

## how herb caen paid his union dues

The actual outcome of the eleven-day strike last November by nine newspaper unions against the *San Francisco Chronicle* and the *San Francisco Examiner* is muddled. Will Hearst resigned a month later as *Examiner* publisher, an act that's hard to construe as a victory lap. Teamsters and management are at odds about how much job protection actually was negotiated for union truck drivers. Dozens of other disagreements have surfaced, and a second strike is a possibility, though not yet a likelihood. Against this seething background, one clear moment has assumed the stuff of minor newspaper legend. That was when seventy-eight-year-old *Chronicle* columnist Herb Caen led a select group of *Chronicle* and *Examiner* writers before the local TV cameras to vow that they wouldn't return to work until *everyone* returned to work.

It was pure labor theater, but even semi-hardened *Chronicle* columnist Jon Carroll says that, to his own astonishment, tears of gratitude sprang to his eyes when Caen stepped forward. Even though it was unthinkable that a longtime union stalwart like Caen would do otherwise, at that moment in the strike, plenty of union members were thinking the unthinkable.

The press conference itself was an improvisation. Newspaper management had sent a letter to the 2,600 strikers threatening immediate termination if they didn't return to work. Though the union leaders had anticipated the threat, phone trees and face-to-face pep talks weren't pro-

viding reassurance fast enough.

The idea for the press conference apparently belongs to Doug Cuthbertson, executive officer of the Northern California Newspaper Guild. "I knew [the pledge] would have enormous impact on the people out there on the picket line in the rain," he says. "It was even bigger than I thought." In particular, Cuthbertson says, the TV moment reminded secretaries and clerks that they were not alone, that they were part of something larger. "If the day people got the 'permanent replacement' letters was the nadir, the press conference was

worth of recognition factor adds up, as *Chronicle* investigative reporter Susan Sward discovered when a produce clerk at her Safeway supermarket told her he knew the newspaper unions were on strike, and said, "You guys got Herb Caen to come out for you."

Perhaps, as Cuthbertson suggests, the unexpected emotion the press conference stirred inside the two papers was simply a momentary overflow of their anxiety. Perhaps, as *Chronicle* editor Bill German says, it resulted from the fact that "they didn't know Herb very well."

Or, as Carroll says, it may have come from the somewhat

tion is he'll write till he drops dead, and his fans will want to read about the funeral.) The betting, says union official Wallace, runs from 15,000 to 150,000.

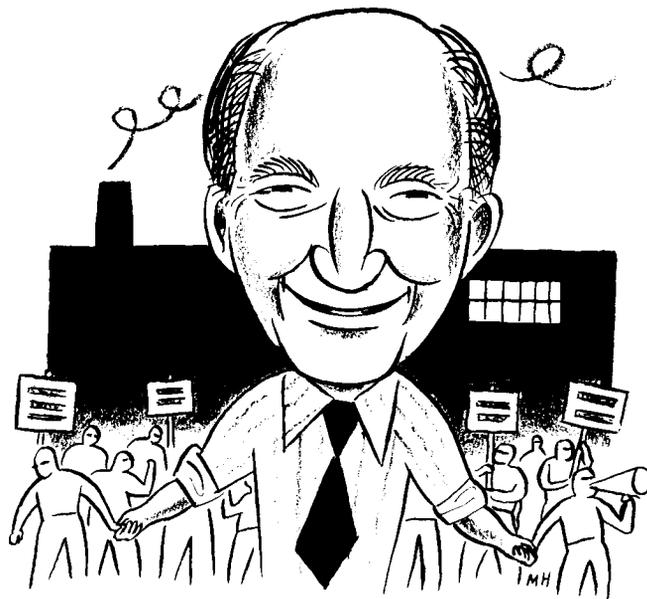
J. Michael Robertson

Robertson, a *Chronicle* reporter for eleven years, teaches journalism at the University of San Francisco.

## hidden cameras a million-dollar peek

It may have been a critical juncture for undercover TV, but it sure didn't look like much. ABC's *PrimeTime Live* spent three months trying to document that a 900 telephone number offering advice from "live psychics" was, if not a total sham, at least a lousy way to spend \$3.49 a minute. "Hello, Telepsychic" ran in February 1993, and now ABC gets its payback for illustrating what most viewers probably already assumed.

Last summer, a California jury decided the show's use of "hat-cam" hidden-cameras violated the privacy of the plaintiffs, two men who gave readings, and in what seems to be the first such decision against a newsmagazine show, awarded them more than \$1,000,000 in actual and punitive damages. Now the judge is threatening further steps, in a state noted for its tough attitude toward clandestine recording. The case is likely to cast a shadow across the lenses of TV's powerful hidden-camera tools (see "Truth, Lies, and Videotape," *CJR*, July/August 1993).



right at the apex," says Bill Wallace, *Chronicle* reporter and president of the Northern California Newspaper Guild. "It was a triumphant moment."

That Herb Caen would mean the most to those *outside* the newsroom was a foregone conclusion. In spite of his style and wit, his column does not travel well outside a 100-mile radius of San Francisco, consisting as it does of dozens of individual local items in the Neolithic three-dot style about socialites and politicians, opera openings and gossip, bad puns and nostalgia. But he remains a Bay Area icon. Fifty years

unnerving realization that Caen might be the only one of the columnists and writers who really mattered to management. That insight has its own comforting corollary, of course: the paper has got to have Herb Caen; if he's with the union, the union wins. "I called him first," Cuthbertson says. "I would have been a naked mercenary without him."

A standard argument in the *Chronicle* newsroom has always been this: how many of the paper's half-million readers will cancel their subscriptions the day after Herb Caen is buried? (The assump-



To view "Hello, Telepsychic" is not exactly to be riveted by great investigative work. Through hidden cameras we see an ABC operative at work, offering advice to customers from a tarot card crib sheet. One of the plaintiffs is seen speaking wistfully about managing rock bands; the other about working in comedy, as if the psychic business was just a way to make a buck. The piece implied that the fortune tellers didn't believe in what they were selling. Yet the jury spent two days watching outtakes in which workers talk as if they believe they are psychics. "The jurors were astonished and appalled," says the winning attorney, Neville Johnson of Los Angeles.

The ads for the psychic line warn that they are "for entertainment purposes only." And in the segment, *PrimeTime* notes that the card-reading ser-

vice had done nothing illegal, yet makes the point that the customers are largely undereducated people with significant vulnerabilities who can little afford the hefty phone charges, which typically run \$30 a call.

Johnson argued that ABC had no right to secretly film and vilify by association private individuals who had done nothing illegal. He painted a picture of damage done to the lives of the plaintiffs by their few seconds of fame: ridicule and humiliation before millions of viewers. One plaintiff, the lawyer told the court, received

## SOUNDBITE

"I think I was allowed a little anxiety . . . If something happened to the curl in my brain that causes verbs I would be one of those home relief cases that people hate so much."

*Jimmy Breslin, in one of a series of columns in New York Newsday describing his recent brain surgery to remove an aneurysm.*

134 irate phone calls within 48 hours of the show. The lawyer says the program exacerbated one client's severe alcoholism — he died during jury deliberation. His clients, he says, were never asked to respond to the implications of the

ed like any other case. He took ABC off the hook for its audiotaping — although California's penal code clearly outlaws the audiotaping of confidential communications. ABC argued that the scenes and conversations it captured were not confidential, since they took place in a large open office and other gathering places, where they could easily have been seen and heard by others. In the end, Judge Geernhaert allowed the case to proceed on the question of whether secretly videotaping the plaintiffs was an invasion of their privacy.

In recent weeks, the judge, declaring that ABC's attitude indicated it had learned nothing from the case, has threatened to issue an injunction barring the network from using hidden cameras in California workplaces closed to the public. If so, says a spokesperson, Capital Cities/ABC "would vigorously oppose it."

edited footage.

ABC would have preferred that the case be viewed as a press freedom issue, contending it had every right to go into a business offering its services to the public and show what goes on there. But Superior Court Judge Bruce Geernhaert insisted it be treat-

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Attorney Johnson argues that the bigger debate must be over what he considers the media's self-appointed role in undercover work. "Since when did journalists get quasi-police powers?" he says. "The police and FBI have to go to court to get permission to do this stuff."

Television journalists might phrase it differently, but they've been struggling with the same issue. The Society of Professional Journalists, for example, has produced a checklist of conditions it thinks ought to be met before a hidden camera is employed. First on the list: when the information is of "profound importance" and "vital public interest." Don Hewitt, executive producer of CBS's *60 Minutes*, has his own rule of thumb: a person's right to privacy is forfeit when he's up to no good, Hewitt says, but he insists that news organizations ought to choose carefully when they use hidden cameras and be sure they're showing real culprits.

Johnson says he has filed two additional hidden-camera lawsuits, one related to the same *PrimeTime* segment, and that other potential hidden-camera victims have surfaced. He hopes that by the time he's finished, news organizations will have decided that there are other ways to get the story. Meanwhile, the chill has set in. "There's been something of a backlash to those pieces here," says a knowledgeable ABC News source. "They're not doing them as much. They've definitely tightened things up, and in doing so made it more difficult to get good pieces on the air."

Russ Baker

Baker is a writer and television producer in New York.

## wronging the right

For two years, reporters from the nation's top newspapers flooded into the city of Vista, California, after fundamentalists took over the local school board in November 1992. They came in search of the religious right. And they got a lot wrong.

Some of the errors were harmless, such as the lead of a *Chicago Tribune* story last November that described Vista as being "nestled high in a southern California mountainside" — news to Vista residents, who are ten minutes from the Pacific Ocean and only 450 feet above sea level.

But other errors were anything but innocuous. "They blew up things larger than reality," said a former school board president, John Tyndall. "The national media helped fuel a perception that things were happening that weren't." Indeed, reporters didn't do their homework, sometimes blindly relying on their sources and on each other's stories. And the resulting errors invariably made the board appear more Bible-thumping and meanspirited than it actually was.

In August 1993, for example, the board approved a policy encouraging — but not ordering — teachers to challenge existing scientific theories. While the board clearly wanted to weaken the theory of evolution, the policy was largely symbolic and actually required nothing new of teachers.

But in a page-one story, the *Los Angeles Times* reported that the board had ordered teachers to discuss creationism. The story relied upon wording from the draft version of the policy, which did issue orders to teachers. But the board had ultimately rewritten the draft, taking out



the mandate. *The New York Times* made the same mistake on the same day, and the *Chicago Tribune* soon followed suit.

Although a phone call to the school district to get the correct wording of the policy would have prevented the error, *The Associated Press* reported days later that the board had told teachers to teach the story of Genesis "as an alternative theory to evolution."

Eight months later, the *Los Angeles Times* expanded the myth, reporting that the board had lowered evolution to the status of "just another theory" and that it had required discussion of divine creation in science class. Neither assertion was true.

Another myth began last March, when the *Times* quoted a critic of the board who said it had rejected a school breakfast program because "children not eating breakfast with parents tends to corrupt family values." In fact, the board had never debated school breakfasts or whether children should eat at home. (However, after the *Times* story appeared, the board did reject a federal lunch program to feed children during school vacations. Board members

argued that the program was a waste of taxpayers' money.)

As the false story spread, the attribution to the critic, who had been wrong in the first place, disappeared, and the tale of the anti-breakfast school board became fact. Months later, *The New York Times* and the *Chicago Tribune* both reported that the board had taken an ax to school breakfasts, with the *Tribune* even repeating the untruth that the board had done so because it wanted children to eat at home. This story even made its way into American Civil Liberties Union fund-raising literature, in a letter blasting the board's alleged aversion to school breakfasts, among other things.

There were other errors. The *Los Angeles Times*, quoting the same anti-board activist, reported that the board had eliminated free busing for poor children, when the board actually only trimmed it. *The New York Times* said the board tried to "reintroduce prayer to the school system." In fact, the board never discussed school prayer (although it did begin holding voluntary invocations before board meetings).

There was a lot of news to