

Washington Confidential: A Double Standard Gives Way to *The People's Right to Know*

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Abstract

After more than 20 years of holding regular off-the-record briefings with government officials, the American Society of Newspaper Editors abandoned the practice in favor of a new commitment to freedom of information, signified most prominently by the organization's sponsorship of Harold Cross's 1953 book *The People's Right to Know*. This article draws on archival research to trace the evolution of daily newspaper editors' commitment to the public interest, after stridently defending their desire for secret information from federal and military leaders.

Keywords

history, ethics, professional practice, conflict of interest

For more than two decades, a highlight of the American Society of Newspaper Editors' (ASNE) annual convention, typically held in Washington, D.C., was the off-the-record briefings members received from top government officials. These discussions, held behind closed doors but in plenary session, can be documented as early as 1930 with an appearance by President Herbert Hoover and later included audiences with Franklin Roosevelt, Harry Truman, and Dwight Eisenhower; Vice President Richard Nixon; cabinet members, federal agency directors, and their staffs; and various military leaders in World War II and the Korean War, including General George Marshall.¹ When the ASNE finally abandoned the practice during the 1950s, many editors were concerned less with the ethical implications of their organization concealing news about

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government from the public than about the impracticality of holding confidential discussions attended by several hundred editors and their guests.²

Notably, the off-the-record tradition at ASNE conventions emerged shortly after the organization's Canons of Journalism, adopted in 1922 as one of the profession's first ethics codes, established the newly founded ASNE as a standard bearer for press conduct. The ASNE's first president, Casper Yost, editor of the *St. Louis Globe-Democrat*, conceptualized the organization as a corrective for the lax professionalism that had invited public criticism of journalism in the early years of the 20th century.³ "His dream was the creation of an ethical organization of American newspaper editors," wrote Malcolm Bingay (1946) of the *Detroit Free Press*, another charter member. "He wanted to see them banded together on the common ground of high purpose" (p. 5). Instead, editors in coming decades would ignore the incompatibility of their off-the-record briefings by government officials with the press's democratic mandate to inform the electorate. Moreover, many editors would rationalize the practice even as the ASNE began, after World War II, to decry government secrecy and champion freedom of information (FOI), and as some newspapers prohibited their reporters from entering into off-the-record agreements with sources. Eventually, however, when considered alongside the ASNE's growing commitment to FOI, the off-the-record sessions would become indefensible. This, then, is the story of the editors' professional evolution, from embrace of a double standard that privileged uncritical self-interest to activism for open government in service to the public.

Journalists historically have entered into confidences to obtain information from reluctant sources, and such agreements, though sometimes controversial, do not necessarily raise questions of ethics or professionalism. In contrast, the ASNE's practice assumed that a convention audience of editors and their guests, many unaffiliated with journalism, were entitled to off-the-record briefings by government officials and could be expected to withhold the information from other citizens. The sessions appeared not to advance the reporting of the news for the public's benefit, but merely to give ASNE members who traveled to their annual convention from across the country—most of whom managed newsrooms that did not directly cover the White House, Congress, or wars—a sense of being Washington insiders. Nowhere in the available archive regarding ASNE members' defense of the practice do editors say why the sessions were professionally valuable. The record contains no evidence that editors believed the mass off-the-record briefings contributed to their newspapers' reporting or enriched their editorial pages. Even for those editors whose newspapers did report news from the nation's capital and for which a benefit might be construed, the usefulness of the off-the-record sessions with federal officials was questionable. Not only were their papers prohibited from reporting on the contents of off-the-record briefings, but the closed-door sessions with newsmakers rarely revealed anything new. Indeed, a significant factor in the organization's abandonment of the off-the-record meetings during the 1950s was the triviality of the information government officials provided "in confidence" to the ASNE convention audience. Even conceding that ethical standards evolve and that past practice is not fairly analyzed against current standards, the editors' enduring enthusiasm for the off-the-record briefings represents a curious disregard for both

journalism's charge within the Fourth Estate, namely, to hold government to account, and the ethical imperative the ASNE itself was attempting to embed, through its Canons, into the professional culture of the newsroom.

During the decades in question, as today, going off the record with a news source was a fairly routine practice in journalism and honoring commitments to unnamed and unquoted sources was regarded as a standard of professionalism. The Newspaper Institute of America's 1941 handbook cautions journalists against violating the confidence of a news source and brands doing so as an ethical transgression. "The unwritten law is that confidences must always be respected," the handbook warns (Dotson, 1941, p. 82). In fact, in a handbook chapter on journalism ethics, a section devoted to working with anonymous sources precedes discussion of any other ethical concern. Although they continue to draw professional criticism for concealing sources of information, such agreements between individual journalists and sources, which differ substantially from off-the-record briefings with a convention audience, are not at issue here. American editors also may have been aware of the "lobby briefings" of Great Britain's parliamentary reporters, which were institutionalized with a set of attribution rules in the 1930s. Under this arrangement, an elite cadre of British journalists who held credentials to cover Parliament routinely was briefed off the record by the prime minister and other government officials (Sparrow, 2003). As such, the ASNE's off-the-record briefings with American government leaders clearly were not an isolated practice; however, they produced an irreconcilable tension with the emerging self-awareness and public service commitment that were professionalizing American journalism.

As part of its mission, the ASNE encouraged ethical professionalism, although the organization initially approached the task in general terms. The ASNE's 1922 Canons of Journalism do not mention off-the-record agreements, nor do they make direct reference to the public's right to government information or the press's duty to hold government to account. Even so, such evolving concepts can be detected in the language of the ASNE Canons and might have steered ASNE members away from off-the-record meetings with government and military officials. In sections on responsibility and independence, the code speaks broadly of "fidelity to the public interest." Although the ASNE did not initiate its international and domestic FOI campaigns until after World War II, the Canons also charge journalists to guard the free press—"a vital right of mankind"—and to question restrictions placed on it (Pratte, 1995, pp. 205-207). In short, the Canons contain seeds of the ethical imperative that compels the press to ensure that government functions transparently, a concept that undergirded the sunshine laws for which the ASNE began to lobby in the 1950s.⁴ And even though an off-the-record agreement for convention appearances by military and political leaders might have been justifiable during times of war, the closed-door sessions, which began as early as 1930 and continued into the 1950s, preceded and exceeded that rationale.

Against the ASNE's explicit commitment to engendering professional integrity in journalism, the long-standing practice of holding off-the-record meetings with government and military officials invites interrogation. Even so, this is a neglected area of media research. Several scholars have focused attention on individual reporters' use of anonymous sources in gathering news, particularly in the context of investigative

reporting in the later decades of the 20th century (Blankenburg, 1992; Boeyink, 1990; Carlson, 2011; Duffy, 2014); however, none has examined off-the-record briefings in an organizational context such as the annual ASNE convention. This project fills that vacuum.

The following analysis draws on archived correspondence among ASNE members, as well as the ASNE's institutional record—specifically, convention transcripts, directors' minutes, and the *ASNE Bulletin*, the organization's regular newsletter, to trace editors' rationalization and defense of the off-the-record sessions even as some newspapers limited use of off-the-record agreements by their own reporters and the organization opposed government secrecy and embraced the cause of FOI. In so doing, the analysis will situate the ASNE's debate over the off-the-record practice within the professional context of the period stretching from the 1930s to the 1950s, when journalism continued to redefine its professional and ethical standards. Returning to the archive, this study ultimately examines the ASNE's gradual abandonment of the off-the-record tradition and the substitution of a new professional sensibility represented by its sponsorship of attorney Harold Cross's 1953 book *The People's Right to Know*.

Exceptional Editors

An analysis of the ASNE record from the 1930s through the 1950s reveals a double standard and suggests that for many editors, self-interest and a sense of self-importance allowed them to disregard the ethical precepts they hoped to apply to other journalists through the Canons' standards of professionalism. At the heart of this double standard is the perception by many ASNE members that they were extraordinary members of their profession, entitled to rights, privileges, and access not available to others. In large measure, this sense of editorial exceptionalism was derived from the crucial role of the press in the perpetuation of citizen self-government, the constitutional directive that set newspapers apart from other institutions of American society; however, the democratic vision enacted by the ASNE functioned on a vertical, rather than a horizontal model. On this view, editors assumed a paternalistic role in American society, often holding themselves above the publics they served, by controlling the flow of information, passing judgments, and thus, consolidating their own power. In this vein, Paul B. Williams, editor of the *Utica Press*, told the 1930 ASNE convention,

Every editor . . . is in a somewhat different position from most of the rest of the human race in this respect: that it is his job, his function and his duty to pass opinion upon the acts of other persons in many capacities. (ASNE, 1930, p. 193)

Without an assumption of their own entitlement to privilege, the off-the-record sessions could not have passed so easily as a natural feature of the professional landscape in journalism, and ASNE members could not have justified their ongoing practice of meeting behind closed doors with government officials at the same time they were concerned about government secrecy.

In the early years, the organization also worked to craft an elite image by stocking the annual convention program not only with speakers drawn from the profession, but also with the most prominent leaders from government and society. The 1930 off-the-record session with Herbert Hoover established the ASNE's tradition of meeting with each president of the United States. That same year, just 8 years after its founding, the ASNE had so thoroughly cemented itself as an elite and widely influential organization that University of Chicago President Robert Hutchins told the membership, in a barbed compliment during a speech about press shortcomings, that the ASNE was "so select and powerful a group. You direct the course of empire and mold the form of public opinion. In addition, you are all exceedingly prosperous, and so command the respect of any university president" (ASNE, 1930, p. 130). Hutchins, of course, would chair the Commission on Freedom of the Press, which in 1947 would publish *A Free and Responsible Press*, critiquing journalism for its lack of social responsibility.

The editors' exceptionalism, the sense that they were not subject to the same standards of transparency they demanded of others who were accountable to the public, allowed them to continue the off-the-record practice uncritically and to defend it stridently for many years. Many members of the ASNE clearly did not recognize a double standard in editors meeting behind closed doors with government and military officials, a practice the ASNE condemned whenever editors and their reporters were excluded from similar gatherings (Walters, 1950).

Putting the Government Off the Record

Although it is clear that the ASNE routinely held closed-door meetings with top government officials by the 1930s, the ASNE convention record contains spotty information about the precise frequency of the off-the-record meetings, the conditions under which an official agreed to meet with the ASNE membership, and the reasons speakers insisted on confidentiality. Although the ASNE began in 1923 to transcribe discussion at all of its conventions, the record contains notable omissions. President Hoover's 1930 off-the-record speech to the ASNE convention is listed in the transcript's table of contents simply as "not reported" (ASNE, 1930). In other cases, off-the-record sessions on the program are not even designated as not transcribed. For example, the only record of a closed-door luncheon address to the 1936 ASNE convention by Harry Hopkins, head of the Federal Emergency Relief Administration, appears in connection with a transcriptionist's brief note explaining a mid-day adjournment (ASNE, 1936).

Despite the inconsistent documentation of off-the-record sessions at early ASNE conventions, the record makes obvious that the editors promised not to disclose the contents of these meetings to suit the speakers' preferences, not even requiring national security concerns as a rationale. In 1936, for example, J. Edgar Hoover, director of the Federal Bureau of Investigation, addressed the ASNE on "The Police and Newspapers" during an off-the-record session that was listed in the transcript's table of contents but not reported. In introducing Hoover to the ASNE membership, Grove Patterson of the *Toledo Blade*, the ASNE's president, explained his agreement with Hoover.

Now, gentlemen, I have a particularly important announcement to make. We had two alternatives very kindly from Mr. J. Edgar Hoover. He was willing to make an address in the usual fashion—and he can make a very good and interesting one—or—and I think he would prefer this; I know I would prefer it; I think you all would prefer it—he will talk completely and absolutely off the record and so that is exactly the agreement and understanding. (ASNE, 1936, p. 44)

In his remarks, Patterson offers no insight into why the topic of the police and newspapers required an off-the-record discussion. In fact, the ASNE archive from the 1930s suggests that a speaker's request for off-the-record status was sufficient, that ASNE leaders did not expect officials to justify withholding information about government from the public, and that the ASNE leadership believed it could bind the membership to the promise of confidentiality.

In 1937, the ASNE board of directors institutionalized the off-the-record arrangement with convention speakers by voting to note open and closed sessions on the program and to issue cards for members and guests' admission to closed sessions. At the same time, the move obscured the permanent record further. In some years following the 1937 board action, references to off-the-record sessions disappeared from the convention record entirely. For example, William Allen White (1939) of the *Emporia Gazette*, the 1939 ASNE president, telegraphed an ASNE officer that he had made off-the-record promises to speakers at lunch and dinner sessions during the upcoming 1939 convention, yet the convention transcript contains no indication that speeches even were given at those times in the program (ASNE, 1939).

Keeping the Lid On

The absurdity of holding off-the-record meetings with hundreds of editors, if not its ethical incongruity, should have become apparent to ASNE members at the 1940 convention when remarks made behind closed doors by Undersecretary of State Sumner Welles appeared in an International News Service (INS) story in the next morning's papers. The ASNE board (1940a, April 19) rushed to pass a resolution the same day, proclaiming in an oddly circular fashion that "the Society regrets the embarrassment caused to the Society" (p. 165) and then appointed a special committee to investigate.

Over the following months, the ASNE board was relentless in pursuing the matter and framed it as a transgression by the working press in Washington, D.C., rather than a flaw in the concept of holding an off-the-record session with a convention audience. White, the immediate past president and one of the most vocal advocates for the off-the-record sessions, urged his successor, Tom Wallace of the *Louisville Times*, to take action against the INS and its reporter. "The thing I think we should do and do thoroughly is to apologize to Mr. Welles and do something to this Hearst man who betrayed our confidence," White (1940) wrote to Wallace. Clearly, White believed the future of the off-the-record briefings had been jeopardized, though he does not explain why he believed they were professionally necessary. "We cannot face the president, whoever he is, in the White House with a crime like that in our own ranks unconfessed and uncondoned," he wrote.

A few days later, Wallace (1940), who had been investigating the matter, wrote to the INS, complaining that the news service had sent “a staff man” to the State Department, where the off-the-record meeting with Welles had taken place, “to quiz A.S.N.E. members, and that as a result the publication . . . occurred.” Interestingly, Wallace laid blame for the story on the INS, which was not a party to the off-the-record agreement, rather than any ASNE member who had divulged Welles’ off-the-record remarks.

It is enormously important that these conferences be treated confidentially because if there are leaks, the American Society of Newspaper Editors cannot expect to continue to have the opportunity for such conferences. I do not believe it to be the intention of the heads of I.N.S. to get news through taking advantage of such situations, but I should greatly appreciate a letter from you, giving to our Society your attitude and informing us of any action you took, if you did take any action, after the incident to which I refer. (Wallace, 1940)

According to minutes from the next ASNE board meeting, those who reviewed the letter at the INS did not follow Wallace’s logic. Barry Faris, the INS’s managing editor, admitted that one of his reporters got the State Department information from a member of the ASNE, but as far as the INS was concerned, the news was fair game. Faris told the ASNE (1940b, October 20) that he felt “no further responsibility for the incident,” according to the minutes (p. 148). The ASNE board rejected the INS position and passed a resolution stating that before the next off-the-record sessions at the 1941 meeting, the ASNE president would write to the heads of the three wire services, editors of newspapers in Washington and elsewhere, chiefs of the Washington bureaus, and independent columnists “asking them not to attempt to cover any off-the-record meetings of the Society’s convention, and to protect the Society further against such material being published or sent out of Washington” (ASNE, 1940b, October 20, p. 148). White warned his fellow ASNE directors that the briefings “would be rendered valueless and impossible unless the Society arranged absolute protection” (ASNE, 1940b, October 20, p. 167), but again, White does not articulate any professional or public benefit of continuing the closed-door sessions.

The ASNE’s response to this controversy is telling. Rather than rethinking the practicality of holding off-the-record sessions attended by hundreds of editors and their guests or assigning blame to the member who leaked the information, the ASNE tried to force Washington journalists to honor ASNE agreements to which they were not a party and from which they would not benefit. The ASNE, in effect, asked the Washington press corps not to do its job, and the only justification for such capitulation, it appears, was the ASNE’s clout and influence. At no point in discussions of the off-the-record practice did most members seem concerned with the journalistic or ethical implications of what they were doing, or whether the public’s right to information about government or their own obligation to hold the powerful to account might warrant open discussions with government leaders. In fact, a year later, at the 1941 convention, the ASNE scheduled another slate of off-the-record sessions. “Gentlemen, the news you have been awaiting,” the *ASNE Bulletin* trumpeted.

The program for the 19th annual convention of the Society, April 17 and 18, in Washington, will be devoted largely to a consideration of the nation's defense and the newspapers' share in it. Secretary of State Cordell Hull, Director of Government Reports Lowell Mellett, and Army and Navy officials will provide information that members could obtain from no other source, much of it confidential ("Conferences With Hull and Mellett and Shop Talks Feature Program," 1941, p. 1).

A Gradual Reconsideration

Although off-the-record convention sessions offered access to top government officials, ASNE members often walked away feeling cheated out of insider information. Their complaint was not that off-the-record meetings with government officials were ethically problematic but that the government officials were not divulging anything sensitive. Following the highly touted confidential meetings with Hull and Mellett, Wilbur Forrest of the *New York Herald Tribune*, the 1942 convention chairman, said the convention he was planning would "include fewer speeches and more discussion among members on topics of vital editorial interest." In an *ASNE Bulletin* article, Forrest complained that the confidential meetings contained no real information. Notably, Forrest framed his objection around the public's right to information about government, even though the public would not learn the contents of a closed-door session with government officials. "It is my personal feeling," Forrest said, "that off-the-record sessions with government officials are illusory and that these gentlemen should be encouraged next year to give the public more important facts under ASNE auspices" ("Off-Record Sessions Often Illusory, Says Chairman," 1941, p. 1). By public, Forrest clearly meant editors.

Two years later, another ASNE member, Malcolm Bingay of the *Detroit Free Press*, made a similar observation about a lack of secret information in the off-the-record sessions at the most recent convention. "From early morning til dewy night we listened to speeches. All off-the-record," Bingay (1943) wrote.

Even in a few feeble question-and-answer periods—now almost extinct—nothing new was added. Not one of the dozen or more leaders who talked to us "off the record" told us a thing we could not have found out by reading our newspapers and current magazines. "Off the record" has been a synonym for run-around. (p. 3)

Ironically, even as Bingay was lamenting the lack of secret information in the ASNE's off-the-record briefings with government officials, his own newspaper, the *Detroit Free Press* had just banned off-the-record conversations for reporters employed in its newsroom. Publisher John Knight feared the *Free Press* would be bound by such agreements and would not be able to report stories that could be obtained from other sources. Although the *Free Press*'s policy change was publicized within the ASNE (Martin, 1943, p. 8), editors who debated whether the practice should be restricted in newsrooms generally did not recognize a parallel between the off-the-record agreements working reporters made with government sources and those entered into by their bosses during the annual ASNE convention.

This double standard is underscored by an *ASNE Bulletin* article by Norman Isaacs of the *St. Louis Star-Times*. In 1949, Isaacs joined the conversation about rampant use of off-the-record agreements by rank-and-file reporters, which his newspaper, like the *Detroit Free Press*, had prohibited for its news staff. In the *ASNE Bulletin*, Isaacs (1949) described allowing a local government official to go off the record as “a ridiculous practice.”

It does seem to me that American newspaper editors have let off-the-record discussions get far beyond bounds. Entirely too much public information is being bottled up because newspapermen are permitting petty officials to use the off-the-record device as a defense mechanism.

The system has filtered down from Washington. There, I have often wondered why it is that some fifteenth assistant to an assistant secretary can succeed in bamboozling some of the best news hands in the country. (p. 1)

Interestingly, Isaacs’ condemnation of reporters’ overuse of off-the-record agreements and reference to a practice established in Washington make no mention of ASNE members’ routine meetings behind closed doors with federal officials and their pledges not to report what they were told.

An editor who did challenge the ASNE’s habit of meeting off the record with federal officials was David Lawrence of *U.S. News & World Report*. In 1949, Lawrence, perhaps the most outspoken critic of the off-the-record convention sessions during this period, asked the ASNE board to consider a strongly worded resolution that would have eliminated off-the-record sessions with government leaders during ASNE meetings. The proposed resolution, which ignores the ASNE’s decade of off-the-record sessions prior to World War II, reads as follows:

Whereas, The World War II period provided reason, or excuse, for “off-the-record” speeches before multitudes by military and other officials; and

Whereas, The ASNE, like others, found it expedient during the war to accede to requests for such conditions on its programs; but

Whereas Officials, well knowing security secrets cannot be safeguarded by such pretensions, often resort to such devices for dramatic effect without intent to impart potentially hazardous information; therefore be it

RESOLVED, The ASNE deplors “off-the-record” practice by officials responsible to the electorate and urges its officers and committees to abate this condition in its own proceedings and wherever the Society and its members can bring a firm position and influence to bear. (ASNE, 1949, p. 161)

The argument encapsulated here is twisted and contradictory. Lawrence wants the ASNE to “deplore” off-the-record convention sessions and speaks of a responsibility to the people, yet the proposed resolution criticizes the failure of government and

military officials to disclose confidential information during the briefings. In addition, Lawrence's proposal acknowledges the absurdity of closed-door sessions attended by hundreds of editors and guests, while assigning culpability for the off-the-record practice to "officials responsible to the electorate" and ignoring the ASNE's encouragement of the closed-door sessions and the editors' own democratic mandate. Even so, Lawrence's proposed resolution hints at an ethical argument, namely, that practices that impede FOI about government should be condemned.

After discussing Lawrence's proposed resolution extensively during the 1949 convention, the ASNE membership tabled it. One editor who opposed the resolution argued that an appearance by Secretary of State Dean Acheson, who had addressed the ASNE luncheon crowd the previous day, would have been "a stilted, stuffy State Department statement if it had not been off-the-record" (ASNE, 1949, p. 162). Isaacs and Lawrence were the only editors to speak in favor of the resolution before the vote. During the discussion, it became clear that Lawrence, whose magazine did indeed cover news in Washington, objected specifically to the requirement that the publications of ASNE members were barred from using information supplied in closed-door sessions, particularly because much of that information was circulating in Washington and preferred instead that the agreement with speakers allow publication if the information could be verified from other sources. "Many embarrassing episodes have occurred in so-called off-the-record conferences in which we have received information [from speakers at ASNE conventions] and others in our office have received the same information; then we are tied up," Lawrence said (ASNE, 1949, p. 163).

The Denouement

The issue came to a head again in 1952 and 1954, and the ASNE gradually surrendered to the impracticality of an off-the-record agreement for the hundreds in the convention audience. Prior to the 1952 convention, J. R. Wiggins of the *Washington Post*, the program chairman, changed the terms under which government officials spoke to the ASNE. Given some members' growing disillusionment with the off-the-record guarantee, which prevented the editors' publications from reporting information in the speeches until the information was published elsewhere, Wiggins (1952b, June) said the 1952 convention would switch to "background" rules, meaning information in closed-door sessions could be used by editors' newspapers if it could be verified elsewhere and not sourced to the speaker. Yet, introducing more relaxed restrictions proved problematic, and the controversies following the 1952 and 1954 annual meetings marked the end of closed-door sessions at ASNE conventions.

In the first instance, during the 1952 convention, Admiral William Fichteler, chief of U.S. naval operations, spoke off the record to the editors, not on background; however, the Defense Department later announced that these conditions had been imposed by the ASNE and that Fichteler would be giving the same speech on the record to a different audience. Elmer Cunningham, editor of the *Wilmington Journal-Evening*, was among the members aggrieved to hear that the ASNE, not the admiral, had put the speech off the record. In a letter to the *ASNE Bulletin*, Cunningham (1952) called the off-the-record requirement "a hoax on the ASNE membership" and wrote,

We are always yelling to the high heavens when some public group tries to withhold public information from us. Yet if this is true we are just as guilty as any of those whom we accuse. How stupid can we get? (p. 6)

John Pennekamp (1952) of the *Miami Herald* agreed:

We, the spit and polish of the newspaper business, put a man “off the record” who quite obviously was willing to be on. So we compelled ourselves to wait a week until he said the same thing elsewhere before we could use it. (p. 15)

Wiggins (1952b, June), the program chairman, countered that although Fechteler had not requested that his remarks be off the record, two other speakers, Generals Omar Bradley and Alfred Gruenther, had done so and would not have appeared on the program without that guarantee.

The issue generated controversy again after the 1954 ASNE convention, when remarks by Vice President Richard Nixon were quoted in the British press. Nixon had, after intensive negotiation with ASNE leaders, required that his speech to the ASNE convention be not for attribution. By this point, enough editors were opposed even to this lesser restriction on a speaker’s comments that the terms caused consternation among the ASNE membership. In addition, comments made by aides of Treasury Secretary George Humphrey and a talk by Admiral Elliott Strauss were entirely off the record at Humphrey and Strauss’s insistence, which also rankled many editors (“Program Chairman Tells Why Nixon Address Was ‘Not For Attribution,’” 1954).

Even so, in a sampling of member sentiment published in the *Bulletin* following the 1954 convention, most editors who offered an opinion said they still favored the off-the-record format, and those who opposed it tended to do so on practical grounds. These responses (“Three-Sentence Appraisals,” 1954), which did not mention ethics or the need for open government, or explain how the briefings might benefit newspaper readers, centered on the lack of sensitive information shared in closed-door sessions. “Off-the-record speeches that say something are better than on-the-record speeches that don’t,” wrote Herbert Brucker of the *Hartford Courant* (p. 3). Fred Burgner of the *Trenton Times* agreed: “‘On-the-record’ policy ruined what could have been excellent Pentagon session [*sic*]” (p. 3). William Mahoney Jr. of the *Montgomery Advertiser* also objected that the restrictions on speakers dulled down the program. “The pendulum of off-the-record programs has swung to the other extreme,” he wrote. “We could have no two finer examples than the sleepy afternoon at the Pentagon and the now-it’s-on, now-it’s-off, now-it’s-on the record Nixon speech” (p. 4).

Other members advocated that the sessions with government and military officials be entirely on the record, that no other position was defensible. For example, Vincent Jones of *Gannett Newspapers* called Nixon’s not-for-attribution session “preposterous.” He complained that Nixon chose his words carefully rather than speaking candidly and that the agreement not to quote Nixon “left the editors holding the sack on an impossible assignment: Bottling up a speech delivered to 700 persons, many of them non-members” (“As Vincent Jones Saw It,” 1954, p. 5). The most forceful case for ending off-the-record and not-for-attribution sessions with government officials

came from R.H. Kirkpatrick (1954), editor of the *Bethlehem Globe-Times*, who complained that the restricted sessions were restricted for no reason. "Since returning from the ASNE convention I have been brushing up on my geography. Sure enough, just as Adm. Radford told us, the United States, Canada and Alaska are known as the Western Hemisphere" (p. 5). Kirkpatrick also pointed out the ethical contradiction in the practice:

I am unable to comprehend how editors who argue through the year for open meetings can then argue to meet with public officials in quasi-privacy. . . . I assume most editors do not permit their staff reporters to go into such meetings committed to withholding all or part of the information which might become available.

By what logic do we conduct our own meetings under conditions which we would not permit elsewhere? (p. 5)

Kirkpatrick's statement is perhaps the clearest articulation in the ASNE's institutional record of the double standard created by the organization's freedom-of-information activity and its closed-door sessions with government officials.

A few months later, another sampling of member opinion showed the same kind of split, with most members still favoring a continuation of the practice ("Does ASNE Want Off-the-Record Speeches?" 1954). Michael Gorman (1954) of the *Flint Journal*, the 1954 convention program chairman, even argued that during the convention, editors were exempt from the democratic mandate to report on the affairs of government. He wrote,

Several pertinent elements are absent for the application of the conventional freedom-of-information principle. In the discussion of governmental issues, ours is a cracker barrel operation. We are not a public body. We are not taking official actions. We don't even adopt resolutions. We are not reporting. (p. 11)

Oddly, Gorman's argument contradicts an ongoing rationale for the off-the-record tradition, namely, that the ASNE was anything but a cracker barrel operation and, as an organization, was entitled to private meetings with government leaders. Moreover, Gorman's defense of the practice raises the fundamental ethical question of whether a journalist, or in this case an editor, is ever not a journalist or an editor, or whether those who identify as journalism professionals, and whose constitutional protection entails a reciprocal obligation to inform the public, are ever not on the job.

Redefining FOI

Gorman's rationalization of the off-the-record sessions ignores the ASNE's high-profile campaign to promote its 1953 freedom-of-information manifesto, *The People's Right to Know*²; however, such perspectives would quickly become moot as off-the-record sessions simply disappeared from ASNE conventions. After the discord over attribution rules for Vice President Nixon and others at the 1954 convention, the ASNE

program chairmen began, without fanfare, to put all speakers on the record. Although many editors still wanted the privilege of closed-door briefings with government and military officials, the impracticality of the off-the-record format at a large convention had been underscored by the embarrassment of the Nixon leak. In addition, the ASNE had developed a new and competing priority.

Although only a few members mentioned it in discussion of the off-the-record practice, the ASNE was embracing a new sensibility about the press's role as a conduit for information between government and the electorate and as an advocate for open government. The seeds for this change had been planted in the ASNE's own Canons of Journalism, which spoke of "fidelity to the public interest," but heightened concern about government secrecy provided a new impetus for ending restricted convention speeches. In addition, the 1947 report of the Committee on the Freedom of the Press, led by Robert Hutchins, had issued a call for the press to incorporate greater social responsibility into its mission and raised the specter of government control of the press, if the press did not reform from within.⁶ Industry organizations, including the ASNE, which followed the libertarian precept that the press had a right and mission to function without government restriction, bristled at both the commission's criticism of press performance and the suggestion that government regulation of news content might ever be justified (Nerone, 1995; Pratte, 1995; Siebert, 1956, Chapter 2).

Following World War II, the ASNE increased its focus on press freedom, which the organization previously had seen as a problem in less democratized countries around the world, and turned its attention toward home, where many local, state, and federal officials, perhaps inspired by the climate of official secrecy that surrounded atomic policy, the outbreak of the Korean War, and the entrenchment of the Cold War with the Soviet Union, acted with impunity and without legal constraint in obstructing the gathering of news (Cross, 1953). In response to reports of withheld documents and closed-door decision making by such federal entities as the U.S. Parole Board and the Social Security Administration, as well as local and state governments across the country ("Interim Report," 1951; "Report of Committee on FOI," 1952), the ASNE opened the 1950s "deeply concerned and aroused over the increasing suppression . . . of public information" (Pope, 1950a, October 21) and "keen . . . for a real fight against the bottling up of news" (Pope, 1950b, October 23).

Under the direction of an FOI Committee led by James S. Pope of the *Louisville Courier-Journal*, the ASNE developed a partnership with attorney Harold Cross, a press law expert at Columbia University and former counsel to *The New York Times*, to identify existing statutes and case law and document attempts to deny information to the press and public. In 1950, with Cross's assistance, Pope and the ASNE board initiated a counter-offensive against "bureaucrats big and little (who) are devising more and more techniques for smothering the news" (Pope, 1950c, October 27). Cross's research fueled a strategy of targeted challenges and lobbying for new legislation. "It is no longer sensible," Pope wrote to Cross, "to fight such enemies haphazard and without adequate intelligence" (Pope, 1950c, October 27). Using the monthly *ASNE Bulletin* and the annual convention, the FOI Committee initiated a stream of communication with members about the constitutional hazards of government secrecy

and encouraged members to report to Cross instances when their newspapers were denied access to state and local government records and meetings. In the spirit of the moment, Pope told the ASNE board and 1951 convention audience that the biggest news story in America was “the story we are not getting,” the result of government secrecy (ASNE Board of Directors, 1951).

Within this emergent campaign for the sunshine laws that would guarantee citizen and press access to government records and meetings, ASNE leaders were concerned that the government’s inclination toward secrecy, taken to its logical conclusion, would endanger the free press. Late in 1952, Wiggins of the *Washington Post*, that year’s convention chairman, alerted Pope that the House Un-American Activities Committee (HUAC), which had been investigating suspected Communist infiltration in various segments of American society, including the newspaper industry (Alwood, 2007), had recommended criminalizing the interstate transport of classified government documents. “This would really copper-rivet the secrecy system set up by the President’s Classification Order of September 25, 1951,” he wrote (Wiggins, 1952a, December 26). Wright Bryan (1952) of the *Atlanta Journal*, the 1952 ASNE president, led the ASNE’s protest of the HUAC recommendation. “It is a big issue,” Bryan wrote to the ASNE board. “Maybe even a newspaper in interstate commerce would violate this stupid proposed law.” In a significant and telling transition in the way ASNE leaders framed the freedom-of-information premise, a counterpoint to ASNE members’ defense of the off-the-record briefings, board member Kenneth MacDonald (n.d.) of the *Des Moines Register* encouraged Bryant to make a “strong protest . . . emphasizing again that the issue is the people’s right and not newspaper privilege.” In this quarter of the ASNE, at least, the public interest had trumped editors’ self-interest.

In 1953, after a 3-year collaboration with the ASNE’s FOI Committee and extensive ASNE-funded research of government secrecy and existing laws on disclosure, Cross produced the landmark book on press freedom called *The People’s Right to Know*, which reportedly laid the foundation for a section of the Freedom of Information Act that would be passed in 1966 (Pratte, 1995). The ASNE’s subsidy of Cross’s work, which financed both preparation of the book manuscript and supplements to the 1953 volume, represented a significant and ongoing investment, one that exceeded US\$20,000, more than US\$175,000 at today’s currency valuation.⁷ With the book’s publication, the ASNE’s FOI advocates enthusiastically turned the title into a battle cry for government access.⁸

So it was in 1954, as editors debated the off-the-record tradition for the last time in the *ASNE Bulletin*, that the newsletter also carried monthly FOI articles with titles such as “A Failing Faith in the People as a Cause of Official Secrecy” and “How Best to Fight Official Secrecy” (Mathews & Newton, 1954; Wiggins, 1954a). In fact, an author of FOI articles was Wiggins, the 1952 convention program chairman who had rationalized the ASNE’s handling of the Fechteler speech, which had been off the record even though the admiral gave the talk elsewhere in public a week later. Now, 2 years later, Wiggins (1954b) complained that “secrecy in government threatens not only the free press but all the other free institutions of this country” (p. 1). In 1956, Wiggins, by then the chair of the ASNE’s FOI Committee, even contributed a law

review article titled “The Role of the Press in Safeguarding the People’s Right to Know Government Business,” which heightened the incongruity of the ASNE’s previous off-the-record practice. Although official government business was not conducted at ASNE conventions, Wiggins’s proscription against off-the-record collaboration between the press and government officials hits close to home for the ASNE of his era:

Newspapers . . . ought not consent, by their presence under off-the-record rules, to the secret making of governmental policy. They ought not submit quietly to second-hand, hearsay reports of what went on in meetings to which the people and the press were not admitted. They ought to take the utmost care to let readers know what business is being openly and what business is being secretly conducted. (Wiggins, 1956, p. 75)

Clearly, the ASNE’s habit of meeting en masse and in private with government officials had given way to a new set of values that privileged the right to information and left no room for confidential briefings during the annual convention.

Conclusion

The off-the-record sessions with government and military officials had required a suspension of irony given the size and composition of the convention audience and the ASNE’s concerns about official secrecy. As a result, when it ended the practice, the ASNE passed an important milestone in its effort to instill 20th-century journalism with commitments to ethics, professionalism, and public accountability. True, ASNE members of the 1950s did not reach consensus that the closed-door briefings had put them at odds with their call for government transparency; for many, frustration with the trivial content of the briefings and the organization’s inability to maintain confidentiality made the sessions seem more impractical than ethically problematic. It is also important to note that the ASNE’s move away from off-the-record convention briefings did not end the practice in other contexts. Even today, journalists participate in large off-the-record social events at the Pentagon and in other venues where government officials dictate off-the-record rules (McIntyre, 2009). These gatherings, which generally escape public notice and scrutiny, make clear that the new standard the ASNE set for itself in the 1950s was not embraced throughout journalism.

Even so, the ASNE’s abandonment of the off-the-record briefings marked an important moment in that organization’s professional maturation, a process that would continue through the appointment in 1970 of a standing ASNE committee on journalism ethics and the adoption in 1975 of a Statement of Principles that replaced the 1922 Canons of Journalism. Echoing Wiggins’s 1956 law review article and the freedom-of-information sensibility engendered by ASNE members of the 1950s, the new code of ethics exhorted the newspaper profession to “bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government” and asserted that “freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private” (Pratte, 1995, p. 209). Importantly, the new code continued, “Journalists must be constantly alert

to see that the public's business is conducted in public" (Pratte, 1995, p. 210). Although the authors of the 1975 code likely had no knowledge of the off-the-record briefings that at one time had been a staple of ASNE's conventions, the controversy over those closed-door sessions, in which a commitment to public service finally eclipsed self-interest, was a necessary passage on the way to the organization's redefinition of its professional standards.

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Notes

1. President Warren Harding, a former newspaper editor, was extended membership in the American Society of Newspaper Editors (ASNE) shortly before his death in 1923. It is unclear whether he ever met privately with members of the ASNE. Calvin Coolidge, who succeeded him, is not mentioned in the available ASNE archive.
2. After the ASNE's founding in 1922, attendance at the ASNE's annual convention, held each spring, increased along with the organization's membership and influence. Importantly, convention attendance also comprised spouses and other guests, vendors, and others affiliated with the newspaper business. For example, in 1948, the ASNE reported 482 members at the same time that it took 950 reservations for the annual banquet. (ASNE Board of Directors, 1948; "Dwight Young Honored," 1948). Archival research for this project was completed while the ASNE's unindexed organizational records were located in Reston, Virginia. Copies of quoted documents are in the author's possession. The ASNE's institutional archives have been moved to the University of Missouri, where the ASNE now has its headquarters.
3. The ASNE (1923) was founded, according to its first constitution, "to promote acquaintance among members, to develop a stronger and professional esprit de corps, to maintain the dignity and rights of the profession, to consider and perhaps establish ethical standards of professional conduct, to interchange ideas for the advancement of professional ideals and for the more effective application of professional labors, and to work collectively for the solution to common problems" (p. 15).
4. In addition to targeted state-by-state efforts, the ASNE's Freedom of Information (FOI) Committee collaborated with the House Government Information Subcommittee, led by U.S. Rep. John E. Moss of California. Both ASNE consultant Harold Cross and James

- Pope, an early FOI Committee chairman, testified before the Moss Committee, which was a force for early open records and open meetings legislation (Cross, 1956; Pope, 1958).
5. The ASNE, which handled marketing of Cross's book, sold 3,000 copies in the first year, then appointed state sales chairmen to sell more ("Hills Starts Promotion," 1954).
 6. The Hutchins Commission called for the press to ensure a higher standard of public accountability through professionalism and self-regulation; however, the report emphasized that the press's failure to do so would generate government restriction on press freedom: "Our society requires agencies of mass communication. They are great concentrators of private power. If they are not responsible, not even the First Amendment will protect their freedom from governmental control. The amendment will be amended" (Commission on Freedom of the Press, 1947, p. 80).
 7. When the ASNE settled with Cross's estate after his death in 1959, the organization had paid Cross US\$13,200 in fees and more than US\$4,200 in expenses. In addition, the ASNE agreed to advance Columbia University Press US\$4,000 to cover costs of publishing the book, to be offset by income from sales (Columbia University Press, 1952; Fischer, 1959; Wiggins, 1959). When he died, Cross was working on another supplement; it is unclear from the record whether the ASNE incurred further expenses for the project.
 8. The phrase "the people's right to know" has been dated to 1945 and attributed to Kent Cooper, general manager of the Associated Press (Altschull, 1990, p. 250, cited by Helle, 1991, p. 1079; Cooper, 1956).

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