

October 24, 2007

Honorable James L. Shumate
Utah Fifth District Court
220 North 200 East
St. George, UT 84770

FILED
DISTRICT COURT
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KANE COUNTY
BY _____

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Dear Judge Shumate:

As interested Utahns and professional journalists, we write to express our concern with the recent order regarding the KUTV reporter Katie Baker. We currently serve as Board members of the Utah Headliners Chapter of the Society of Professional Journalists, and in this position we represent scores of professional journalists throughout the State of Utah.

The Society of Professional Journalists was founded in 1909 and currently has approximately 10,000 members across the nation. It is one of the oldest, most well-respected and broad-based journalism organizations in the United States. The Utah Headliners Chapter consists of professional journalists in print and electronic media throughout the state. We frequently participate in advocacy, including the filing of *amicus curiae* briefs, and other educational efforts to benefit students and members of the public. Our chapter was named this year one of the top local chapters in the nation at the national SPJ conference in Washington, D.C.

We are not unaware of the real need for members of the judiciary to carefully guard the Sixth Amendment impartial jury right of criminal defendants such as Mr. Warren S. Jeffs. In fact, one of the tenets of the Society of Professional Journalists' Code of Ethics states, "Journalists should balance a criminal suspect's fair trial rights with the public's right to be informed." (Copy of Code available at <http://www.spj.org/ethicscode.asp> and enclosed for the court).

However, in the case of Katie Baker, it is our understanding that after she unknowingly violated the court's Decorum Order by interviewing a prospective juror, she was then ordered to produce a public-service story and provide a copy of it on DVD to the court. This type of order, in our view, raises serious concerns and is undesirable for public policy reasons. We not only seek to protect our own professional interests but we also have great concern for the public harm such an order may cause.

As journalists, we "believe that public enlightenment is the forerunner of justice and the foundation of democracy." (Preamble to SPJ Code of Ethics). We take seriously our responsibility to seek and report truth in the public interest. We also value independence in doing so; public perception that news content is improperly influenced by any outside source – including advertisers, news sources or the government – harms our credibility and ultimately undermines the ability to serve citizens by delivering truthful information about matters of public interest. One of our primary concerns with the court's order to Ms. Baker is that it sends a message to the public that news reporters are controlled by the state and that the content of news is not produced by independent seekers of truth.

Copies to
Court & File
in St. v.
Jeffs
[Signature]

Honorable James L. Shumate
Utah Fifth District Court
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While we realize the court has not ordered KUTV to actually air the story, this does not diminish the concern of our membership. Given the public awareness and widespread news coverage of the court's order to Ms. Baker in this case, it seems clear to us already that there is a real risk of harm to the perception of journalists' independence. As our Code of Ethics states, it is the *perception* of a conflict of interest or outside influence on news coverage that is to be avoided; whether or not the court's order actually creates such a conflict or influence is immaterial because the perception is already present.

Along with Ms. Baker, we would urge the court to reconsider its order. While Ms. Baker may have violated the Decorum Order, she did so unknowingly and has since attempted to apologize to the court. The fact that the remainder of the journalists covering Mr. Jeffs' trial did comply with the Decorum Order demonstrates our commitment to balancing the public interest in truthful reporting with the constitutional rights of the accused. We do not believe this delicate balance is served by punishing Ms. Baker at the expense of the credibility and independence of all other journalists.

We thank the court for its attention in this matter. Please do not hesitate to contact us if we can be of assistance.

Sincerely,



Edward L. Carter
Sallie Young
Tom Haraldsen
Connie Coyne

On Behalf of the Board of the Utah Headliners Chapter of SPJ

Enc.: SPJ Code of Ethics



**SOCIETY OF
PROFESSIONAL
JOURNALISTS.**

Code of Ethics

Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility.

Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.

Seek Truth and Report It

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

- ▶ Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- ▶ Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
- ▶ Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
- ▶ Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
- ▶ Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
- ▶ Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
- ▶ Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- ▶ Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.
- ▶ Never plagiarize.
- ▶ Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
- ▶ Examine their own cultural values and avoid imposing those values on others.
- ▶ Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- ▶ Support the open exchange of views, even views they find repugnant.
- ▶ Give voice to the voiceless; official and unofficial sources of information can be equally valid.
- ▶ Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- ▶ Distinguish news from advertising and shun hybrids that blur the lines between the two.
- ▶ Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

Minimize Harm

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect.

Journalists should:

- ▶ Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- ▶ Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- ▶ Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- ▶ Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- ▶ Show good taste. Avoid pandering to lurid curiosity.
- ▶ Be cautious about identifying juvenile suspects or victims of sex crimes.
- ▶ Be judicious about naming criminal suspects before the formal filing of charges.
- ▶ Balance a criminal suspect's fair trial rights with the public's right to be informed.

Act Independently

Journalists should be free of obligation to any interest other than the public's right to know.

Journalists should:

- ▶ Avoid conflicts of interest, real or perceived.
- ▶ Remain free of associations and activities that may compromise integrity or damage credibility.
- ▶ Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.
- ▶ Disclose unavoidable conflicts.
- ▶ Be vigilant and courageous about holding those with power accountable.
- ▶ Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
- ▶ Be wary of sources offering information for favors or money; avoid bidding for news.

Be Accountable

Journalists are accountable to their readers, listeners, viewers and each other.

Journalists should:

- ▶ Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- ▶ Encourage the public to voice grievances against the news media.
- ▶ Admit mistakes and correct them promptly.
- ▶ Expose unethical practices of journalists and the news media.
- ▶ Abide by the same high standards to which they hold others.