Balanced Reporting or Balanced Reporters?

The proliferation of news outlets in the digital era allows all users to find platforms that give them breaking news updates wrapped in the ideology of their choosing. Regardless of news organizations’ claims of providing “all the news that’s fit to print,” or “fair and balanced reporting,” research has confirmed, for example, that Fox News appeals to conservative audience members, while MSNBC appeals to more liberal viewers. Intentionally or not, news organizations frame news events to fit the particular demographics of their target audience.

As legacy news organizations have drifted from the pack-journalism model of the analog days to ideological framing, individual journalists have become social media celebrities. News organizations have sought to control the messages that journalists publish on their own social media sites on their own time. The New York Times, for example, encourages reporters and editors to use social media to “promote their work, provide real-time updates, harvest and curate information, cultivate sources, engage with readers and experiment with new forms of storytelling and voice.” However, the Times cautions their employees from expressing partisan opinions, promoting political views, endorsing candidates, making offensive comments or taking sides on issues “that the Times is seeking to cover objectively.” During the summer of 2019, Times editor Dean Baquet would not allow reporters to appear on Rachel Maddow’s MSNBC show regardless of what Times reporters were booked to discuss as the Maddow program was closely aligned with partisan perspectives.

News organizations that attempt to control their employees’ expression of opinions may find themselves answering to the National Labor Relations Board (NLRB). According to the NLRB, employers cannot restrict employees from publishing information that the employer labels confidential, or that includes criticism of the employer, or that might harm the image and integrity of the company. Employers cannot create the expectation that employees “abide by the same standards of behavior” while at work and on their social media sites. (However, it should be noted that the likelihood that the NLRB would rule in the employee’s favor is remote, as its protections are confined to the ability collectively bargain and to criticize one's employer.)

Judges and others who work for the judicial branch of government are expected to keep their opinions to themselves so as not to lead to the appearance of bias on the bench. If judges can be expected to keep a non-partisan appearance, why not journalists?