

can the press fix itself?

steven brill

chairman and editor in chief, brill's content

ELEVENTH ANNUAL JOHN S. KNIGHT LECTURE

February 17, 1999

Cubberley Auditorium

Stanford University



JOHN S. KNIGHT fellowship and Lecture

The 1998-99 academic year marked the 33rd year of professional journalism fellowships at Stanford. The John S. Knight Fellowships are named for a distinguished American journalist whose major concern throughout a long career was the editorial quality of newspapers. The Knight Fellowships program each year awards fellowships to 12 journalists from the U.S. and up to eight from other countries. These journalists take a leave of absence from their jobs to spend the year at Stanford studying and attending special seminars. In 1988, with the help of the Knight Foundation, the Knight Fellowships Program began an annual lecture series aimed at bringing distinguished journalists and authors to campus.

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When Steven Brill announced that he was starting Brill's Content, there was a great deal of interest and anticipation on the part of journalists. Brill had gained some attention and respect as the founder of The American Lawyer magazine, and then as founder of the Courtroom Television Network, Court TV. The first issue of Brill's Content, which appeared in August 1998, thrust the magazine on to the front pages and into the public consciousness because of its cover piece, written by Mr. Brill and entitled "Pressgate." It examined the news media's handling of the Clinton-Lewinsky affair, and it included information from an interview



with independent prosecutor Ken Starr in which Starr basically confirmed that his office had leaked information about the case to reporters. That part of the story, Starr's leaking, probably got the most attention, at least in the press, but the article also contained a devastating critique of media coverage of the whole Clinton-Lewinsky saga. So that piece and its findings were controversial and stirred

debate within journalism and outside — familiar territory for Steven Brill.

Steven Brill has undergraduate and law degrees from Yale University. He wrote for New York and Esquire magazines, and wrote a book, "The Teamsters," before founding The American Lawyer. Brill went on to own nine regional legal publications around the country in addition to American Lawyer. He founded Court TV, which went on the air in 1991 and drew immediate attention with its coverage of the William Kennedy Smith rape trial. Time-Warner acquired those enterprises, and he proceeded to found a new company, Brill Media Ventures, the parent of Brill's Content.

previous knight Lecturers

1988-89 — David Broder, Washington Post

1989-90 — Taylor Branch, author

1990-91 — Peter Arnett, Cable News Network

1991-92 — Geneva Overholser, Des Moines Register

1992-93 — William Greider, Rolling Stone

1993-94 — Anthony Lewis, New York Times

1994-95 — Sylvia Poggioli, National Public Radio

1995-96 — Ellen Goodman, Boston Globe

1996-97 — Elizabeth Drew, journalist and author

1997-98 — Bob Woodward, Washington Post

can the press fix itself?

by steven brill

I'd like to talk tonight about journalism and indeed about what our magazine is trying to do to, and I would argue for, journalism. To do that, first let me give you a little more background about who I am and how I got here, because it actually has a lot to do with the topic. I put myself through Yale Law School writing magazine articles for New York magazine and Esquire, Harper's, and some other magazines, and indeed, I literally spent the summer between my first and second year at law school not interning at some Wall Street law firm, but writing a piece for New York magazine about the Educational Testing Service.

As you all know, you are all successful survivors of ETS. They're the people who with tests like the SAT and the Law Boards and all the rest, are the gatekeepers when it comes to who gets to go to which colleges, law schools, graduate schools, nursery schools, the CIA. They do hundreds and hundreds of tests that decide who goes where and who gets to do what. And 24 years later, I actually still get letters about that article. The reason for that is the article was in essence about hidden, unaccountable power. Here were these powerful people huddled in this little not-for-profit building in Princeton, New Jersey, who affected our lives so much, yet we knew so little about them, or about the tests they produce, and I learned two things from the reaction to that article, and indeed two things from the kick I got out of doing it that really still guide me today when I think about journalism. The first was the power of magazines, magazines as opposed to daily newspapers and television, to convey important, long-lasting, complex ideas. And the second thing that I learned was that when you fill those kind of information gaps about powerful people and powerful institutions, you can do really important journalism, and in fact, you can come up with a great publishing idea. You can actually turn this into something that works as a business. Now, let me elaborate a little bit about that.

A year or so after writing that article, I was standing in front of the career placement office at the Yale Law School, staring at all the letters up there on

the bulletin board, from big Wall Street and San Francisco and Los Angeles law firms who were trying to recruit my classmates. Now, I wasn't there looking for a job. Actually, the soda machine in law school was right next to this bulletin board, but what struck me just looking at this mass of letters was that they were all on the exact same stationery, you know, very expensive stationery, and they all said the same thing. They all said that they were looking for uniquely qualified people, and if they found those people, they would offer them a unique experience working for uniquely interesting corporate clients providing uniquely wonderful training, working with uniquely interesting people, with unique standards of integrity and intellect. You get the picture. They were all, you know, eighty pieces of uniqueness.

And I decided in looking at all those letters from all those law firms, who represented huge bastions of power in a certain way, that they all couldn't be the same, that behind those letters were separate organizations, separate businesses, in fact, and that there had to be real differences among them. Some of them made more money than others, some of them had better litigators, some of them offered more equal opportunity and less unequal opportunity to women, to non-whites, indeed, at the time, to non-Christians. Some of them were more cost effective in dealing with clients. Some of them were nicer, some of them were meaner, you name it, but they were different. And yet you couldn't tell from looking at the letterheads.

And it was then that I really started thinking about filling another information gap about a powerful institution, in this case, the law, by starting a magazine which became *The American Lawyer*. I won't bore you with the details of that, but it worked, and from that national magazine, which was basically for lawyers practicing in big time law firms or doing big time cases, we expanded to include weekly and daily legal newspapers in various cities around the country, from Atlanta to Washington to right across the bay, or up the block in San Francisco. And that's in part how I came also to understand the power of newspapers,

the immediacy they offer, and often the intimacy they can offer by being local. But I must tell you that I also learned along the way, as I was building this journalism company, that journalism really isn't, or at least shouldn't be about, good and bad people, about black and white, that it's about grays, that really good journalism is not villains and heroes, usually. And really good journalism often has to confront the fact that there's often a conflict of interest between a great story and a true story. One day, in fact, I remember this, I was sitting in my office at *The American Lawyer*, and we'd gotten a letter from someone who was complaining about a story we'd written, and saying that something was inaccurate, and I found myself sitting there writing this incredibly clever, glib, nasty reply to his letter that we were going to print right underneath the letter in the magazine. And I was going to teach this guy not to write a letter to us, and I realized that I was writing this letter, this reply, as brilliant as the reply was, without in any way having investigated the fact — let alone even caring about the fact — of what he was writing was true or not. I mean, how did I know he wasn't right and we weren't wrong? And that sort of stuck with me, and I started to begin to think about all that.

Now, later on, in the process of building this company, I sort of hit on another big information gap, and that was the public, as opposed to lawyers, the public's lack of understanding of how the legal process really works, and this time the solution that I thought I came up with a different medium, and that was television. And the idea was Court TV, which uses the benefits of the video medium, the ability to put someone right there, to see news as it happens, to show people what's really going on. And my target again was the misunderstanding that people had about how the legal system really works, how jurors really decided things, and I had come to see that when I had written some of my own stories early on in *The American Lawyer* about how juries make decisions. You now see these kinds of stories all the time, but the ones we ran were actually some of the first ones. For example, I interviewed all of the jurors in the John DeLorean drug case where, as some of you may remember, the FBI had caught him on videotape. This was John DeLorean, the auto executive, they caught him on videotape holding up a bag of drugs in one hand and a glass of champagne in the other hand, toasting this drug deal, and therefore everybody thought he must be guilty, and yet the jury had acquitted him. And when I inter-

viewed those jurors, in addition to finding out why they did what they did, what struck me was they had a very different and more real sense of the legal system than people whose exposure to the legal system was Clint Eastwood movies and made-for-TV dramas, where the cops were always the good guys and bad guys always walk on technicalities or because some judge is a pointy-headed liberal and they get off on some technicality. In fact, if you talk to real jurors who aren't necessarily liberals at all, what they find out and what they know is that those technicalities are called the Constitution and the Bill of Rights, and that we have a system that actually works a little better than people think it does.

So my goal with Court TV was to show people what juries see, by putting them in the courtroom, and that worked, too. Then, as Jim mentioned, a couple of years ago I had a disagreement with my then partners in Court TV, who were Time-Warner and NBC and a huge cable company called TCI that you all have heard of. They were my partners in Court TV. I wanted to take Court TV in one direction—I wanted to expand it to do local versions around the country, and they really didn't know what they wanted to do because they all sort of hated each other and they couldn't agree on anything, and the only solution I really had was to first try to buy it from them and then sell it, and then I exercised a right I had to sell my shares to them, and I took my "winnings" and just knew exactly what I wanted to do. I wanted to do a magazine, and I wanted it to be a magazine that fills what I consider to be the greatest information gap out there, when it comes to the powerful forces that now govern our business lives, our political lives, indeed, our personal and family lives, and that force is the media, in particular, nonfiction media, or that which purports to be nonfiction media.

Now, before I describe this magazine a little more, and because this is a Knight Fellowship Program, let me just recap in less than a minute what I think I learned about the differences between print and television and, in fact, on-line. We had also started what became a fairly successful on-line program for lawyers called "Counsel Connect," and what I learned from the three media is that, again, television is really great for allowing people to see something for themselves, in this case, as I said, the testimony the jurors see when they render their verdicts. What people get with television often is the real story. Television is dramatic and, most important, it is believable. The

problem is sometimes it's too believable, because sometimes people think that because they see images, often highly edited images, because they're seeing the real thing, they're getting the real story and they really understand it. That's a problem with television.

The other problem with television is that it doesn't sort of stick to you. I found when I was doing Court TV, when we would try to do sort of documentary programs, we would put these programs on and we would do a lot of work doing them, but I found myself desperate to do a companion story in our magazine because pictures tended to come and go, but they didn't seem to stick to people, or stick to the public dialogue the way a magazine article can, if it's done well.

Similarly, I found that on-line was unbeatable for involving an audience in a way that improves the editorial product. Our on-line forums, for divorce lawyers or anti-trust lawyers or other specialists, were terrific because the people who participated in them were those specialists. So what I found about on-line was you can use your audience to create great editorial content. The other attributes of on-line, of course, are that it can be instantaneous and it's easy to deliver. Now, those attributes sometimes turn and bite us all because what that also means is that anyone can deliver anything instantaneously, and we know that creates some problems.

Moreover, on-line I don't think is, or is not yet, capable of sustaining a big idea the way a magazine article or even a long newspaper article can, let alone sustaining visual images of journalism or even of advertising that magazines can certainly deliver.

With that in mind, let's not forget that at least up until now, the journal of the digital revolution, ironically, is a magazine called *Wired*. It's not really anything on-line.

Finally, I found that newspapers were fast and to the point and capable of serving discreet communities, be they graphic communities or be they organized, as we were, by professional groups. Newspapers, therefore, have great vitality and great relevance, but they, too, usually don't have quite the sticking power of a magazine. So, for me, as I was looking at my next big project, I found no canvas as appealing as a magazine, and I found no subject as appealing as content. So, what is this magazine and how did it happen and what are we trying to do with it, and what does it mean for journalism?

Well, as I was working on *The American Lawyer* and Court TV, it started to become clear to me that in

terms of power, and unaccountable power in this country, there is one institution that is arguably more unaccountable, has more unaccountable power than the law, and that's the press. Indeed, we even have a constitutional amendment that gives the press unaccountable power, or at least unaccountable power in terms of the government doing anything about the press, and that is exactly the way it should be. The government should not be out there judging what's good media and good reporting and what's not. It really cannot and should not do that.

And with that in mind, let me tell you a story that has started to crystallize for me. When I really sort of figured out I should really do this magazine, it was just before we were doing the O. J. Simpson trial at Court TV, and we were all, everyone in the media was applying for press passes to get into the courtroom to cover the trial. The problem is the courtroom had 19 seats, and everybody wanted one of those seats, and I started hearing war stories from our people out in the field about how the *Washington Post* was going to share a seat with the *National Enquirer* and NBC and "Hard Copy" were going to split a seat, and everybody was just, the whole thing was chaotic. Then I heard that Judge Ito — whom I knew because we had done another trial that he had presided over, the trial of Charles Keating, the S&L, — that Judge Ito, who is a very good, smart guy, by the way, was so concerned about that he was going to ask every press applicant, everyone applying for a seat in his courtroom, to write an essay for him, with the application. And in the essay, everyone was going to say, you know, "How I'm Going to Cover the Trial." Sort of like you applying to a teacher for your term paper, what you're going to do, and everyone was going to apply by saying, "Here's how we're going to cover the trial, and what our high standards are and what we're going to do and why Western civilization is going to be this much better off if we get one of these seats in the courtroom." And I thought that was like a terrible idea, just the wackiest terrible idea, and I called him and said, "Judge, you can't do that!" And he said, "Well, what are you worried about? You'll get a seat. You guys are great, of course you'll get a seat." I said, "I know we'll get a seat, but you can't do that, you can't sit there and judge media, you can't give grades to essays to people applying. You're going to get laughed out of the courtroom, someone's going to appeal, I'm going to sign the amicus brief for the appeal, as any self-respecting media person will, and it's just you can't do

it.” So he was talked out of it, and instead they had a lottery, and indeed, the Enquirer and the Washington Post ended up sharing a seat with somebody else, and we shared a seat with other people, and in that process, I mean, I came to a realization that was actually kind of serious, which is I didn’t want some judge or some court clerk making value judgments saying, you know, you’re a good reporter, you’re a bad reporter, you represent good media, you’re bad media. I didn’t want a judge or anyone in the government doing that, but I thought maybe someone should, in some way.

Indeed, I began to think that maybe the way to raise the standards of journalism, or at least to set some standards, was with journalism, not with the government. Now, I should also admit to you that I was also thinking about my own experiences in the press. As our company got bigger, as Court TV got more publicity, I was written about a lot, and if you do a Nexis search and apply any standard of fair judgment, what you’ll come out with is that I am the total beneficiary of the press. I mean, I would say any objective measure would be that 95 to 98 percent of the stuff written about me has been positive. Any subjective measure, my measure, because I’m ridiculously sensitive to stuff written about me, as all of you are or would be if it were about you, would be 85 percent. I mean, there’s actually an easy way to judge this. Take anything written about you and decide would you send it to your mother. And, you know, unless you have handcuffs on your wrist and there’s a raincoat over your wrist tied to the handcuffs, you pretty much would, but the fact is, I have no complaint about stuff written about me. But, I hated most of it because a little of it was wrong or some of it was unfair, or stuff was taken out of context, and I began to figure out what my dream journalism school would be. In my dream journalism school, there are no courses. What happens in my dream journalism school is everyone in the school has a profile, an in-depth profile written about them by a really good reporter, or maybe a not-so-good reporter, maybe just someone else in the class, a long profile. This is the term paper, this is the only thing the reporter has to do is write a profile of you, and it gets sent to everyone in your family, and gets published in your hometown newspaper. And if you go through journalism that way, that is your degree in journalism school. Then you will be prepared to be a journalist. That’s also because I don’t think much of journalism schools.

The other thing I began to think about is the thing you must do in journalism school is keep lawyers out of it. There should be no course in journalism school taught by a lawyer teaching First Amendment law because what any lawyer does is basically he comes in and tells you you can do anything you want because you pretty much can. One of my closest friends in the world is Floyd Abrams, the leading First Amendment lawyer in the country, and Floyd teaches a course at Columbia Journalism School that is poison. It’s poison because he tells these kids they can just do what they want to do, pretty much, and I can’t tell you how many meetings we had where the staff at Court TV would be sitting around a table trying to decide things, and some kid that we’d hired out of Columbia Journalism School would pipe up, and we’d think we’re making decisions on the merits, and he’d say, “Well, it’s legal to do that.” Well, of course, it’s legal. It’s legal to do anything in journalism. That’s not the issue. The issue is what’s the right thing to do. You can do anything. What should you do?

So that also colored my thinking as I thought about doing this magazine, and I also started thinking about it in bigger terms. I started to realize that we’re living in what’s rightly called the Information Age. We’re being bombarded from all sides by all kinds of media, new and old—Web sites, 24-hour cable, docudramas, Oliver Stone, old media competing with new media, newsletters, talk radio, infomercials, you name it.

Now, how are we supposed to know what to rely on and what not to rely on? How are we supposed to know what to believe? More broadly, how are we supposed to make sense of all the media forces that are shaping our perceptions and our kids’ perceptions of everything around is in a way that they never could, that they media forces never could years ago when all citizens, all of us were much more intimately connected with the news and with the social and cultural forces that affect our lives. What I mean by that is we live in a much more complicated place, where almost every, all the information we rely on comes to us, not first hand, because we know the person down the street, we know the judge that’s conducting that trial that we care about, we know the zoning commissioner, we know the movie reviewer, we know things. Today we live in a much more complicated place where almost everything we know we know through intermediaries—the media. Now, if we live in that kind of age, if we live in this information age and an informa-

tion economy, I began to think, shouldn't we just know something much more about our sources. And again, I didn't approach this from a black or white principle, you know, let's go get the bad people and root them out and slay them. But I do admit that there was a sense on my part as I began to think about this that standards had indeed slipped a lot, and that maybe we could help raise those standards.

And again, an example that I can think of is the whole concept of investigative reporting. I always used to tell people that if someone had "investigative reporter" on their resume, I would never hire them, and my shorthand for why I wouldn't hire them was that "investigative reporter" is redundant. That's what all reporters should be. The other thing lurking there, though, was this notion that an investigative reporter is someone who wakes up every morning and finds bad people, and that, I don't like that kind of journalism. I think that reporting should find good and bad and report it equally.

But lately there's even a worse problem with investigative reporting. Today investigative reporting means not finding wrong doing, it means reporting about what the investigators are doing. It means taking leaks from investigators. That's a lot of people's notion of investigative reporting. There's an investigation culture in Washington with zillions of committees on the Hill, an independent counsel, prosecutors of all shapes and sizes and forms, and a lot of people's notion of investigative reporting is "let's get a leak from those people. Let's let the government do our work and parcel it out to us," which turns the notion of the First Amendment and reporting on its head.

So, all that was in my head as I started to think about this, and when we started the magazine, even with these great plans and this great thought, of course the first thing that happened when we started the magazine was all my legal skill and legal acumen, we had to change the name from Content to Brill's Content because I screwed up the trademark search. So that was the first event. And the press jumped on that and loved that as a story, which they should, because it was quite a screw-up.

Then we got into it, you know, the first issue, and we started hitting our stride. Now, what kind of a magazine is this? One of the problems you have when you start a magazine is you have to be able to tell newsstand dealers and advertisers what you are, what category are you in. We sort of think of ourselves, we're

a little bit of a business magazine because we write a lot of business journalism, and we write a lot about the business of the media; we're a little bit of a tech magazine because we focus a lot on what the results of technology are in terms of the content that new media produces; and we're a little bit of a Vanity Fair, People kind of magazine because we write a lot about the who and the how and what's behind, what's the story behind the most fascinating business out there—the media business. But we're not any of that. We're really a whole new category which I call the "content" category, and my rationale is that if a magazine like Entertainment Weekly or Premier can be about the who and how behind music and movies and sitcoms and be called an "entertainment magazine," then a magazine that's about the who and the how and the why and the why not of everything that purports to be nonfiction, from teen magazines to financial newsletters to text books to, of course, the press's reporting of something like the Monica Lewinsky affair, that kind of magazine is a content magazine, and as I like to remind people just 'cause we got there first and have the category's name as part of our name doesn't mean it's not a category.

Now, to be sure, being a new category and being a new magazine, any new magazine, makes it hard to sell at the beginning. On the other hand, as was mentioned, we were helped a lot at the beginning by the tremendous reaction to the article that I did about the press's lapdog acceptance of Ken Starr's leaks in the early weeks of the Monica Lewinsky story. One of the interesting things about that is that the press's focus on that article was about what I said about Ken Starr, which was legitimate. I mean, I did say some bad things about Ken Starr, but that was a relatively minor part of the article. The real part of the article was what I said about the press. Prosecutors have been leaking since there were prosecutors. The difference is the press has not been rushing on air, in print, on line, with every single leak as it's dribbled out, and competing with themselves, falling all over themselves, to get more and more without ever stopping and saying, is any of this stuff true, how much does it matter, what are we doing? The press just liked to set up this battle that I was having with Ken Starr.

But we got a lot of good publicity, and we continue to be helped by a lot of publicity, not all of it positive, of course, and we're also helped, ironically, by the fact that people in the advertising community seem to

get this notion of content as a category a lot faster than I thought they would.

Now, are we going to succeed? Well, let me give you a little bit of background on that, in part, because the press, frankly, in the last month or two has been engaged in some wishful thinking about our chances. The first rap against us was that only journalists cared about this stuff, and since the Columbia Journalism Review has 18,000 subscribers, or something like that, how are we going to do what we say we're going to do? The rap was "real people don't care about the quality of the stuff that's out there, only the press cares." And nothing could be further from the truth, and I really laugh that off because my experience was, when I was starting Court TV, what everybody said, if you go back and look at articles about it was "only lawyers will watch this channel, no one else will care."

Today our magazine has a circulation of 225,000. It's growing by thousands each week, with growing newsstand sales and lots of growth from those horrible blow-in cards you're holding in your hand that already fell into your laps that you're all going to fill out and send in, and it's really no longer an argument, at least with anyone who I know who knows what's going on with our magazine about whether the public cares about this stuff. We're really on our way to four to six hundred thousand subscribers that I thought we would get within five years, and we already know that those subscribers are an appealing, sophisticated, intelligent, upscale group that advertisers like. Now, we got there doing all kinds of direct mail, to subscribers of other magazines and the test then was, well, if you get people to sign up with the direct mail pitch, will they pay when they get the first issue of the magazine. In our case, they paid at levels that far exceeded what any industry expectation ever has been. So, we're doing fine. We're really doing fine, and we're hot.

Now, the question is, I think it's easy, having been through start-ups before, it's easy to be hot in the first six or eight months, because there's a lot of adrenaline flowing and you're new and there's the novelty factor, but what do you do to be hot in a year, two years, three years out, and the answer there is in your mindset. Now, I can tell you that I hate the first six issues of the magazine, now that we have the seventh issue, and I can tell you that three weeks from now, I'm going to hate the issue you have in your

hands because I think we still have a long way to go, and we've got to do better and better and keep fixing it and redesigning it and adding things and taking things out, and that's just part of it. Part of it is gut, part of it is listening to people and getting suggestions from people, but if two years from now, I'm not totally embarrassed by every issue we published in the first year, then we'll be in trouble. That's the test of building a creative enterprise like this.

Now there was also some skepticism about whether we'd run out of things to write, and there's not a chance of that. And one reason there's not a chance of that is that our plan was never to be the negative, carping watchdog that the press originally liked to portray us as. Sure, we're writing tough stories, and tough stories about a group of people who actually make lawyers look absolutely gracious and sanguine when it comes to criticizing them. But we're also writing all kinds of stories about heroes, too, and, most importantly, we're writing stories that are just simply good, sometimes even better than good, narratives about how media happens, that fulfill our mission of telling people the who and the what that's behind everything that they're reading, that they're watching, and they're logging onto.

And where I think we take a little bit of a different approach, and let me give you an example of the different approach we take. About not just doing negative stuff, and it starts actually with a story I once did for New York magazine. It was in 1976. I'd just gotten back with my wife from a honeymoon in Rome, and when we were in Rome, we were completely flabbergasted by the fact that we were total idiots and we didn't speak any Italian and we didn't have much money and we'd get into cabs in Rome with no idea where we were going. We didn't understand how many billion lire it took to go four blocks, and we were just blown away by the fact that we'd give a cab driver 6 billion lira bills and get three back before we even started. They told us we were giving them too much money. They told us you don't need to take a taxi to do that, it's across the street. It was just stunning. So I get back to New York and I tell Clay Felker—my editor at New York magazine, this is when I was in law school—I have a great idea. I told him this story. I said, "My wife and I, we're going to pose as French newlyweds — she, of course, would have to do all the talking — and get into 12 cabs in New York City and do the same thing and see what happens." He said that's a great

idea, do it. "But," I said, "there's one catch, Clay. We have to write about the honest ones as well as the crooked ones." He said, "Yeah, yeah, sure, fine," because he figured that's not going to be a problem. It turns out, that 10 of the 12 were totally honest. We had cab drivers who—I remember we got into one cab in front of the Plaza Hotel, which is at 58th and Fifth, and my wife asked for us to be taken to Avenue Saks Fifth, which is at 51st or 50th and Fifth, not a real cab ride. The cab driver takes us out of the car and walks us down Fifth Avenue and points to Saks Fifth Avenue. Can you explain that? We just did the reporting, so I turn in this story about 10 terrifically honest cab drivers and two who drove us around a little bit, and Clay says, "Well, what's this?" I said, "This is what you're going to publish. Remember your promise." And actually it was more news than the opposite. It's a more interesting story, if you think about it, but it's a positive story.

Now how does that translate to this magazine? In the issue you have in your hands, there's a box that we do called "The Synergy Watch," and what we look for and often find are examples of corporations that have many media entities where one entity favors the other one. So last issue, we decided we were going to look at, there's a little story in the New York Post that made fun of Entertainment Weekly because Entertainment Weekly had on its cover the movie "You've Got Mail," which is a Warner Bros. movie. Entertainment Weekly is a Time-Warner publication. So we said, all right, let's look at that. So we ordered up two years of covers of Entertainment Weekly to see which movie studios had their movies on the cover, and we found out that Warner Bros. was under-represented, by any measure—their market share, the number of movies they put out, any which way Warner Bros. had fewer movies than the law of averages said they would have on the cover of Entertainment Weekly. So the young reporter who does this story and slogs through all this stuff, she comes into my office and says, "Well, there's nothing there." I said, "What do you mean there's nothing there?" She said, "They actually have fewer than they would do if you just did the law of averages." I said, "That's something! That's a story," and we ran the story, the same size we would do if they had been cheating, we did that, and that enhances your credibility as a journalist. I mean, people think the only interesting stuff is negative stuff. It also helps you sleep at night because you know you're doing the right thing, and you know you're not just

looking for bad people. You sometimes find good people when you look for bad people, and you should be willing to do that.

So we have a rule at our magazine. We had the same rule at the American Lawyer, which is whenever we start out to do a story because we sniff a scandal, we're always going to report it even if it turns out that there's no wrongdoing, and we've been doing that consistently, and we're going to keep doing it.

Now, the magazine also, we think, is doing some service journalism in the traditional sense, but it's service about the Information Age, particularly with regard to how to find and use the best Web sites, and which Web sites are what they say they are. We did a story questioning the Barnes & Noble reviews and how they happen several months ago. We've done stories about health-related Web sites, some of which are really terrific, but they also happen to be sponsored by drug companies, and they don't tell you this. That's our kind of service journalism.

Also, as we continue to grow, we want to focus more on the kinds of larger issues that everyone in this room is really going to have to grapple with as we go through this Information Age. For example, our editor, Eric Effron, has a column in the next issue that raises the question of how and when we define something as publishing. Now, what do I mean by that? Well, take the example of you hear a rumor. Well, I'll give you a specific example. Just before Larry Flynt went public with his one little story, we, and all the other journalists on the planet were hearing rumors about who he was going to nail, and we heard about two other congressman who he still may nail, who knows, and it was great stuff, terrific stuff. And Eric and I were sitting around and Eric said, "Well, I heard this rumor, and I e-mailed three of my friends." And I said, "Well, what if you e-mailed a hundred of your friends? What if in fact you had an address list of your favorite 300 people, like on your Rolodex, and you e-mailed all of them with the rumor? Is that publishing?" I mean, we can all be publishers today if we do that. What if you post it on AOL? Is that publishing? A lot of the traditional definitions and boundaries are changing, and trust me, the law is not going to provide any hope or any help in any of this, just not at all, and that's the kind of issue, the kind of thing we're going to explore in the magazine.

We also want to look at things like whether people learn more, remember more when they read something off a screen versus read it in print. And of

course we want to look at the issue of what I like to call the emerging “information classes” in our society, and what I mean by that is we saw with the Monica Lewinsky thing, there was a small group of people who watched everything and knew everything, and then there was this gigantic group of people who didn’t care, and that’s what explains why the 24-hour cable news networks, their ratings went up during Lewinsky despite the fact that all the polls said everybody hated the story and didn’t care. Now that translates into some very different kinds of issues. If we become a society where we all just go for the stuff we care about, and the computer lets us do that. The beauty of the computer is you can just drill down to what you care about, and if we don’t have any common news experiences, if you will, what does that mean? The days when, you know, when I was going through college, it was during the Nixon administration, and we would all gather in the common room at our residential college at Yale, like all of us, whether we were hockey players or poli sci majors, anybody, and watch Walter Cronkite at 6:30. I mean, we all kind of like shared that experience. I mean, what’s the effect of not having those kinds of shared experiences, of people just looking for the information they know they want to know.

I’ll give you an example. On a spring morning in 1971, no one in America woke up and said to themselves, “I wonder what Seymour Hersh is saying about whether we’re killing babies in Vietnam today. Why don’t I go find out?” That didn’t happen. Seymour Hersh got his story on the My Lai massacre and put it on the front page of our newspapers, and we saw it on the front page. It came at us. We didn’t go find it and search for it. Now, what does that say about the future of that kind of reporting? Is there a market for it, if all of us are just going to be these little drillers for information? I don’t know, but those are the kinds of issues we should confront.

I think newspapers are a crucial force in our communities. How do newspapers survive the inevitable, what I think is the inevitable, decline of classified advertising that comes from the Web? The Web is the perfect place for classified advertising. Classified advertising is the kind of thing you know you only look at when you want to look for something. That’s what the computer is for. Yet, it’s the underpinning of the profits of every newspaper in this country.

And then of course there’s the issue, and we raised it with a cover story a few months ago, of how

news organizations becoming public companies, publicly-held companies, how that affects their sense of responsibility. The first sentence of the annual report of every public company in this country has a statement from the CEO in which he promises to maximize profits and maximize shareholder value. He doesn’t promise to maximize profits and maximize shareholder value consistent with the standards of good journalism and what he thinks the community ought to know and when they should know it, if he’s a newspaper—you don’t see that. That doesn’t make him a bad person. He just has a different constituency.

All of you, most of you, many of you are invested in pension funds. If you get your little report every quarter and it says that you trail the Dow, and then there’s a little asterisk that says, “Well, our money manager trailed the Dow but we were invested in all these companies that really do good things for the community, trust us,” you’re just going to fire the money manager, right? Well, that changes the whole nature of journalism, and we did a story about Disney killing an ABC piece about problems at the theme parks that was the first of what are going to be many instances where corporate interested unfortunately don’t keep faith with what journalism is supposed to do.

Finally, I should also note that in our quest to do this watchdog role as well as everything else we’re trying to do, we’ve tried to set up something that holds us accountable the way we think everybody else should be held accountable, and what I mean by that is we’ve appointed an ombudsman named Bill Kovach who used to run the New York Times Washington bureau and was editor of the Atlanta Journal Constitution. He now runs the Nieman program at Harvard, which is a program very much like the program under whose auspices I’m speaking tonight, and Bill is our independent ombudsman. He has a simple deal. He has a two-year no-cut contract. He gets paid by us for two years. Whenever there’s a complaint about anything in the magazine, I investigate that complaint the way I always did at The American Lawyer or Court TV. I like to think I do it with diligence and integrity. I like to think I make corrections as prominently as I possibly can, more prominently than the mistake, but none of that actually matters because Bill investigates the complaints on a totally separate track from me, and he has the ability — we pay for him if he needs to have a staff help him — and he has the ability and the forum in our magazine, every issue, to write about

any of those complaints, anything he wants at whatever length he wants. That's his deal, that's his contract. And that means that anyone who complains about anything I wrote, or anything else writes, he looks at it, he writes anything he wants, we can't fire him, we can't rehire him so he can suck up to us hoping we'll rehire him after two years. That's his deal.

Now, it's our way of putting our principles of accountability on the line and I think readers really appreciate it, and frankly, now that we're doing it, I can't see why I didn't do it before, and I can't see why every newspaper, magazine, and television news operation that really takes this stuff seriously, doesn't also do it.

Now, of course, many in the press don't yet appreciate what we're doing, and one of the things that continues to bother me in that regard is the way they keep calling us a media watchdog. Now, is *The Wall Street Journal* a financial watchdog? Well, it is in part, but it does a lot of other stuff. Is your local newspaper a civic watchdog? Is that the way it always gets described? Well, it does some of that, but it does a lot of other things. I think the fact that they keep calling us just a watchdog stems, to be blunt, from their shock that anyone is watching them at all, just as lawyers incessantly called *The American Lawyer* a scandal sheet when we started, because part of what we did was watch lawyers who had never been watched before and, yes, report on some scandals.

Now, what are the long-term consequences of what we're doing? I hope ultimately that if we succeed, we'll create, or re-create, a marketplace of ideas where quality counts. Now, look at the current irony of the situation we're in. We can all agree, everyone in this room, that there's an oversupply of content, right? There's too many, too much television shows, too many Web sites, too much stuff for us to absorb. Indeed, the notion of overload is a cliché, it's so obvious. Yet, in any other market where there's an oversupply of the product, part of what happens is that quality improves. Yet, we can also agree that the quality of our content, or at least the content that's seen by most people, by and large keeps sinking down to yet a new and lowest common denominator. Sinking quality is indeed another cliché, right up against information overload.

Now, how can that be? How can we have too much of something in a competitive marketplace, yet a consistent decline in quality? I think the answer is that no one is undertaking a consistent measurement

of quality. No one is embarrassing people who have a lack of quality. No one is giving consumers any guidepost from which to make choices, the kinds of choices consumers always can make. That, I submit, is the role that we hope to play. We hope to become one of what may ultimately be lots of standard setters for quality. So our message now is simple, and people are actually getting it. It's that in this complex, complicated Information Age, when standards range from the best to the worst, and usually the latter, you need to know your sources. Know your sources. That's the tagline to a lot of our advertising, and that defines what we do. We're trying to help the world know its sources.

And to be sure, we're also on our way to adding on-line and television components that I always knew, the kinds of things I always knew were going to be part of this magazine and this franchise that we're building, and I suspect you'll be hearing and reading a lot about that pretty soon in the months ahead, but again, I want to emphasize that all of these offshoots that you hear about, that you're going to hear about, are going to be based on the brand name and the franchise that we intend to build with this magazine as the independent voice of the Information Age.

Now, we expect to make lots of mistakes along the way. In fact, we already have made lots of mistakes, and we expect that the rest of the press is not going to be shy about telling the world about those mistakes. Indeed, we never expected to build this enterprise on the kindness of those that we're writing about. But ultimately, and in fact in many quarters even now, we will be seen as the best thing that ever happened to good, accountable, honest journalism — and to the majority of journalists who I think, I really believe, chose that profession precisely because they share the kinds of values that we're trying to articulate. (rb)