borrowed lines from “The Big Book of Racist Clichés”: Blacks drink, are lazy, ineffective laborers, primitive, and substandard — “different human beings.” A woman tells Rogers, “They don’t use their baths. They use their baths to put coal in.”<sup>13</sup> (Apparently although Afrikaners tried to divest themselves of their European origins by claiming to be original Africans, they still had a pipeline to European bigotry.)

*Africa’s Defiant White Tribe* illustrates Rogers’s sophistication in covering and revealing racial discrimination. He took a page from James Baldwin’s assessment of race in America. When asked how Black Americans should engage Whites to end racism, Baldwin turned the question around — *Racism is not the Black American’s problem; racism is a problem for White Americans!* When Rogers proposed a documentary to NBC management on South Africa, he took a similar tact. On the matter of apartheid, he wrote, “The problem *is* the White African.”<sup>14</sup>

Rogers took in the overall history, assessed his documentary mission, and concluded several points that guided *Africa’s Defiant White Tribe*. The first was that a White audience would have trouble relating to — meaning not tune in to see — a parade of Blacks criticizing apartheid, which was so outrageously inhumane that the redundancy of the critique could diminish its effect. Rogers was asking, given its obvious flaws, why has apartheid proven to be such an intransigent problem? Answer? The stubborn defiance of the White Afrikaners. Reveal the Afrikaners’ blindness to their persecution of Blacks while enriching themselves through gold and uranium mining and tobacco farming enabled by Black hard labor and you might be able to end bloody rebellions and start a conversation.

As with Northern Ireland, Rogers believed the White NBC audi-

## “The Scent of Human Flesh”

ence might take a chance viewing a program on South Africa that featured mostly White voices, although that is not the only explanation for the lack of Black voices. He hoped Americans would begin to understand why apartheid had been insoluble. Like the outspoken Irish Protestants, the White Afrikaners were obvious racist bigots. The Afrikaner statements about Blacks being “different human beings” were so outrageous they provided insight into the major obstacle to justice in South Africa — racism is not the problem of Black South Africans; *racism is the White Afrikaners’ problem!* Critics and academics weighing interview minutes of White vs. Black content in *Africa’s Defiant White Tribe* did not hear Rogers’s explanation for the lack of Black voices. The reality was another indicator of racist Afrikaner laws. One police tactic used to quell violence was known as “ninetyday,” which empowered police to incarcerate anyone for ninety days of interrogation. Police detained many in solitary confinement with no access to news or outside contacts. When the ninety-day period lapsed, police could rearrest the person for another term. One man spent 238 days in confinement under the policy.<sup>15</sup> The likely threat of solitary confinement effectively oppressed Blacks. With few exceptions, such as correspondent Garrick Utley’s interview with Zulu Chief Gatsha Buthelezi, Rogers did not include more Black interviews because it was dangerous for Blacks to talk to reporters.

Rogers showed and explained in the documentary’s last segment how the terror of the police state enforced apartheid, but he developed a strategy to let Black South Africans speak for themselves. Critics who simply weighed Black versus White interviews missed the poignancy of Rogers’s masterful blend of word and documentary image. He opens Part Four with Black children singing the Black National Anthem, “Nkosi Sikelel’ iAfrika.”<sup>16</sup> The song dates to an 1897 hymn. Blacks

sang it at political meetings as an act of defiance of apartheid. The first stanza is typically sung in Xhosa or Zulu, associating the song to its African origins:

Nkosi Sikelel' iAfrika	God Bless Africa
Maluphakanyisw' uphondo lwayo	Raise high Her glory
Yizwa imithandazo yethu	Hear our Prayers
Nkosi sikelala, thina lusapho lwayo	God bless us, we her children <sup>17</sup>

Rogers used the mournful, hopeful, spiritual voices of Black children as the soundtrack under images of riots, remnants of the destruction in the 1976 Soweto uprising, the escalation of Black-White violence, and police dogs attacking a Black crowd to signify the younger generation of Blacks will no longer submit to White domination. One way or another, change is coming.<sup>18</sup>

Having documented the defiant determination of Africa's White tribe, Rogers let Blacks speak for themselves in song signifying their humanity, faith in God, and claims to the land. Five hundred Blacks had been killed in the previous year's riots at the hands of the most powerful weapon of apartheid — the police force. Following film of Black prisoners on a bus, others being arrested, and most living under the threat of being charged indefinitely or dying mysteriously in prison, Rogers contrasted the oppression with pictures of Pretorian Whites parading in cartoonish blackface mocking Black South Africans. To overcome the journalistic barrier to interviews with Black South Africans, who risked jail by talking to reporters, Rogers deployed the voices of Black children singing "God Bless Africa, Raise high her glory, Hear our prayers, God Bless us, we her children."

Prior to correspondent Garrick Utley's arrival in South Africa to

## “The Scent of Human Flesh”

film major interviews, Rogers had prepared several pages of briefing notes based on his own preliminary interviews. A brief comment suggested Strom Thurmond had long faded from Rogers’s memory. He had no doubts about what they were dealing with. Rogers commented on an outspoken Afrikaner tobacco farmer, saying to Utley, “Bushie is as close to a typical Afrikaner as you can get. He’s a total racist without even realizing it.”<sup>19</sup>

**“The Scent of Human Flesh”** — We can’t write history without documentation, but documents can’t resuscitate the lives of our quarry or recreate their times, which is our goal. Contemporary historians will always prefer to talk to their subjects when possible to gain firsthand knowledge about the past. For historians of earlier times, there are only documents, images, and perhaps audiovisual or other unique scientific records to build a case. We need to establish an accurate chronicle. We want to analyze what makes an event or person notable. But ours must be more than “an exercise in erudition.” In the end, as Bloch advises, it is men and women we seek to grasp. And as I’ve learned over two-plus decades, that requires interpreting, translating, and constantly refining and distilling the ore of lifeless documents to come to terms with the human values, goals, disappointments, and achievements of our quarry, with “the scent of human flesh.”

Bob Rogers produced a large collection of documentaries in which he reported on American colonialism and imperialism, including in places where America only casually supported democracy — American Samoa, the Panama Canal Zone, Pakistan, Bangladesh, Mozambique, Rhodesia, South Africa, Central America. He was sensitized to the plight of peasants or the oppressed caught in the middle of Cold War proxy fights and ineffectual democracies. He was not one to lecture and

so was less likely than other documentarians to present himself as the advocate for a cause. Instead he relied on his talents as a writer and documentary journalist to let those whose voices had been suppressed represent themselves in other ways, through their labor, their silence, their suffering, their actions, and their determination, as in the Black children singing the National Anthem and teaching a White NBC audience the meaning of a brighter, more humane future for South African Blacks and Whites.

It took me a long time to come to terms with Bob Rogers the person, but by burying my nose, so to speak, in various documents searching for Rogers the man, collating multiple sources, and pushing myself to grasp what Rogers was saying (and not saying) in notes, scripts, and through his documentary artistry, I feel I can write a portrait of someone who, although overlooked, had challenged himself to grow with distinction in his times.

## NOTES

<sup>1</sup> Marc Bloch, *The Historian's Craft* (N.Y.: Vintage Books, 1953), 26.

<sup>2</sup> Mary Ann Watson, "The Golden Age of the American Television Documentary," introduction by Richard Pack, *Television Quarterly*, vol. 23, no. 2, 1988, 57-75.

<sup>3</sup> Robert Rogers Papers, 1961-1988, State Historical Society of Wisconsin (hereafter SHSW), finding aid: <https://digicoll.library.wisc.edu/cgi/f/findaid/findaid-idx?c=wiarchives;cc=wiarchives;rgn=main;view=text;didno=uw-whs-m95241#uw-whs-m95241.p1>.

<sup>4</sup> Robert Rogers, *NBC Reports: Second Thoughts on Being Single*, NBC News, April 25, 1984, Rogers Papers, box 6, SHSW.

<sup>5</sup> Rhonda Schwartz telephone interview with the author, April 13, 1999.

<sup>6</sup> Naomi Spinrad telephone interview with the author, September 19, 1998.

<sup>7</sup> Robert Rogers, "The Orange and the Green," *First Tuesday*, NBC News, March 4, 1969.

<sup>8</sup> Lois (Farfel) Stark telephone interview with author, September 18, 1998.

<sup>9</sup> Stark interview.

<sup>10</sup> Rogers, "The Orange and the Green."

<sup>11</sup> Stark interview.

## “The Scent of Human Flesh”

<sup>12</sup> Robert Rogers and Garrick Utley, *NBC Reports: Africa’s Defiant White Tribe*, NBC News, July 27, 1977, viewed at SHSW, Rogers Papers, #FH 369.

<sup>13</sup> (Rogers) Interview with Mrs. Andrena Meiring, p. 40, Rogers Papers, box 2, folder 10, SHSW.

<sup>14</sup> Bob Rogers to Les Crystal, Dan O’Connor, January 12, 1977, subject “Africa,” Rogers Papers, box 2, folder 13, SHSW.

<sup>15</sup> Anthony Sampson, “South Africa — The Time Bomb Ticks,” *New York Times*, April 12, 1964, p. SM11.

<sup>16</sup> “Act IV, page one,” first-cut outline of *Africa’s Defiant White Tribe*, Rogers Papers, box 2, folder 15, SHSW; see also [https://www.youtube.com/watch?v=W83\\_2Up—7U](https://www.youtube.com/watch?v=W83_2Up—7U) and “National Anthem,” South African Government, <https://www.gov.za/about-sa/national-symbols/national-anthem> accessed January 21, 2021.

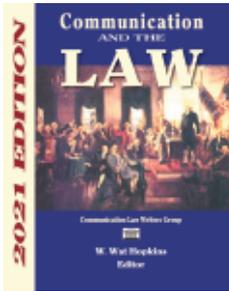
<sup>17</sup> “National Anthem,” South African Government.

<sup>18</sup> “Act IV, page one,” first-cut outline of *Africa’s Defiant White Tribe*.

<sup>19</sup> “Garrick, Welcome,” Rogers memo to Garrick (Utley), not dated, estimated from Jim Norling’s diary to be first week of April 1977, Rogers Papers, box 2, folder 13, SHSW, and Norling diary, courtesy Mr. Norling.

[CLICK HERE  
TO RETURN  
TO THE TABLE  
OF CONTENTS](#)

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# Historical Roundtable: Applying Theory and Legal History to Research Press Rights and Freedoms

By Erin Coyle, Eric Easton, Victoria Smith Ekstrand,  
Patrick File, and Jared Schroeder ©



Coyle

Journalism history and communication law scholars have applied seminal democratic theories and critical cultural theories when exploring press freedoms and responsibilities. They have analyzed court opinions, legal experts' documents, journalists' papers, and news to explore how journalists' rights and freedoms have evolved.

History is vital to First Amendment theory, which recognizes rights and duties for the press to act as a watchdog over government actors, to promote self-governance by providing information essential for members of the public to make informed decisions, and to enable the discovery of truth. U.S. Supreme Court Justice Potter Stewart and legal scholar Alexander Meiklejohn grounded the press's watchdog function and self-governance rationales with language from Supreme Court opinions and historical context. The discovery-of-truth metaphor reaches back to John Milton and John

Erin K. Coyle is an associate professor in the Temple University Klein College of Media and Communication. She is the author of *The Press and Rights to Privacy: First Amendment Freedoms vs. Invasion of Privacy Claims*.

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Stuart Mill's writings about censorship and enlightenment.

In this roundtable, four communication law and history scholars explain how they have analyzed legal documents, personal correspondence, and news coverage to research journalists' interpretations of their rights to freedom of speech and of the press. Recognizing that journalists and judges alone have not shaped these freedoms, scholars have explored writings of journalists, attorneys, legislators, opinion leaders, and judges. Some scholarship has revealed potential for laws to constrain journalism. Other scholarship has shown journalists' efforts to fight back and protect their freedoms, at times by advising legislators how proposed laws could be applied to punish journalists or pursuing court cases in hopes judges would



Easton

Eric B. Easton is Professor of Law Emeritus at the University of Baltimore School of Law. He is editor of the *Journal of Media Law & Ethics* and author of *Defending the Masses: A Progressive Lawyer's Battles for Free Speech*.



Ekstrand

Victoria Smith Ekstrand is an associate professor in the UNC Hussman School of Journalism and Media. She is the author of *Hot News in the Age of Big Data: A Legal History of the Hot News Doctrine and Implications for the Digital Age*.



File

Patrick File is an assistant professor in the Reynolds School of Journalism at the University of Nevada, Reno. He is the author of *Bad News Travels Fast: The Telegraph, Libel, and Press Freedom in the Progressive Era*.



Schroeder

Jared Schroeder is an associate professor of journalism at Southern Methodist University. He is the author of *The Press Clause and Digital Technology's Fourth Wave* and co-author of *Emma Goldman's No-Conscription League and the First Amendment*, and frequent contributor to popular and trade publications.

protect the press.

**Coyle:** *What role has theory played in your historical research? Why?*

**Easton:** As someone who has chosen biography as the vehicle for my historical research, I did not think that theory would play a very significant role in my work. But as I delved ever more deeply into the life and work of Gilbert E. Roe, the progressive lawyer who represented *The Masses* magazine in its landmark Espionage Act trial, I could begin to see how the evolution of First Amendment theory during that period foreshadowed today's constitutional regime.

When Gilbert Roe became the chief trial counsel for the Free Speech League in 1905, the prevailing theory viewed freedom of speech and press as a liberty interest protected by the due process clause of the Fourteenth Amendment. This theory, advanced most notably by Theodore Schroeder, the League's leading theorist, was an abject failure in court and no match for the countervailing theory that Congress could punish speech on the basis of its "bad tendency."

As the Espionage Act cases proceeded, the notion that freedom of speech was a matter of liberty was gradually replaced by the theory that freedom of speech was a matter of civic necessity as espoused by Zecharia Chafee and others. By 1919, Roe could write, "I insist upon freedom of speech and of free press not merely because it is a constitutional right, but because it is a necessity under our form of government."

While this evolution did not immediately affect the decisions in those cases, it certainly prompted the powerful dissents that would become the foundation of free speech law today. By reading the briefs and oral arguments of Gilbert Roe and the other civil liberties lawyers of the day, one is privileged to watch that theoretical transition lay the foun-

dation for the pillars of our law: *Near v. Minnesota*, *Terminiello v. Chicago*, *New York Times v. Sullivan*, and *Brandenburg v. Ohio*.

**Ekstrand:** The role of theory has evolved in my research over time. I think often we start out in the academy thinking of history as an objective measure of the past. But history is always contextual and always subject to the experiences of the writer of that history. That doesn't mean that historians are never objective. It means only that we see the world through those experiences; they cannot be separated from the way we then capture and evaluate history on the basis of that experiential knowledge. I suppose that as we age, we begin to better see the role of experience in our construction of that knowledge.

**File:** As long as I've studied media law and media history, I've been interested in what the two fields of our scholarly discipline offer each other, in terms of helping us develop broad understandings of fundamental principles and practices, including how those principles and practices change over time. But I haven't always been satisfied with how the two fields talk to each other or help each other in that project.

A story I sometimes tell to illustrate this comes from one of the first academic conferences I attended as a new graduate student. Watching a panel of media historians present their papers, I was impressed by the social and cultural explanations the assembled scholars presented for why things played out the way they did, but wondered whether law and policy might help explain more than what was discussed. Then, later that day, across the hall in a law paper session I had nearly the opposite observation: that the well-researched explanations of media law and policy issues being discussed might be lacking social or cultural context. So, I've long wanted to find ways that we can develop and use theory to

help us bridge this divide between the fields of media law and media history.

I think it's particularly interesting to consider how many of the theories cited and used by media law scholars address the question "why"; i.e., they are justifications developed for protecting speech and press in democratic society (the watchdog concept, the checking value, or the marketplace of ideas). This is in contrast to the theories that are traditionally deployed in the discipline of history — which are often more explanatory, focused on "how" things work. I'm interested in exploring that meeting place of "why" and "how" as it relates to the legal history of journalism.

**Coyle:** *What theoretical or conceptual frameworks have you used to explain legal historical issues? Why have you used those frameworks?*

**Ekstrand:** I have investigated the rise of critical legal studies (CLS) in the 1980s and its progeny — most notably the rise of critical race theory (CRT) and, more recently, critical race intellectual property (IP) theory. I am interested in these frameworks in the study of media law history because they help to account for the importance of some cases over others and some First Amendment principles over others. For instance, *New York Times v. Sullivan* is one of the five most important media law cases in history precisely because it is situated in the struggle for civil rights in the South. The two facts are inseparable. Libel law as it currently exists does not thrive without the battle for civil rights in the South. *Branzburg v. Hayes* is similar. The coverage of Black citizens involved in the Black Panthers lent itself to the legal rules for reporter's privilege. So much of media law — particularly our most important cases — are intimately tied to the struggle for equality.

**File:** My basic starting point is that law plays a crucial part in how we define and delineate the role of journalism in democratic society. Although this is not a difficult concept to grasp, in my view we haven't really developed clear ways to explain the processes through which society uses law to articulate, contest, and enact journalistic roles. So, the theoretical frameworks I use are ones that I think can help us understand the social negotiation of what journalism is supposed to be and thus what we think the First Amendment is for.

For example, my book *Bad News Travels Fast*, which looks at libel cases at the turn of the 20th century driven by inaccurate news stories spread by telegraph, rested on a framework that used James Carey's "idea of a report": the ongoing social construction of what constitutes acceptable journalistic forms and practices. I connected journalists' arguments that courts should render libel law more protective of their use of the telegraph in news gathering and publishing to a broader social negotiation of what types of personal information should be considered news, and what types of honest technical mistakes should be considered forgivable. That negotiation, I argue, shaped our understanding of the meaning and purpose of press freedom over time.

More recently, I've been really interested in institutionalism, which examines relationships between macro-level influences like culture and law and meso-level institutions like professional practices and routines. These relationships, and those practices and routines, shape the collective behaviors, values, and social identities in a social field like journalism — such as how journalists fulfill their role under the First Amendment — which in turn influences our collective understanding of freedom of the press. So, for example, journalists in the 1890s articulated public policy rationales — including the professional identity of society's watchdogs — to justify practices that were threatened in law by

subpoenas for confidential sources and a spate of libel suits. Bartholomew Sparrow coined the term “institutional maintenance” for this kind of policy-driven role-based rationalizing.

**Coyle:** *What primary sources were most valuable for your historical research? Why?*

**Easton:** I relied principally on four types of primary sources for my historical research: personal archives, legal archives, contemporaneous newspaper clippings, and autobiographies.

Two personal archives were of inestimable value in researching the life and work of Gilbert Roe: his own papers, found in the Library of Congress with the papers of his closest friend and one-time law partner, Sen. Robert La Follette; and the papers of his wife, Gwyneth King Roe, in the archives of the Wisconsin Historical Society. It was only through these archives, which include letters, diaries, ephemera, etc., as well as Gilbert Roe’s own writings, that I could hope to reconstruct his thinking over time.

Legal archives were indispensable in tracking the evolution of First Amendment theory through the indictments, briefs, transcripts, and opinions that comprise those archives. In the case of Gilbert Roe, many of the necessary documents were available online, in the Library of Congress’s Law Library, and in the New York City branch of the National Archives.

Contemporaneous newspaper clippings — which I consider primary sources for context — are vital to compiling chronologies of major events, to understanding the environment in which those events occur, and — sometimes surprisingly — to identifying the attitudes of the mainstream press toward nonconforming publications like *Masses*.

Online databases like Newspapers.com provided most of the clippings I used, but it was still necessary to track down other collections, such as the New York Historical Society's N.Y. *Journal* collection.

Finally, autobiography — sometimes self-serving, sometimes unreliable — can nevertheless provide valuable insight into the thinking of principal characters. In my research, autobiographies of Robert La Follette, Lincoln Steffens, Emma Goldman, Elizabeth Gurley Flynn, and, most especially, the unpublished autobiography of Gwyneth Roe, enhanced and deepened my understanding of the people with whom Gilbert Roe's life intersected.

**Ekstrand:** For my book, it was the study of the court briefs and depositions — especially the testimony of competing telegraphers from the Associated Press (AP) and the International News Service (INS) — that was the most illuminating. The depositions, in particular, told more of the story behind the case decision in *INS v. AP*. The testimony revealed the very competitive nature of the telegraphers, whose loyalties often switched as they moved back and forth between competing news wires. That helped explain that AP's victory in the case was one set against the backdrop of an environment that wasn't so much about principles as it was about winning the lead story and "hot news" of the day.

**File:** In addition to case law and legal treatises from the era I study — what legal historian Robert Gordon called "literature produced by the high mandarins of the legal system" — I have focused intensely on legal discourse where the news publishing industry talks to itself: trade publications, professional association meeting minutes and newsletters, and the like. Here can be found all sorts of debate and discussion about emerging legal problems, their impact on the business of publishing

news, and what should be done in response to them. Those sources provide insight into editors' and publishers' strategic responses to those legal problems — when to sue, when to settle, when and how to lobby lawmakers. But the professional discourse can also tell us important things about how journalists viewed their democratic role and its relationship to press freedom and the First Amendment. This can be particularly interesting when these views conflict with those of other industries or social fields — like a split with what lawyers say in their professional associations about, for example, the reporter's privilege or with what photographers say in their trade literature about how copyright law should work. Whose views are winning out and how?

If I'm arguing that society uses law to define journalism — to draw borders around professional practices and technologies that serve the contested central purpose of journalism — it makes sense to look at the discussion of legal issues by journalists, their advocates, and their detractors. We can more fully illuminate that social negotiation if we look beyond court or legislative records.

**Schroeder:** I spend a lot of time reading letters. Most of my research revolves around reading and analyzing cases. The case doesn't always tell the whole story. So, I dig into the justices' papers looking for letters from around the time the case was heard and the decision was announced. They will often comment about cases. They might complain about another justice's arguments or associate the case with current historical matters. These letters can really add color that is often left out of the more formal court decisions. When they wrote the letters, the justices were speaking to friends and confidants and probably not thinking about who might read them half a century later. So, they are often more candid. They also show what other matters the justices were thinking

about at the time.

**Coyle:** *What has your research uncovered about the history of media law?*

**Easton:** If my research on Gilbert Roe has “uncovered” anything about the history of media law, it is the richness of the history that lies beneath the Supreme Court and other decisions that we typically teach our students. I have spent most of my career teaching in a law school, where case analysis dominates the curriculum, where the accumulation of doctrinal rules far outweighs the acquisition of deep understanding, and where many of my students attended my class because they needed an elective on Thursday afternoons.

I hope that my research enabled me to take my students beyond learning merely that public figures must prove actual malice to bring a libel suit, or that incitement requires imminent, purposeful, and probable lawlessness. Gilbert Roe’s career, for example, can introduce students to many aspects of media law at a depth not possible by merely reading judicial opinions.

How much more meaningful the constitutional overlay of *New York Times v. Sullivan* could be against the backdrop of Roe’s failed defense of *McClure’s Magazine* in a 1908 libel trial. How much more dramatic the trajectory of obscenity law to *Roth/Miller* would be juxtaposed against Roe’s failed Supreme Court defense of anarchist editor Jay Fox for advocating nude bathing in 1912.

Roe’s *Masses* cases offer multiple insights, ranging from the venality of the Associated Press during the West Virginia coal mine wars, exposed in the 1913 criminal libel case, to the anti-pacifist hostility in the 1917 Espionage Act case. While it has now been revealed that Learned Hand’s 1917 *Masses* opinion was not the model for the 1969 *Bran-*

*denburg* decision defining incitement, the full impact of that decision cannot be understood without looking to *Masses* and the other Espionage Act cases of that era.

**Ekstrand:** I think the contribution I have tried to make is to remind readers of old case law that these decisions are connected to the history of that time. In the case of *INS v. AP*, the histories of the telegraphers as competitors, of World War I, of telegraphy as a technology, and of media titans like William Randolph Hearst were all critical to the outcome of the case.

**File:** I hope I can say that I have meaningfully contributed to our understanding of the development of specific areas of media law as well as our overall understanding of the relationship between the press and the First Amendment. Generally speaking, I've tried to illuminate how journalistic role-construction impacts public policy related to press freedom. For example, in *Bad News Travels Fast* I sought to show how journalists connected state-of-the-art mass communication technology — the telegraph — to their evolving professional role in demanding more lenient legal standards for defamatory falsehoods spread via wire service news.

I've argued elsewhere that we can understand journalists' broader lobbying and litigation efforts at the turn of the 20th century as "institutional maintenance" — a means to bolster their social status amid external challenges. I'm looking to move this argument forward in my next major project, examining the era when photography was making its way into the news business and raising thorny questions about privacy, publicity, and copyright for the first time. I think we can learn something interesting about the role of photography in journalism, the

role of images in news, the role of journalism in democracy, and the concept of freedom of the press itself if we consider how dominant voices in the press framed these issues vis-a-vis the journalistic professional identity, alongside perspectives about law or professionalism that were sidelined or left out.

**Schroeder:** It's messy. The development of First Amendment law cannot be explained through court decisions alone. As much as justices want their work to appear neutral and detached, the law is influenced by a variety of external factors. I've learned it's important to account for these factors. The history of laws or of court decisions, or even of justices, adds so much to my work. During winter break, I read a biography of Justice Hugo Black. The biography added tremendous depth and color to court decisions I've taught and incorporated into my research for years. The history of media law is intertwined with race, power, political movements, and, of course, journalism. It's a complex, intertwined dance. This makes it daunting, but really rewarding to study. Context matters. My research is richer because of what I've learned from historians and historical research.

**Coyle:** *What has your research on media law and theorizing about media law revealed about media history?*

**Ekstrand:** Media history is integral to understanding the longstanding and established legal principles of the First Amendment today. We don't have an allegiance to those principles without that history.

**Schroeder:** As someone who specializes in law, rather than media history, I've come to appreciate how messy the history of journalism in the

U.S. has been. When we have a general knowledge of American journalism history, we think in terms of big events and eras, such as yellow journalism or the penny press. It all seems a bit monolithic. When I've delved into news reports for law-related projects, it's really revealed regional differences and how they influenced issue framing. I've also come to appreciate the importance of African-American and communist newspapers in the projects I've worked on. These publications became strong advocates for their communities and, at times, succeeded in influencing outcomes. Good examples from projects I've worked on are Emma Goldman's *Mother Earth*, *The Masses*, the *Chicago Defender*, and *The Worker*.

**Coyle:** *Why is the history of media law significant to the study of media history?*

**Easton:** Frankly, I have a problem distinguishing the history of media law from the history of media. Nevertheless, I think the question can be approached in this way: What inflection points in the broader history of the media can be directly traced to or indirectly illuminated by actions that figure prominently in the history of media law.

There may be several such points, but I think one of the most significant actions involves the 1931 case of *Near v. Minnesota*. All media law scholars recognize that Supreme Court decision as so limiting prior restraint as to make government censorship of the press all but impossible. It was a vital decision, to be sure, but not the kind of inflection point that changed the whole of media history. Indeed, Blackstone asserted in the mid-18th century that "The liberty of the press ... consists in laying no previous restraints upon publications...."

To my mind, the decision itself was not nearly as important as the

campaign to bring the case to the Supreme Court. In an earlier book, *Mobilizing the Press*, I argued that the efforts of Col. Robert McCormick and the *Chicago Tribune* to solicit support among editors and publishers on *Near's* behalf represented the first time that the modern press viewed itself as a singular constitutional entity.

While media organizations had previously combined to lobby on such business matters as copyright and postal rates, they had never before advocated for a shared First Amendment right, regardless of audience, affiliation, or ideology. Consider the mainstream press's successful effort to excise a press censorship clause from the 1917 Espionage Act, while hailing the revocation of mailing privileges for anarchist, socialist and German-language newspapers. After *Near*, that would become unthinkable.

**Ekstrand:** Media law and media history are two sides of the same coin. As McArthur Genius Award winner and University of Virginia law professor Danielle Citron has written, "Law has an important expressive character beyond its coercive one. Law creates a public set of meanings, and shared understandings between the state and the public" (Danielle P. Citron, "Law's Expressive Value in Combating Cyber Gender Harassment," 108 MICH. R. REV. 373, 407 [2009]). When we write laws or issue decisions, we affect the course of media history. As media change and evolve, conflicts inevitably arise that find their way into court. There is no separating one from the other.

**Schroeder:** The two are intertwined. Legal decisions have influenced the form, structure, and practice of journalism. Inversely, court decisions dealing with the First Amendment are not legal islands. Supreme Court precedents, particularly those that have shaped the media land-

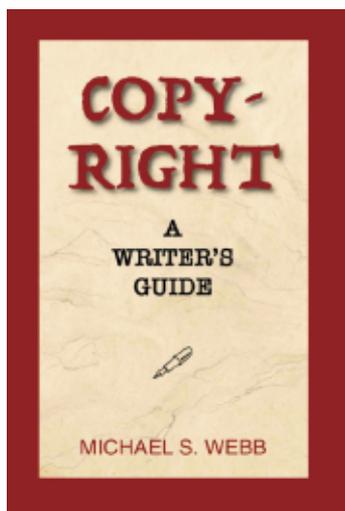
## Roundtable: Applying Theory and Legal History

scape, are best understood within their historical contexts. *New York Times v. Sullivan* might be the easiest example. This powerful, defining First Amendment ruling cannot be separated from its Civil Rights backdrop. The earliest First Amendment decisions, which were announced in 1919, dealt with protests to World War I. Thus, historical and legal research, to me, complement each other.

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THE TABLE OF  
CONTENTS](#)

# COPYRIGHT

## A WRITER'S GUIDE



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**The Author:** Michael S. Webb is a practicing lawyer who has taught media law at both Georgia State University and Clark University in Atlanta.

# Historian Interview

By Tracy Lucht ©



Lucht

**T**racy Lucht, an associate professor at Iowa State University, is the author of the book *Sylvia Porter: America's Original Personal Finance Columnist*, co-author of *Mad Men and Working Women: Feminist Perspectives on Historical Power, Resistance, and Otherness*, and co-editor of *The Media in America: A History*. She also has written more than twenty journal articles, book chapters, and research papers. In three separate years, she has won both the Maurine Beasley Award for Outstanding Women's History Paper and the David Sloan Award for Outstanding Faculty Paper from the American Journalism Historians Association. In 2015 she received the AJHA's National Award for Excellence in Teaching. That same year she also received the Rising Scholar Award from the journal *American Journalism*. At Iowa State she serves as chapter advisor of Kappa Tau Alpha, the mass communication honor society. She received her Ph.D. in Journalism and Public Communication at the University of Maryland.

*Q: Tell us a little about your family background — where you were born and grew up, your education, and so forth.*

**Lucht:** I was born and raised in Iowa. My dad sold advertising for Farm Progress Publications, and my mom worked part time at a commodities

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firm and eventually full time at Associated Builders and Contractors. I grew up in West Des Moines and went to Iowa State University for my bachelor's and master's degrees. I didn't know immediately what I wanted to do, so I went through several majors before landing in journalism my junior year. I had always enjoyed language and writing, so it was a good fit. I attended the University of Maryland for my doctorate.

**Q:** *What did you do professionally before going into teaching?*

**Lucht:** I worked in newspapers, primarily as a copy editor. I interned at the *Des Moines Register* after graduation and was offered a full-time job on the copy desk because of a staffing shortage due to pagination. The paper had laid off about 30 people in the composing room once page makeup moved to desktop computers — then quickly realized that was a lot of work to dump on the copy desk. They needed people, so I benefited from being in the right place at the right time. I also did some reporting there and at a small Iowa newspaper. Once I moved to Maryland for graduate school, I was given a tryout as a part-time copy editor at the *Washington Post*. I worked there while I did my coursework and eventually took a full-time position on the Money desk at *USA Today* while I worked on my dissertation.

**Q:** *Where, and what courses, have you taught?*

**Lucht:** I taught beginning newswriting as a teaching assistant at Iowa State and the University of Maryland. My first faculty position was at Simpson College, where I spent four years before coming to Iowa State. In addition to newswriting, I regularly teach courses in editing and journalism history. I also have taught courses in gender, race, class and

the media; women and journalism; multimedia journalism; media and society; and qualitative research methods.

*Q: Tell us about your background in history: When did you first get interested in historical research? How did your education prepare you to be a historian, etc.?*

**Lucht:** I always enjoyed reading history. As a kid, I loved reading biographies, so perhaps it's fitting that my research has focused to a large extent on biographical research. I first became interested in historical research as a Ph.D. student. I had done a quantitative master's thesis and knew when I started my doctoral program that I wanted to move toward qualitative research, which I personally find more fulfilling. I took a course in women's history, where I learned that history is not a static set of facts to memorize, but a dynamic way of understanding our world that can shift depending on newly discovered facts and different ways of interpreting them. I was hooked.

*Q: Who or what have been the major influences on your historical outlook and work?*

A: Maurine Beasley, my dissertation adviser, has of course been a major influence on my work, along with a long line of other feminist historians who introduced me to the importance of inclusivity in historical subjects, sourcing, and narratives. Feminist history and theory taught me it is important, always, to ask whose voices are getting left out of the narrative — because of how we draw boundaries, or whose perspectives we historically devalue, or simply who has had the power and the means to document their experiences for the historical record — and to reach

for those missing perspectives. Beyond recovering those voices and contributions, we then must consider how they reshape our understanding of history.

*Q: What are the main areas or ideas on which you concentrate your historical work?*

**Lucht:** My work is grounded in feminism and field theory. I am interested in the forms of agency individual women have exercised in the face of structures and norms that have functioned to oppress women as a group. Women's agency often manifests in innovative practices and forms of journalism that have helped them build community and negotiate discrimination within male-dominated environments. Sometimes these contributions are not immediately known, but once uncovered they help to explain change over time in women's lives and in the media landscape. That is why women's history is such an important element of media history. It fills in the picture, not simply by adding women to an existing narrative but by demonstrating how women have shaped the field in ways an existing narrative may not yet have acknowledged.

*Q: Summarize for us the body of work — books, journal articles, and so forth — that you have done related to history.*

**Lucht:** My first book, based on my dissertation, was a biographical study of Sylvia Porter, the first journalist to write about personal finance in newspapers. Starting in the Depression, and writing under the gender-neutral byline S. F. Porter, she developed a specialized genre that is now ubiquitous. I also have published research about women who have worked in broadcasting and newspapers in the Midwest. A new article

## Historian Interview

coming out in *Journalism History* offers an intersectional analysis of local newspaper coverage of women in politics in different regions of the U.S. during the 1920s-1930s. I am working on a manuscript about Amelia Bloomer, an editor, temperance advocate, and suffragist in the 19th century. Finally, I am a co-editor of the latest edition of *The Media in America* with David Sloan and Erika Pribanic-Smith.

**Q:** *Of the books you have written, from which ones did you get the most satisfaction?*

**Lucht:** The book I had the most fun writing was *Mad Men and Working Women: Historical Perspectives on Power, Resistance, and Otherness*, co-authored with Erika Engstrom, Jane Marcellus, and Kimberly Wilmot Voss. We just had a lot of fun, and I learned a lot from each of them. A junior scholar at the time, I felt so lucky to be collaborating with brilliant scholars whose work I had taught and cited. I also loved the challenge of using smart historical research to contextualize a popular television series, and the project pushed me, theoretically, in ways that helped me grow as a scholar.

**Q:** *We realize that it is difficult to judge one's own work — and that the most accomplished people are often the most modest — but if you had to summarize your most important contributions to the field of JMC history, what would they be?*

**Lucht:** My primary goal as a scholar has been to shed light on the experiences, successes, and importance of women who have been underappreciated by historians and other readers. So I would like to think I have had some positive impact in that way — that I have introduced people

to someone they may not have known about before and, as a result, that I have introduced them to a new way of thinking about the past or present.

*Q: As you look back over your career, if you could do anything differently, what would it be?*

**Lucht:** I would have arrived at historical research earlier, perhaps even double-majoring as an undergraduate student. I missed out by not taking more history courses as a student. Now, I feel as if I never have enough time to read! Coming to historical research as a doctoral student has left me feeling as if I will always be playing catch-up.

*Q: Tell us about your “philosophy of history” (of historical study in general or of JMC history in particular) or what you think are the most important principles for studying history.*

**Lucht:** There are many commonalities between journalism and history. I try to instill the same sense of curiosity in my history students as in my reporting students. In my view, the best historical studies (and the best journalism projects) are simply well-researched answers to interesting questions. I think you have to start with a question rather than a topic — and certainly not a conclusion. Searching for evidence to support a conclusion you’ve already reached makes for bad history and bad journalism. You have to identify what it is that you want to learn and then be willing to learn it. You read as much as you can for context but let the primary sources drive your findings. I tell students it’s natural to have a hypothesis or to develop one as you’re working, but you have to be open to being wrong. Some of the most exciting moments in histor-

ical research are when you realize you were wrong — or maybe everyone else was. Those are the moments when you have the potential to make your best contributions.

**Q:** *How would you evaluate the quality of work being done today in JMC history — its strengths and weaknesses?*

**Lucht:** I see more theoretical rigor in JMC history being published today, and I think that is a good thing. Scholars are paying more attention to the assumptions and theories that lie beneath their interpretations, and many are doing important work to make historical narratives more diverse and inclusive. I also see efforts to widen access and engage new audiences with JMC history, leveraging one of the key strengths of our research — its ability to reach people outside of academia. In my view, our discipline needs to do a better job of making our work accessible and understandable to external stakeholders, including JMC professionals and the general public. History has the power to connect with people.

In terms of a weakness, I think we all — myself included — can get trapped into thinking everything we find in the archives is important, and sometimes we neglect to answer the “so what” question. I try to remind myself it’s not enough for something simply to be interesting; it has to be significant to be worth publishing. That can be difficult to discern when we are immersed in a project or have sunk costs associated with it. I have learned it’s okay to pull back from a project if its larger meaning is not immediately apparent. Perhaps additional insights will come with time. Rather than retread familiar ground, we need to keep pushing ourselves and our field forward. Sometimes, that means admitting when our work is not ready for prime time, even though it’s hard

to do that.

**Q:** *What do you think we in JMC history need to be doing to improve the status of JMC history in (1) JMC education and (2) the wider field of history in general?*

A: This is tough because at the moment, cultural and structural constraints are working against humanities researchers. It can be difficult to advocate for our work when the dominant understanding of research involves large grants and laboratories and when universities increasingly look to external sources for research funding. It can also be difficult in a professional discipline that emphasizes skills, surrounded by a popular discourse that conceptualizes higher education as job training.

So, how do we confront these big-picture issues? I would love to see more historians in leadership positions at our institutions and in discipline-wide organizations like AEJMC. I also think we need to articulate the value of knowing history, which the present political moment demonstrates is an essential competency for journalists and other professional communicators.

**Q:** *What challenges do you think JMC history faces in the future?*

**Lucht:** I think we are likely to see continuing battles over resources within higher education as institutions deal with enrollment fluctuations and budget constraints. The time and travel necessary to do our type of research may be harder to come by. We will need patience and persistence.

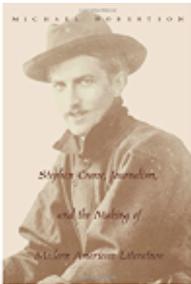
[CLICK HERE  
TO RETURN  
TO THE TABLE  
OF CONTENTS](#)

# Book Award Interview

By Michael Robertson ©



Robertson



**M**ichael Robertson won the 1997 Frank Luther Mott-Kappa Tau Alpha Research Award for his book *Stephen Crane, Journalism, and the Making of Modern American Literature* (Columbia University Press). He has written two other books: *Worshipping Walt: The Whitman Disciples* and *The Last Utopians: Four Late Nineteenth-Century Visionaries and Their Legacy*. He is a professor of English at the The College of New Jersey, where he teaches 19th-century American and British literature. He received his Ph.D. from Princeton University.

**Q:** *How did you get the idea for your book?*

**Robertson:** I started graduate school in English after a few years of working as a freelance journalist, so when I began reading vast quantities of American literature for my qualifying exams, my antennae went up whenever I came across references to reporters or newspapers. Reading fiction of the 1880s and 1890s, I was struck by how frequently reporters appear as characters and how uniformly odious they are. The two best-known examples are Bartley Hubbard in William Dean Howells's *A Modern In-*

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*stance* (1882) and Matthias Pardon in Henry James's *The Bostonians* (1886). Many of the events in *A Modern Instance* are narrated twice: once by Howells and again by the scoundrel Hubbard, who turns Howells's moral drama into melodrama. In *The Bostonians*, Pardon is a prying imbecile who sees other people purely as subjects for his scoops.

Four decades later, however, the relation between literature and journalism had radically changed. Theodore Dreiser and Ernest Hemingway both began their careers as reporters, and rather than depicting reprehensible journalists in their fiction, as Howells and James had done, they incorporated journalistic content and conventions into their literary work. Dreiser based *An American Tragedy* (1925) on an actual murder case, and he drew attention to the novel's newspaper origins, incorporating large chunks from press coverage of the Chester Gillette trial into his narrative of the echoically named Clyde Griffiths. Hemingway's first American book, *In Our Time* (1925), includes adaptations of stories that he had previously published in the *Toronto Star*.

What caused this striking change from hostility to symbiosis in the relationship between literature and journalism from the 1880s to the 1920s? There are multiple ways to explore that question, from studying the history of "high" and "low" cultural production in the U.S. to tracing the technological underpinnings of mass-market journalism to examining the careers of post-Civil War novelists who began their careers as newspaper reporters — a group that includes Frank Norris, Abraham Cahan, Willa Cather, and Katherine Anne Porter, among many others. I chose the last approach, and I decided to focus on the brief, brilliant, and paradigmatic career of Stephen Crane.

My decision had a long foreground. My doctoral dissertation contained five chapters on five different writers: Howells, James, Crane, Dreiser, and Hemingway — a conventional structure but also a fairly

boring one. I set the dissertation aside for a while; coming back to it, it seemed clear that the way to turn this from a dutiful dissertation into an interesting and useful book was to focus on Stephen Crane. Crane started working as a newspaper reporter in 1890, when he was still in his teens, assisting an older brother who ran a New Jersey news bureau. He dropped out of college after two unsuccessful semesters at two different schools and moved to New York, where, still in his early twenties, he wrote two fictional masterpieces — *Maggie* (1893) and *The Red Badge of Courage* (1895) — while also turning out dozens of newspaper features. Even after *The Red Badge* made him famous, he continued to write for newspapers and magazines, publishing travel sketches and, most notably, war journalism.

My dissertation's single chapter on Crane turned into four chapters in the book, allowing me to study his journalism in depth. Close reading revealed the way that his best work combines a social reformer's outrage at poverty and oppression, a scientific naturalist's fascination with the effect of environment on character, a philosopher's interest in epistemology, and an artist's devotion to the medium of language. Looking at Crane's entire output enabled me to trace the way in which he contributed to the twentieth century's blurred distinctions between high and low culture, between the literary and the journalistic. I also explored how Crane's career and early fame drew talented young people into hybrid careers as reporters and novelists and the ways his work anticipated the "New Journalism" of the late twentieth century.

Howells, James, Hemingway, and Dreiser did not disappear in the transition from dissertation to book. The first two share an introductory chapter about the way that 1880s journalism was perceived as a threat to literature; the last two feature in a conclusion that explores journalism's profound influence on modern American literature.

**Q:** *What findings most surprised you?*

**Robertson:** I have two. First, I was knocked out by how good Crane's "War Memories" is. This Spanish-American War memoir has seldom been reprinted or analyzed or taught — that is, it hasn't received the markers of cultural approval and engagement that move works into the literary canon. Yet it's just as good as many — I would argue better than most — of Crane's frequently anthologized short stories. Part of the problem is its length. It's 20,000 words, longer than most short stories but too short to publish as a book. Added to that is its generic slipperiness. It appears to be a first-person memoir of Crane's experiences as a war correspondent in Cuba — straight-up nonfiction. Yet the narrator is called Mr. Vernall, suggesting we read it as fiction. In many ways, this brilliant piece is a precursor of some of the daring, unclassifiable works that came out of the Vietnam War, such as Tim O'Brien's *The Things They Carried* and Michael Herr's *Dispatches*.

Next, my research undermined the common critical assumption that Crane's frequently reprinted and widely praised newspaper feature "An Experiment in Misery" was daringly novel. "An Experiment in Misery" is, without question, a brilliant piece of investigative journalism. The work begins with a conversation between the unnamed reporter — Crane, who was twenty-two at the time, calls him "the youth" — and a friend. Observing a homeless man on the streets of New York, the youth remarks, "I wonder how he feels." He decides to dress in "rags and tatters" in order to discover the tramp's "point of view." Most of this lengthy sketch is devoted to a vivid portrayal of the young reporter's experience of life on the Bowery, where, guided by a drunken tramp who serves as a sort of derelict Virgil to the youth's Dante, he spends the night at a cheap flophouse and drifts onto a park bench, where,

alienated from the well dressed middle-class citizens who pass him by, he feels himself to be an “outcast.” The piece sidesteps the social, economic, and political concerns of other 1890s discussions of poverty and instead focuses on epistemology; the real action of “An Experiment in Misery” occurs within the youth’s consciousness.

It’s a great piece, but in structure and form it is not at all novel. My research uncovered dozens of predecessors. During the months preceding the publication of “An Experiment in Misery,” Joseph Pulitzer published a reportorial experiment in virtually every edition of the Sunday New York *World*. The *World*’s reporters joined firefighters, stepped into the ring with lion tamers, and went onstage with extras in a popular melodrama. Crane’s “Experiment in Misery” appeared in the *New York Press* in April 1894; earlier that year the newspaper had published sketches by two other reporters who donned old clothes and pretended to be homeless people. This sort of experiment was so common that on the same day Crane’s feature appeared in the *Press*, the *World* published a cartoon featuring “Paperwate,” a middle-class writer, digging a ditch alongside an Irish laborer. What distinguishes Crane’s work is not its novelty but the way in which he used a common newspaper form to conduct an experiment in perception and identity.

*Q: Tell us about the research you did for your book. And what advice do you have for other historians in our field?*

**Robertson:** I did most of the research in the early 1990s. This was late enough that I could benefit from the University of Virginia edition of *The Works of Stephen Crane*, a masterpiece of textual scholarship that devotes two large volumes to Crane’s journalism. It was early enough that no newspaper archives existed online, and even microfilm of major

newspapers aside from the New York *Times* was not easy to find. Given this situation, most previous studies of Crane's journalism had relied on the handy reprintings of his work.

I was determined to place Crane's work within its journalistic context. Fortunately, I live an easy train ride away from New York. At that time, the New York Public Library newspaper annex was located in an industrial building on Manhattan's far west side. Walking there from Penn Station was itself an experiment in misery, but the holdings were magnificent. During the 1890s, New York had a score of daily newspapers, and I was able to look at most of them, along with newspapers from Boston, Philadelphia, and Washington, D.C. The attendants would wheel over carts with massive leather-bound volumes of broadsheets that, in many cases, seemed not to have been touched for decades. Frequently, despite careful handling, fragments of the brittle newsprint would break off in my hand, splinters flying through the air.

It's always easier to rely on reprints and to get a sense of a period's journalism from the many excellent secondary sources in our field. But there's no substitute for the frequently tedious work of reading great masses of material from the period on which you're working. And now most of the newspapers I examined at the NYPL newspaper annex have been digitized, opening up this sort of research to scholars who don't live near a major library — while also keeping those splinters of newsprint off your clothes.

*Q: What advice would you give to people in our field who are considering doing a book in JMC history?*

**Robertson:** The most useful writing advice I've ever received came from Will Howarth, a graduate school mentor. He said to start writing before

you think you're ready. There's a tremendous temptation to put off writing until you've read absolutely everything relevant. That temptation is particularly strong if you're writing your first book, which is a daunting project for anybody. Research is not always easy, but it's a lot more fun than the hard work of putting words on a blank page. Will pointed out that writing is a way of articulating what you understand and discovering what you don't. Once you've written a draft chapter, you can always go back and fill in the gaps with further research.

Those who have already published a book know that writing the next one can be equally hard. I'm currently working on my fourth book, and what gets me through the rough spots is what I call *faith-based writing*. I tell myself: *You've written good things in the past. Have faith that you can do it again.*

[CLICK HERE  
TO RETURN  
TO THE TABLE  
OF CONTENTS](#)