

**PRESS & TELEVISION**

secret investigations of the fitness of judges (*Landmark v. Virginia*). But the Burger Court showed characteristic caution in refusing to go further and rule on the constitutional theory that the press can never be punished for publishing truthful information about government.

Overall, says Denniston, the Court displayed a testiness about the press's role in society but produced no consistent view of the limits of press freedom. No single Justice can now be relied upon in every case to offer a firm defense of First Amendment rights—boding ill for future constitutional claims of the press.

*Self-Regulation  
or Else!*

"The Power of the Press: A Problem for our Democracy" by Max M. Kampelman, in *Policy Review* (Fall 1978), 513 C St. N.E., Washington, D.C. 20002.

The relatively unrestrained power of the news media may be a greater challenge to American democracy than the power of Congress and the Presidency, contends Kampelman, a Washington attorney, prominent Democrat, and former professor of political science at the University of Minnesota.

As the major media organizations have grown more powerful, they have also become more business and profit-oriented and enormously lucrative. Meanwhile, the restraint of competition is disappearing as a result of acquisitions and mergers; 60 percent of the 1,775 U.S. daily newspapers are now owned by chains, compared to 30 percent in 1960.

The press, like other powerful institutions, says Kampelman, must be accountable to the public. But instead, the media enjoy virtual immunity from prosecution for libel or invasion of privacy. Press and television compete for audiences by emphasizing the sensational while ignoring important policy issues; they indulge in bias and selective morality (e.g., by ignoring massacres in Cambodia while playing up minor misdeeds elsewhere); and they distort the political process by bestowing attention on some candidates while ignoring others.

"The cumulative effect of these shortcomings," says Kampelman, "is a diminishing confidence in journalism . . . that, in itself, is a danger to democracy." A Harris survey in March 1977 found that public confidence in TV news fell from 35 percent in 1975 to 28 percent in 1977, and confidence in newspapers fell from 26 percent in 1975 to 18 percent in 1977.

Self-regulation is preferable to governmental restraint. But at the moment, no procedures exist to assure that the media adhere to professional standards. Such leading newspapers as the *New York Times* and the *Washington Post* have refused to cooperate with a National Press Council established by the Twentieth Century Fund to help resolve disputes arising from alleged unfair press treatment. Journalists need a code of ethics to deal with the problem of personal bias. In addition, Kampelman writes, new laws should minimize the unfair advantages the press enjoys in libel litigation and restrain the growth of communications conglomerates.