WORKING FOR WHO?: AN IN-DEPTH LOOK AT ONE LOCAL TELEVISION NEWS STATION’S COVERAGE OF THE 2001 USA PATRIOT ACT

by

Michelle R. Bright

An Abstract
of a thesis submitted in partial fulfillment of the requirements for the degree of Master of Communications
in the Department of Communications
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November 2010
ABSTRACT

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As more and more Americans turn the channel away from network news, local news stations are left with the responsibility of informing the local community on topics of national importance. This study examines how one local television news station in Kansas City, Missouri chose to report on the USA Patriot Act. After discussing the 2001 USA Patriot Bill, the media’s responsibility to the public, the role of the media in a democratic society, and the media’s role within the theory of agenda setting, this study examines how WDAF-TV FOX 4 chose to format, source and report their coverage on the USA Patriot Act.
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APPROVED:

Thesis Chair

Thesis Committee Member

Thesis Committee Member

ACCEPTED:

Chair, Department of Communications

Dean, Graduate School
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CHAPTER 1
NATURE AND SCOPE OF THE STUDY

Eight days following the attacks of September 11, 2001, the Bush administration submitted the USA Patriot Act to Congress. The President told the American public this new bill provided law enforcement with the tools they needed to prevent and fight terrorism. The 342-page bill was broad and complex, leaving few members of Congress with time to read and understand the entire document. As is expected in a democratic society, the task of reporting on the USA Patriot Act and its relevance to terrorism was left up to the media. This was no surprise to the terrorists. They already understood the power of the media. According to Picard (1993) the media are a “modern tool of terrorists” (p. 6). In his research, Picard found that the media magnify the size of the audience for the terrorists, thus allowing the terrorists to more widely share their ideology. The media serve as an effective and inexpensive way for terrorists to take their message to the masses.

The first day following the attacks on the World Trade Center in New York, the terrorist attack appeared in headlines around the world. The U.S. government responded quickly. President Bush sent a letter to the Speaker of the U.S. House of Representatives that said, “[O]ur first priority is to respond swiftly and surely…” (Ball, 2004, p. 36). Swift actions by the government required the media to quickly decide how they were going to source and report their coverage on the USA Patriot Act. To make matters even more complex, the media began to face a growing voice of opposition by human right advocates and civil right groups who said the bill violated freedoms protected by the First Amendment. The government’s rush to pass the bill accompanied with the movement by
critics to oppose the bill left the media stuck in the middle of the struggle. Media gatekeepers had to quickly react during a period of strong American patriotism. The United States just encountered a deadly and catastrophic act of foreign terrorism on American soil and urges for retaliation by the public were at an all time high. How would the media be remembered for their news coverage during this critical moment in history? How would the press react as Congress considered new legislation that would change the freedoms and protections of this country forever?

**Rationale**

This study focuses on the media’s coverage of the passage and renewal of the 2001 USA Patriot Act at the local news level. A comprehensive analysis of local news coverage of the USA Patriot Act is absent in the field of communication studies. Prior studies consider the criticisms of the USA Patriot Act by civil liberty groups, such as the Center for Constitutional Rights and the Civil Liberties Union. Other research has viewed the Patriot Act through the lens of elite newspapers, network television or cable television broadcasts. Some researchers focused on the act of terrorism, itself. What is missing from the field of communication studies is an in-depth look into how local television news stations chose to report on the USA Patriot Act. According to a poll by The Pew Research Center for the People and the Press (2009), seventy-three percent of Americans turn to local television news programming for their news and information about the world. This trend is important to understanding the role of local television news.

As more and more Americans turn the channel away from network news, local news stations have evolved their approach to story sourcing, proximity, and format.
These factors affect how and which national stories are selected for local news programming. As an employee and producer at WDAF-TV Kansas City, FOX 4, this researcher had access to the station’s archived stories on the USA Patriot Act. The mission statement and motto at FOX 4 is “Working For You.” However, after researching FOX 4’s coverage of the USA Patriot Act, I wondered if this local television news station really fulfilled its mission.

The first part of this paper includes an overview of the USA Patriot Act, including a summary of sections many critics argue are a violation of American civil liberties. It also includes an overview of the First Amendment protections for the press, including a history of cases that serve as precedent for the clear and present danger doctrine, which encompasses wartime speech and the right to criticize the government. This research is followed by a discussion on the changing role of local television news. This research is supported by a content analysis of news stories about the Patriot Act at FOX 4 and a look at the process in which the stories were selected, sourced, written and formatted for television. Survey responses by reporters, producers and executive producers at FOX 4 are also included. The goal of this research is to discover whether or not the local news station accurately informed the public on the USA Patriot Act.

While acknowledging the selectivity of my approach, this researcher asserts that an in-depth study of a single station and its coverage of the USA Patriot Act can be considered valid in understanding how local news journalists understand and report the USA Patriot Act. As a journalist and viewer, this researcher believes that local news stations mirror one another. This means stories aired on each station within the same geographic market look much the same. Prior research (Traugott and Brader, 2003)
validates this finding, noting that newsworthiness is relatively the same within one media genre. Klite, Bardwell and Salzman (1997) came to the same conclusion from their research and found “the architecture of local TV newscasts is the same” across the ninety-nine commercial stations they examined (p. 102). In his studies of homogenous news Boyle (2001) found that the similarities “presumably arise from standard routines, shared journalistic norms and similar definitions of what is news and how it should be covered” (p. 27). Researcher Steve Barkin (1987) states that the local television news viewer is part of a self-sufficient social system; a “microcosm” representing a larger society (p. 79). Based on the premise that local television news organizations share similar formats and style, and that the local viewer is a representation of society as a whole, this researcher asserts this study of one local news station is valid.
CHAPTER 2
REVIEW OF LITERATURE

The USA Patriot Act

Eight days following the attacks of September 11th, the Bush administration submitted the Patriot Act to Congress stating that it provided law enforcement with the tools they needed to fight terrorism. The bill was a modification of the existing Foreign Intelligence Surveillance Act [FISA]. In 1978, FISA was created as an exception to the Fourth Amendment’s requirement to show probable cause. Law enforcement could obtain a surveillance warrant for gathering foreign intelligence once they proved their target was an agent of a foreign power. FISA was designed to provide protections for American citizens and prevent domestic spying. The Patriot Act of 2001 expanded the powers of FISA. For years leading up to the Patriot Act, amendments to FISA were presented to Congress and were rejected on the argument that they violated First and Fourth Amendments. According to Ball (2004), the Patriot Act draft presented to Congress by the Department of Justice was a “compilation of controversial ideas about combating terrorist actions that had been kicking around the Department of Justice for years, especially during the Reagan and first Bush administrations” (p. 41).

The Attorney General at the time, John Ashcroft, wanted the Patriot Act passed immediately and without change. Despite his request, Senate and House members negotiated changes with the Department of Justice. On October 26, 2001, just six weeks after the terrorist attacks, the USA Patriot Act passed in the Senate with a 98 to one vote and a 357 to 66 vote in the House.

The bill consists of ten titles or chapters established for the purpose of “providing
support to counter, investigate, or prosecute domestic or international terrorism” (USA Patriot Act, 2001, Section 101, p. 6). The tools provided in the bill generally consist of expanded investigative and surveillance procedures, banking and money laundering measures, border protections, immigration provisions, and expanded criminal procedures.

In order to understand the Patriot Act, it is important to recognize the government’s definition of terrorism. Section 411 of the Patriot Act defines terrorism as “death or serious bodily injury against the United States, either domestic or foreign, in an individual capacity or as a member of an organization” (p. 83). A terrorist is anyone who plans a terrorist activity, gathers information on potential terrorist targets, solicits funds for terrorist activities, provides support or persuades anyone else to provide support for an individual or organization believed to be involved in terrorist activities (Section 411). A terrorist is also defined as an alien who has been associated with a terrorist organization or uses their position of prominence within any country to undermine United States efforts to reduce or eliminate terrorist activities (Section 411, p. 83). Terrorist activities already committed are treated equally with any actions that could be considered terrorist activities and could be committed in the future. It is the responsibility of the Secretary of State and or the Attorney General to determine or designate a terrorist or a terrorist activity (Section 411, p. 84).

In Title II: Enhanced Surveillance Procedures, the bill expands the ability to intercept and seize wire, oral and electronic communications. This amendment to the Patriot Act gives the Federal Bureau of Investigations access to “sneak and peek” any tangible things, including books, voicemail, email and cell phone records, papers, documents, etc. on anyone the Director of the F.B.I. considers a terrorist (Section 501, p.
The F.B.I can monitor Internet use at libraries; an action critics believe threatens library patron privacy (Chang, p. 5). Due to the new delayed notice of warrants, the F.B.I. is not required to notify their suspect that their communications have been intercepted or their tangible records seized (Section 501, p. 102). To ensure Internet or cell phone providers comply, the Patriot Act states, “no person shall disclose to any other person that the Federal Bureau of Investigations has sought or obtained tangible things” (Section 501, p. 103). The USA Patriot Act also enacts provisions allowing trace orders for any wire, oral or electronic communications. In other words, where law enforcement was restricted to a warrant for one Internet service provider [ISP] address or phone number, in accordance to the Patriot Act they can now trace all ISPs or all phone numbers of a suspect.

In Title V: Removing Obstacles To Investigating Terrorism, the F.B.I. established the right to retrieve educational records, banking records and library records of anyone they suspect is engaged in an act of domestic or international terrorism. The institutions holding these records are not allowed to tell the suspect their records have been seized.

Prior to the passage of the Patriot Act, legislators were able to negotiate a sunset provision. The provision stated certain sections of the bill would expire effective December 31, 2005. Many legislators believed that the engagement with the enemy following 9/11 would be targeted and swift, and the bill would not be needed beyond the scope of the war. The Patriot Act was perceived by many lawmakers to be a temporary bill needed to aid the administration during a short period of time in its experiment in fighting a war against terror. According to Ball (2004), the Bush administration “very reluctantly agreed to a four-year sunset provision” (p. 47).
Early on, the Patriot Act generated sharp criticisms from opponents who feared the bill violated certain American liberties. Some critics wanted to know: Is the Patriot Act in violation of Constitutional rights? According to Cornehls (2005), the Patriot Act “potentially violates at least seven of the ten original Bill of Rights: the 1st, 4th, 5th, 6th, 7th, 8th, and 13th Amendments” (p. 79). The Center for Constitutional Rights [CCR], a nonprofit legal organization serving to protect rights guaranteed by the Constitution, vocalized strong opposition to the Patriot Act. According to a synopsis on the Patriot Act issued by CCR Legal Director, Jeff Fogel, “[W]e must be careful not to allow the incantation of terrorism to undermine either the constitutional rights that Americans cherish or the human rights which the international community has struggled so hard to establish” (Fogel, 2003, para. 9).

Proponents of the bill, including the federally appointed FISA review courts, dismissed claims that the Patriot Act violated constitutional rights. According to proponents, “FISA, as amended, is constitutional because the surveillances it authorizes are reasonable” (Taylor, 2002, p. 10). Taylor points out that FISA review courts, and the Patriot Act bill itself, do not seek evidence in “ordinary” crimes; rather they enforce probable cause in suspicions of foreign agents. The review court argues the Patriot Act serves as an essential and important tool for investigating and preventing foreign acts of terrorism on American soil.

In remarks to the Federalist Society National Convention in 2003, then Attorney General John Ashcroft said individual liberties and protections were built into the Patriot Act. Ashcroft cited Section 223, which states any persons “aggrieved by any willful violation” of the Patriot Act can collect monetary damages, not to exceed ten thousand
dollars. Ashcroft told the audience “this civil remedy serves as a further deterrent against infringement upon individual liberties” (Ashcroft, 2003, p. 4).

Many law enforcement agents voiced their favor of the Patriot Act. In an editorial in *The Police Chief* magazine (2005), the Patriot Act was credited for allowing more effective intelligence and information sharing between federal, state, and local law agencies. “For more than three years, the Patriot Act has helped the law enforcement community to coordinate, communicate, and uncover terrorist operations…it has not, as many have suggested, dramatically eroded our civil liberties” (Police Chief President, p. 7).

A second question critics wanted answered: What is the proper balance between national security and privacy rights? U.S. Representative Bernie Sanders (I-VT) said, “an unnecessary chill has descended on the nation’s libraries and bookstores” as the “right to read without government intrusion is at stake (Sanders, 2005, p. 97). At the time, Director of the FBI, Robert S. Mueller, disagreed and said “libraries and their services occasionally attract individuals involved in criminal conduct, including terrorism and espionage” and the government should enforce Section 215 of the Patriot Act enabling law enforcement to secretly obtain records of any kind, including library records (Sanders, 2005, p. 103). Kevin Ryan, U.S. attorney for the Northern District of California in 2003 agreed with Mueller that Section 215 needed to be enforced in libraries. Ryan pointed out that library records had been available to law enforcement for decades through grand jury investigations and the only change with the Patriot Act is one which allowed the FBI to seek a secret federal court order for an investigation to “protect against international terrorism or clandestine intelligence activities” (Ryan, 2003, p. 2).
The electronic “sneak and peek” provisions in the Patriot Act generated many complaints. One critic suggested computer hard drives deserved the protections of the Fourth Amendment (Osher, 2005). The Fourth Amendment states the right to freethinking and privacy “shall not be violated, and no warrants shall issue, but upon probable cause” (The Bill of Rights). Osher states that with today’s technology, computers have replaced paper; therefore computer hard drives deserve the same constitutional protections the forefathers awarded “free-thinking” papers. The seizing of someone’s hard drive means information intended for private use is now open to the public. Many critics of the “sneak and peek” provisions feared the Patriot Act overrode probable cause. They refer to Section 201, which replaces probable cause with anything “relevant to an ongoing criminal investigation,” or “any actions to protect against international terrorism or clandestine intelligence activities” (p. 10).

Kerr (2003), disagreed that the Patriot Act threatens Internet privacy. To the other extreme, Kerr argued the bill increased Internet privacy protections. Kerr pointed out that prior to the act only phone taps were protected and the Internet was tapped without restriction. Kerr said the Patriot Act broadened the law to include Internet taps, which now require a secret court order. This Internet protection under the Patriot Act “creates privacy protection for the Internet while also giving law enforcement a tool to trace terrorist activities” (Kerr, 2003, p. 30).

As our forefathers intended, the best way to protect Americans during a time of national security is through a system of governmental checks and balances. There are critics who suggest the Patriot Act strains, or in many instances removes, any system of checks and balances. As early as October 2001, Russell Feingold (D-WI), the only
dissenting vote in the Senate against the Patriot Act, (and openly the only Congressman who personally read the entire document), warned that the Patriot Act expanded authority with minimal judicial supervision. The American Civil Liberties Union [ACLU], a liberal social action group, agreed.

In a number of instances, these balances of authority have been significantly weakened with the Administration assuming far more power that it should. The anti-terrorism law steals away from the judiciary much of its ability to review the actions of the executive (Nojeim, 2001, para. 11).

Chang’s (2001) report for CCR echoed the same sentiment. Chang stated, “at the same that the Act inflates the powers of the executive, it insulates the exercise of these powers from meaningful judicial and Congressional oversight” (p. 2).

One of Chang’s concerns was President Bush’s reliance on his executive privilege to withhold documents from the public. The President argued the documents would threaten national security and should remain classified. Several media outlets tried to challenge the President’s stance. The media presented their case on the premise that access should be granted through the Freedom of Information Act. However, the administration reminded the media that their decision to deny access was provided to them through the Patriot Act. And the president reminded the public that according to the bill, the Attorney General must release a report on a semi-annual basis. The media would just need to wait. Despite the bill’s provision to supply a report to the public, the Bush administration seemed slow to respond and often failed to meet the required deadlines.

Then Attorney General John Ashcroft defended the administration. In a speech at a convention in 2003, Ashcroft said the Patriot Act did allow for checks and balances by
the government. He cited the strict oversight of the executive branch and that within a two-year span, he had testified on the Patriot Act and other homeland security issues more than 115 times. Ashcroft said the executive branch had provided “reams of written responses” to hundreds of oral and written questions (Ashcroft, 2003). Ashcroft went on to say the judicial branch provided supervision of the executive branch’s use of the Patriot Act and that all oversights and tactics offer “an additional layer of protection for individual liberties” (2003, p. 4).

The Patriot Act also received criticism for its provisions to revise immigration procedures. By the end of October 2001, just as the Patriot Act was signed into law, the Department of Justice announced that nearly 1,500 persons had secretly been detained and arrested “within the framework of the law” (Ball, 2004, p. 38). For the first five years following the roundup, the government refused to release the names, the charges or the whereabouts of those arrested. According to the Patriot Act, the Attorney General can use the broad definition of terrorism to detain any alien “irrespective of any relief from removal for which the alien may be eligible…until the Attorney General determined that the alien is no longer certified [as a terrorist]” (Section 412, p. 89). Critics argue there is no balance of power in this provision, and that all power rests with the Attorney General, who alone, may detain and release aliens at his or her discretion. In addition to detention, the Attorney General is allowed to review his decisions on a six-month basis. This timetable can result in an indefinite detention, “based on secret evidence it (the DOJ) isn’t required to share with anyone” (Dority, 2004, p. 15). Eventually, detainees are brought before a judge in an immigration hearing.

However according to Ball (2004), Michael Creppy, as written is the chief
immigration judge, issued an order to all other immigration judges that all hearings would be closed to the public. Creppy’s order was issued as early as September 21, 2001 and banned family, friends and media from the courtroom. The new provisions for deporting immigrants under the Patriot Act were sharply criticized for their secrecy and lack of public oversight. As Cole (2005) pointed out, prior to the Patriot Act an alien was deported or detained for engaging in or supporting terrorist activity. Today, an alien is deported for any association with a terrorist activity, whether intended or not. As Cole states, “this is guilt by association, because it treats aliens as culpable not for their own acts, but for the acts of those with whom their conduct is associated” (p. 50). The Bush administration was criticized for operating in secrecy, accused of shifting the balance of power from the people and putting it into the hands of the federal government.

It is unclear how many people have been detained under the Patriot Act. The nature of the bill, coupled with the secrecy of the administration, make it difficult to determine how many cases went through closed courtroom hearings and how many people have been deported without due process. The Department of Justice often ignored requests filed under the Freedom of Information Act, resulting in an information vacuum. Those actions gravely concerned media outlets. According to Cornehls, “the chilling effect of the (Patriot) Act on free speech and political dissent has been felt already” (2005, p. 83).

1st Amendment Freedoms and the Press

The freedom of speech and of the press is afforded to the public through the First Amendment. These inherent freedoms are the heart of American democracy. However, the history of precedent supporting these freedoms reads like that of an irregular
heartbeat. Beginning with the framers of the Constitution, MacDonald (1985) asserted, it seemed no one knew what kind of freedoms they wanted; only what restrictions they did not want. As early as Milton’s “Areopagitica” philosophers were trying to define freedom, knowing only that “ye then must first become that which ye can not be, oppressive, arbitrary, and tyrannous” (Milton, 1644). Milton could not define what liberty and freedom were (McDonald, 1985). He was only able to define that which he was desperately trying to avoid. The press freedoms that were finally created by the founding fathers were reaffirmed through the United States Supreme Court.

It is through the trials of Schenck, Debs, and Abrams that we understand what clear and present danger means, what wartime speech is, and the public’s right to criticize the government. In 1919, the United States Supreme Court defined clear and present danger through the case of *Schenck v. United States* (249 U.S. 437, 1919). In this case, Comrade Schenck, the general secretary of the Socialist party, distributed a leaflet opposing the selective draft of 1917. This was a draft for the war between the U.S. and Germany. Schenck argued that his First Amendment rights were violated when he was forced to stop distributing the pamphlet. He argued this action violated his constitutional rights and that Congress had no right to infringe his freedom of the press. However, in the opinion of the court, Justice Holmes declared that Schenck’s actions violated the Espionage Act of 1918 and his pamphlets were “used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent” (*Schenck*, 249 U.S. 437, 1919). Holmes went on to argue this pamphlet would have been within Schenck’s constitutional rights; however, the war created unordinary times and Schenck’s actions could be compared to the use of force.
Schenck is the foundation for freedoms of the press during wartime.

In the case of Debs v. United States (249 U.S. 211, 1919), the U.S. Supreme Court expanded the clear and present danger test to include freedoms of speech. In a similar situation as Schenck, Debs found himself in violation of the Espionage Act of 1918 when he gave a speech opposing the war and draft. Again, Justice Holmes wrote the opinion of the court and argued that themes of Socialism were not what this case was about. Rather, “if a part of the manifest intent of the more general utterances was to encourage those present to obstruct the recruiting service…the immunity of the general theme may not be enough to protect the speech” (Debs, 249 US. 211, 1919).

Holmes is saying freedom of speech during wartime is not protected if it incites division within the country. With these two cases, the precedent for clear and present danger was introduced. So far, the court was in agreement that all printed and spoken opposition to the war was a deterrent to national security and was not accepted. The courts were testing civil liberties and First Amendment protections, trying to develop constitutional law that would allow governmental criticism but still protect the national interests of the country.

This same year another case involving opposition to the war emerged. The case included both speech and printed materials. However, this time the conclusion by the Supreme Court was very different. In Abrams v. U.S. (250 U.S. 616, 1919), Justice Holmes dissented, arguing that the majority was over stating the case. He created what would become the precedent for “overt acts.” This meant threats should only be considered when they “threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country” (Abrams,
Clearly, Justice Holmes believed there should be a new way to test constitutionally protected freedoms of speech and of the press. Holmes set forth the rationale by saying words were just words and unless they were accompanied with action, words alone created no real threat or “overt act.” Holmes does warn, however, that during a time of war, the powers of speech and press are greater “because war opens dangers that do not exist at other times” (Abrams, 250 U.S. 616, 1919). With these three cases, the precedent was set for the clear and present danger test to interpret wartime speech. So how does this precedent translate today? Does the President still have the right to restrain those freedoms for the sake of national security?

In 1971, New York Times Co. v. United States (403 U.S. 713, 1971) came before the Supreme Court. In what is now referred to as the “Pentagon Papers,” President Nixon tried to prevent the New York Times and the Washington Post from running a story that included governmental papers revealing U.S. activities in Vietnam. President Nixon argued that prior restraint was necessary to protect national security. The Supreme Court disagreed. The Court looked back on Holmes “overt acts” and argued that the role of the press was to serve the public, not the government. Justice Black wrote “both the history and language of the First Amendment supports the view that the press must be left free to publish news, whatever the source, without censorship, injunctions, or prior restraint” (New York Times Co., 403 U.S. 713, 1971).

These cases set the precedent for legislation like the Freedom of Information Act, which is used today by the press to gain access to important governmental action and policies. According to the Department of Justice website, the Freedom of Information Act requires the government to disclose records to any person who submits a written
request. The act applies only to federal agencies and does not cover records held by Congress, the courts or by state and local government agencies.

These freedoms are not just important to the press; these freedoms are vital to a stable democracy (see Lowenstein, 1976, for example). Previous studies have shown that freedoms of the press are intertwined with the political freedoms within a country. According to Lowenstein (1976) the press plays an important role in the political system of a country by either promoting freedoms or restricting them. Lowenstein, who founded the Freedom of Information Center, defined a free press system as one in which the press has “absolute independence and critical ability, except for minimal libel and obscenity laws” and “has no concentrated ownership, marginal economic units or organized self-regulation (p. 138).

The media, including local news programming, were afforded protection through Schenk (1919) and New York Times Co. (1971) to thoroughly cover the substance of the USA Patriot Act. Less than a month after 9/11, news staff reporter for The Buffalo News, Anthony Violanti, said the terrorist crisis had a chilling effect on free speech (2001). Violanti referenced comments made by newspaper and online columnists, celebrity preachers, and talk show hosts. In Violanti’s article, he explained how days after the attack Jacob Weisberg, a writer for the online magazine Slate, blasted President Bush in an editorial. Violanti reports Weisberg later regretted his words, saying “people in my corner of the profession also feel a patriotic responsibility as well as a professional one…what we say has a significant effect on public morale…and ultimately, on political support for any military action” (qtd. in Meltzer, 2005, p. 1). In her research of a patriotic press, Meltzer (2005) said patriotism pressure on the media is “more silent and less
blatant…unspoken agreements that maintain reporter-source relationships, and corporation-policy-maker relationships” (p. 2).
The Shifting Roles of Journalism and Local Television News

Historically, the media have been an independent and neutral messenger to the public, promoting an institution called journalism that strove to report both sides of an issue in an unbiased fashion. The creed of the journalist was to be objective and fair, thus receiving the title of public watchdog. This watchdog monitored the power of the government, striving to be investigative and informative while protecting the public’s interest. However the institution of American journalism has changed. As Deuze (2005) concludes, journalism researchers from all parts of the world have “signaled a lack of coherence in the field of journalism” (p. 443). This lack of consistency is due to several factors. It has happened as media ownership has become concentrated with small news organizations sold off to large media conglomerates. The Federal Communications Commission (FCC) has even influenced the press by strictly enforcing its own rules and regulations in regard to media ownership and content. In a study of television deregulation, Bishop and Hakanen (2002) stated the FCC continues to evaluate television station performance on how well that station serves the community, i.e. with locally produced programming. However, more important than the influence of the FCC is the movement of change within the journalism as an institution. Journalists in democratic societies have moved away from traditional reporting and are engaged in a new approach in the way news is gathered, formatted and delivered. The changes in newsgathering, coupled with the new relationship between the journalist and the consumer, has led to a new role referred to as public journalism.

Public journalism emerged in the twentieth century just in time to respond to a declining public interest in the media. Media outlets needed to recapture ratings and the
theory of public journalism seemed like the right remedy. Haas and Steiner (2006) define public journalism as one in which “the primary goal is to promote civic commitment and participation in democratic processes” (p. 239). Under this new umbrella of public journalism, media outlets shifted their focus away from news and put it on the audience. Rather than protect the public’s interest, the new face of journalism promoted the public’s interests.

Journalists worried less at keeping a watchful eye on the government. Their new concern became the public and how the journalist could promote the public’s agenda within the community. Rather than ask the lawmaker or expert to address the issues, the public journalist asked the viewer. Beat checks were replaced with meetings that concentrated on viewer’s concerns. The public journalist focused on people and would “reinforce the dominant position of news media in communities while at the same time endorsing a more responsive attitude towards publics” (Deuze, 2005, p. 448).

The public journalist became a problem-solver for all citizens and engaged journalists “as champions of political and, perhaps, social reform within the confines of their communities” (Eksterowicz, Roberts and Clark, 1998, p. 74). Public journalists collaborated efforts with civic groups and universities in an effort to facilitate change and reform.

In 2003, the Public Journalism Network was created to strengthen public journalism education, practice and theory. They supported the creation of public journalism courses in over a dozen major universities and have also concentrated on broadening the role of public journalism online. A study conducted by Poindexter, Heider and McCombs (2006) found that the public is accepting this new role of the public
journalist. Their study defines the public journalist as the “good neighbor.” Poindexter et al. focused their study on the public’s opinion of journalism, resulting in the discovery of four distinct expectations of local news held by the public: 1) good neighbor, 2) watchdog, 3) unbiased and accurate, and 4) fast. Their surveys revealed eighty percent of respondents preferred local news programming to network news, radio or newspapers.

Although the respondents characterized journalists as both good neighbors and watchdogs, the role of good neighbor or public journalist prevailed. According to Poindexter et al., sixty-one percent of respondents preferred good neighbor journalism to watchdog journalism. The participants saw the good neighbor as one with “characteristics associated with public journalism: caring about the community, reporting on interesting people and groups, understanding the local community, and offering solutions” (Poindexter et al. p. 78).

Andrew Kohut, director of the Pew Research Center for the People and the Press confirmed a decline in public opinion of the watchdog role for the press (Kohut, 2001). According to the center’s survey, public support declined from sixty-seven to sixty percent over the last fourteen years. Kohut concluded many see the press as “an ill-mannered watchdog that barks too often…driven by its own interests rather than a desire to protect the public interest” (p. 52). In 2004, another Pew survey revealed nearly half of all broadcast news journalists believed they’d struck a balance between what the audience wants to know with what the audience needs to know. The pole revealed only five percent of broadcast journalists believed that their role as public watchdog was what they did best for the public (The Pew Center for the People and the Press, 2004).

No other news channel fits more perfectly with the theory of public journalism
than that of local broadcast news programming. The Poindexter et al. (2006) study found respondents preferred television to newspapers as the news medium best able to address the concerns of public journalism (p. 85). Kohut and Toth (1998) found that in repeated surveys of news consumers, local news outlets in both print and television received better performance ratings than national and network outlets. Barkin (1987) concurred that television worked and said the local television programming is a “community billboard…defining the community as a collectivity of people who need practical information and operational guidance: weather reports…traffic…power outages and tips for the weekend” (p. 80). In a 1996 study of community integration, local media, and democratic processes Bennett suggested local media created “allegiance to and ties to the community,” which in return generated closer attention to the local media (p. 190).

With this research pointing to public journalism as the public’s preferred media ideology and local television news as the preferred medium, it’s important to understand who and what local television news is. In the early years of television news, the anchor or reporter was known only as the messenger, separating himself from the news content. Some would argue that era ended when Walter Cronkite took his seat behind the news desk. Cronkite became one of the most trusted figures in American media and culture, with the public nicknaming him “Uncle Walt.” Cronkite became a personality for the network. His opinions were integrated into the newscast and the network used Cronkite to develop the station’s image. This concept continues today in network, cable and public programming with The O’Reilly Factor or NewsHour with Jim Lehrer. These personalities share the news of the day along with their own commentary and analysis. Local broadcast news journalists acknowledge the trend with fifty-nine percent stating
that there is a blurring between journalism reporting and journalist commentary (Pew Center, 2004).

The concept of celebrity status has gone one step further in local television news. In a study of broadcast journalism students at a major university, students fell into two categories: those who perceived broadcast journalists as public servants and those who perceived them as actors or celebrities (Corney, 2008). Corney found that about half of the students surveyed fell into the second camp and “equate delivering the news with being an actor in the spotlight” (p. 10). These students believe that the delivery of the news is more important than the content of the news. This interest in broadcast journalism as a means to gain celebrity status has alarmed many educators and news directors. In 2004 the International Communications Association set up an interest group with the goal to better prepare students for reality and to end what they call “the journalism crisis” through research and professional education within the industry (Tumber, 2005, p. 551).

Whether the local news journalist does his or her job for the public or for the spotlight, the journalist is going to adhere to the news station’s format. The majority of local news formats are one hour in length, with most markets airing three consecutive hours of news programming in the morning and another three hours of news in the evening. Klite et al. (1997) samples of one hundred local news stations revealed that on average, only forty percent of the one-hour program is actually devoted to news (p. 103). This translates into thirty-six minutes of news programming, which is divided into several topics including news, weather, sports, and promotions. Some stations even include formatted time for anchor chatter or commentary. Klite et al. dug deeper and
found that within the thirty-six minutes allotted to news, two-thirds is local (1997, p. 104). In this researcher’s experience at FOX 4, the formatted time allotted for local, national and international news totals fifteen minutes. So, the breakdown of a one-hour newscast looks something like this: In one hour of local news programming about fifteen minutes is allotted for news. About two-thirds is allocated for local news programming, leaving about five minutes for the producer to provide the viewer with the most important national and international news of the day. If a viewer were to watch a local news station’s entire three-hour news block of programming, they would receive about fifteen minutes of national and international news.

Kurpius (2003) found that this format puts emphasis on the “latest news rather than the most important” and “creates a tendency for homogenization of content and preference for speed over quality” (p. 78). The odds are not in favor for a national story like the Patriot Act to find its way into local news programming. The producer has only about five minutes to devote to national and international news and the most recent news of the day takes priority over the most important news. If the Patriot Act is not the top national discussion for that day it will likely be absent in the local news station’s programming.

This compression and immediacy of the news has an effect on the viewer. Klite et al. (1997) found that a 30 second news clip “can do little but give us a feeling about issues” and leave the viewer with emotions rather than fact (p. 109). Luskin (1990) found that overall, broadcast news is “brief and shallow” and that most news audiences interviewed shortly after the newscast cannot recall a single story covered (p. 335). Despite these effects, it’s not likely the viewer will go somewhere else for their news. In
a survey addressing television, Internet, newspaper and radio news outlets, more than sixty percent of all Americans still turn to the television for their news (Pew Center, 2009). Kohut et al state that in survey after survey, local news receives better performance ratings from the public than network news or even newspapers (1998).

The Application of Agenda-setting Theory at the Local News Station

There are many theories to explain how a story is chosen for the day’s newscast. This researcher suggests agenda-setting theory best applies. Early researchers like Walter Lippmann, Paul Lazarsfeld, and Maxwell McCombs and Donald Shaw studied the media’s ability to influence the public. Their research suggested the powerful media decided what issues the public would care about, thus setting the agenda. Eventually researchers acknowledged a third component: policy agenda. The idea was the media decided the priority of issues for the public, and the public took their agenda to policymakers. Today, researchers debate whether these components are linear. Dearing and Rogers (1996) (qtd. in Matsaganis and Payne, 2006), view agenda setting as an “ongoing competition among issue proponents to gain attention of media professionals, the public and policy elites” (p. 4). As agenda-setting theory evolves two questions still remain: What stories get prominence, and why? Understanding proximity and obtrusiveness may help answers these questions.

A story’s proximity to the viewer is simply how close the event or issue is to the viewer. Kratzer (2003) studied which factors influenced newspaper editors to run disturbing 9/11 photos and found that proximity to an event influenced editorial decisions. In Kratzer’s study several editors said they ran disturbing photos they might not otherwise had if the tragedy had occurred in their own city. In other words, the
editors felt disturbing photos would be accepted because the events of 9/11 were not in close proximity to their public. Kratzer suggests when the public is in close proximity to an event, the event is more likely to affect their lives. Likewise, if the public is further from an event, the event will have less of an impact and be less likely to affect their lives. Proximity contributes to agenda setting and can determine whether an event is relevant enough to appear as a story in the local newscast.

Zuker (1978) introduced the importance of obtrusiveness in agenda setting (qtd. in Severin and Tankard, 2001, p. 228). He defined an obtrusive issue as one which the public experienced personally and could relate to. If the public had little to no direct experience with an issue, no matter it’s proximity, the issue was not likely to become a part of the public agenda. McCombs and Reynolds (2002) (qtd. in Matsaganis and Payne, 2006), refer to the public’s experience as orientation, and suggest all human beings have a need for it (p. 6). When orientation is high, McCombs and Reynolds suggest obtrusiveness can be manipulated.

A story’s time lag is also intertwined with agenda setting and affects which stories are chosen to be part of the day’s newscast. Wanta and Roy (1995) define time lag as the period of time it took for a story to become part of the public’s agenda. Their study included national network television news, local television news and newspapers. According to their findings, the local news rated right in the middle of the time lag with six days for the news to become part of the public’s agenda and about eleven days for it to disappear. The national network came and went much quicker and the effects of the newspaper lingered much longer. If applying Wanta and Roy’s findings, this means the local station has five days to choose and report on a story of public importance before the
theory of time lag overrules the decision to run the story in the newscast.

Time lag affects which stories are chosen for the local newscast. Yet there are other criteria. Gade and Perry (2003) (qtd. in Haas and Steiner, 2006) looked at newsrooms across the U.S. and found many have replaced the traditional beat-check with a focus on issues that concern their citizens (p. 241). This finding aligns with all that’s been discussed about the changing role of public journalism from watchdog to lap dog (see Boehlert, 2006). It also aligns with all that’s been discussed about the power struggle between the media, the public and policymakers within the agenda-setting theory. In simple terms, issues important to the public, no matter where they originated, are given priority in the newsroom.

Once the agenda is set and the story is chosen, the next step is to find a source. Deuze (2005) states the foundation to a journalist’s working knowledge is the story’s source (p. 453). The journalist relies on the source to explain, describe or reveal. The journalist’s knowledge and interest in the story influences their choice for a source. The local station’s first preference is for a source willing to speak on camera. Broadcast news is a visual medium and a talking head is preferred. For this reason, Crane (qtd. in Kurpius, 2003) found that most television journalists focus more on story format than on story content (p. 83). This also explains why video of a house fire or highway accident takes precedence over a story like the Patriot Act, which offers little or no significant video, to tell the story. If a talking head is unavailable, a picture of the source with voice on tape will work. When there is no voice on tape, the source is no longer in his/her own words and is read as a quote on-air. Station economics usually prevent travel, which means the reporter needs a local source. Finding a local source for a national issue like
the Patriot Act can be problematic for a local news station. As a result, many local stations rely on inter-media feeds for their sourcing. These feeds are provided by sister stations, network stations, cable-network stations, or stringers. Rosenstiel et. al (qtd. in Kurpius, 2003) found that 24 percent of the content at local stations came from feeds (p. 77). For a national issue like the Patriot Act, most sources are from inter-media feeds and are typically lawmakers, or even the President himself.

The President is the journalist’s most influential source and can have a very prominent agenda-setting effect on both the public and the media. Former Press Secretary, Scott McClellan, knew how powerful the president’s message could be. McClellan (2008) said “when you wield the bully pulpit of the White House and the giant megaphone of the presidency, it is easier to set the agenda and get your ideas covered” (p. 124). And it wasn’t just McClellan who felt this way. When describing the ideology of the White House staff, McClellan said

Like Karl Rove, Karen Hughes, and President Bush himself, [Chief of Staff, Andy Card] knew that the marketing and selling of policy –another way of describing the permanent campaign –were instrumental to getting things done and key measurements of presidential power and success…We were always focused on how to control the agenda, shape the media narrative, and build public support for our policies…(94-95).

McClellan was there in the White House with the President and saw first-hand how the President worked hard to stay on message and set the agenda using simple, straightforward, consistent messages that would connect with the public. After the attacks of 9/11, the White House message stayed the course, stating that the Patriot Act was the
tool the FBI and CIA needed to fight terrorism. When a local station like FOX 4 aired stories on the Patriot Act they needed a source. Access to inter-media feeds provided official sources like the 455 lawmakers in the House and Senate that passed the bill. Inter-media feeds also included the voice of the President, staying on message and supporting the Patriot Act. McClellan said

In the fall of 2002, Bush and his White House were engaging in a carefully orchestrated campaign to shape and manipulate sources of public approval to our advantage. We’d done much the same on other issues—tax cuts and education—to great success…And through it all, the media would serve as complicit enablers…And the public is generally inclined to believe what the White House says, or at least give it the benefit of the doubt until the watchdog media proves it is unreliable (p. 125).

When lawmakers or the President are used as the only sources for the story, the policymakers are setting the agenda. After all, as McClellan suggests, the public is inclined to believe these sources. A public that always accepts an official source as truthful and forthcoming can be jeopardizing more than just their preference for public journalism and the powers of agenda setting; they could also be affecting democracy.

**Political Knowledge of the Journalist and the Public**

According to Eksterowicz et al. (1998) researchers have found that political knowledge promotes an increased likelihood of participating in the political process. The research suggests a lack of political coverage in the media results in a lack of political knowledge and can lead to a decreased citizen involvement in the political process. A 1998 survey by the *Washington Post* (qtd. in Eksterowicz, et al., 1998), found a large
portion of the American public cannot fulfill their role of engaging citizen because they lack the political knowledge to do so (p. 81). For an issue of national importance like the Patriot Act, a lack of investigative coverage by the media could result in a lack of public concern. In this era of public journalism, if the public is not concerned with a story, neither is the media.

It is unfair to say that there is no political coverage by local television news stations. However, some believe the local coverage lacks substance. According to Bennett (1996), the highly fragmented characteristics of news with its fast-paced stories and constant visuals contributed to the lack of political sophistication among the American people. This shift in ideology of the press is not what the United States Supreme Court had in mind when it tried to uphold the role of the press in American society.

However, this shift cannot be solely blamed on the public. The journalist is part of the democratic society, which also has a role to play. Deuze (2005) suggests journalists in elective democracies share characteristics and values when it comes to their role in the newsroom. What makes them different is how they interpret and apply their roles. The working knowledge of the journalist is important. The journalist must continue in education and training in order to be knowledgeable on a range of issues. If the public is uninformed, according to Deuze (2005), it is up to the journalist to bring the issue to light, thus promoting democracy.

**Sunset Deadline and Renewal of the USA Patriot Act**

As the sunset deadline for the Patriot Act approached, Zeljak (“The USA Patriot Act”) reported that Senate Judiciary Committee Chairman Orrin Hatch (R-UT) was in
favor of proposing legislation to remove all sunset provisions. James Sensenbrenner (R-WI), chairman of the House Judiciary Committee, stated that any attempt to cut the sunset provisions would take place “over my dead body” (Ball, 2004, p. 80). Leading up to the vote, the Senate was locked in a filibuster- needing 60 votes to break it. The House voted 280-138, and the Senate 89-10. On March 7, 2006 the USA Patriot Act was renewed. Patriot Act II includes more than one hundred additional changes, including the right to issue subpoenas without judge or grand jury approval and granting complete immunity to federal agents who conduct illegal searches (Zeljak, “The USA Patriot Act and Civil Liberties” p. 70). The bill passed with another four-year sunset applicable to three separate provisions. The rest of the bill is permanent. Proponents of the bill wanted to close loopholes they believed were a hindrance to the effectiveness of the Patriot Act. Even with some revisions, many critics believe the USA Patriot Act continues to be a serious threat to civil liberties. As American history has proven, during times of national emergency, law enforcement agencies administer broad powers they deem necessary to protect the country and its citizens. However, history has also proven these powers have a tendency to threaten democratic freedoms.

As this research suggests, the Patriot Act is a controversial bill. The burden of informing the public about this bill landed squarely on the shoulders of the media. However, the shifting role of the media to public journalist and powers of policymakers within the role of agenda setting may have resulted in an information vacuum. This study tests the following:

H1: Journalists at FOX 4 did not provide the public with an explanation of the USA Patriot Act.
R1: Did the FOX 4 journalist understand the USA Patriot Act?

R2: Was FOX 4 proactive or reactive (displaying time lag) in their coverage of the USA Patriot Act?

R3: Did FOX 4 balance sources in their coverage to include national and local, supporters and critics, of the USA Patriot Act?
CHAPTER 3
METHODOLOGY

The analysis presented in this study will be based on two data collections: 1) a content analysis of every news story on the USA Patriot Act aired at WDAF-TV Kansas City, FOX 4 over a five-year period, beginning with the passage of the bill in 2001 and ending with the renewal of the bill in 2006 and 2) a self-administered survey conducted on journalists at FOX 4.

This researcher will use content analysis to understand whether FOX 4 journalists explained the USA Patriot Act, or just reported on its passage and renewal. The content analysis will also explain how the journalist formatted and sourced the story.

The survey will measure the journalists’ opinions of their own station’s news coverage and help this researcher understand the journalists’ orientation regarding the USA Patriot Act.

The categorization of each unit of analysis for this study modeled Hallahan and Baysha’s (2003) method used to analyze media framing of the Ukrainian political crisis. Each story will be coded, using the following units of analysis:

1. Time Period. The time period in which the story aired is important because it is the viewer’s first opportunity to learn more about the USA Patriot Act. It also determines how long it took FOX 4 to recognize the importance of the bill, which would indicate time lag. There are seven time periods with different lengths. The time periods are not equal in length, a model after Kasoma and Maier’s (2005) method used to analyze source and accuracy at nine daily U.S. newspapers and Wanta and Roy’s (1995) method to analyze network, local and newspaper mediums. Each time period will serve as an
indicator of how quickly and consistently FOX 4 reported on the USA Patriot Act. Each story will be divided into one of seven time periods. The time periods include: 1) The first week of the bill’s introduction (September 19-26, 2001); 2) from the second week to the first month (September 27- October 19, 2001); 3) between two and six months (October 20, 2001 to March 20, 2002); 4) between six months and one year (March 21, 2002 to September 2002); 5) from year one to year three (October 2002 to October 2005); 6) the last two months of year three (November 2005 to January 2006, which approached the sunset provision); 7) after January 2006 (the period of the Act’s renewal).

2. Length of the Story. The producer usually determines the length, although the reporter may have some say. The story length allotted to a news hour may indicate the priority of the story compared to other stories in the newscast. The length may also mean the story has more substance. An example of this would be a story with an explanation of the USA Patriot Act. Explaining the bill to the viewer will take more time than just reporting on a facet of the bill that made headlines that day. Each story is assigned one of the following formats determined by FOX 4 management: 1) 15 seconds; 2) 20 seconds; 3) 25 seconds; 4) 30 seconds; 5) 35 seconds; 6) 40 seconds; 7) 45 seconds 4) more than 45 seconds.

3. Story Format. The format is important because it determines whether or not video or sound bites were used. A sound bite allows the source to present the story in his or her words, rather than have the source’s opinions summarized by the journalist. Typically a story with more significance includes a sound bite, making the story longer than others in the newscast. A story that does not have video tends to become the least important in the newscast and is usually the first story dropped from a newscast. The
format for every story depends on available video, available sound bites, or available
graphics needed to bullet point the facts for the viewer. Each story in this study is divided
into one of the following script formats: 1) Voice Over Video; 2) Voice Over with Sound
On Tape; 3) Reporter Package, 4) Voice Over Graphics; and 5) Reader Only.

4. Access to News Feeds and Wires. This research will document which news
feeds and wires the FOX 4 journalist used in their coverage of the USA Patriot Act. Did
the journalist take the point of view from FOX, CNN, Associated Press wires or a local
source? As a former producer at FOX 4, this researcher can claim there is a hierarchy of
sources at the station. Because WDAF-TV Kansas City, FOX 4 is a part of the FOX
media enterprise, the FOX video and sound bite sources shared with stations nation-wide
is valued above all others. If video were unavailable on the FOX feed, then the journalist
would next turn to CNN. The Associated Press wires are used to check for accuracy. If a
FOX 4 journalist did a story in-house, the journalist relied on the local source to tell the
story, and other sources were rarely used. The sources are categorized as: 1) FOX; 2)
CNN; 3) Associated Press wires; and 4) local sources.

5. Explanatory Phrasing. This unit of analysis assesses whether or not the
journalist explained or defined the USA Patriot Act for the viewer. Explaining the bill to
the viewer is different from reporting the bill. A report on the bill’s progress in Congress
is different from explaining why the bill exists, or what it is intended to do. To analyze
this unit, the researcher will look for phrasing like “the bill will…” or “the bill
enables…” or “the bill stops…” This kind of phrasing attempts to define or explain the
USA Patriot Act.

6. Attributed Sources. This researcher defines an attributed source story as one
that includes a quote or summary from a specific person or group of people. An attributed source helps validate the story and offer opinion to one side of the issue. This researcher argues that an attributed source is the next best thing to a sound bite. The source does not speak in their own words; however, their opinions are restated and validate the argument surrounding the issue. A story with a source will include information like “according to…” or “the President says…”

7. Controversial Phrasing. This unit will attempt to show whether FOX 4 journalists included phrasing that showed controversy surrounding the USA Patriot Act. Stories will be filtered for phrasing like “critics fear” or “after reaching a compromise.” This unit of measurement is included to account for stories that include concerns for the bill, but do not include a critic or an opponent as an attributed source in the story. This unit of measurement, coupled with the Sources in the Story unit, will help this researcher address whether FOX 4 journalists balanced their coverage of the USA Patriot Act to include support and opposition of the bill.

The three-page survey, titled “Role of Local Television News In the Kansas City Market,” was distributed to 35 journalists at FOX 4 who held positions as executive producers, producers, associate producers and reporters. These employees were responsible for writing the stories evaluated in the content analysis. The survey spans all fifteen newscasts aired each week at the station. The survey was distributed via inter-office mailboxes. Each survey included a consent form along with a stamped, return envelope and was returned anonymously. The survey requested the respondent’s response within seven days. On the eighth day, a postcard reminder was distributed via inter-office mailboxes to remind participants of the requested deadline.
The survey included open, closed and interval questions (See Appendix for the full survey). The first measure determined the respondent’s experience as a journalist, years worked at FOX 4 and desire to continue in the field. This provided the researcher with the information needed to correlate the journalist’s opinions with the number of years in the field. The second measure determined how much knowledge the journalist had of the USA Patriot Act. This helped the researcher determine whether the journalist had an understanding of the bill and the controversy surrounding it. The third measure used a scale of answers to determine the journalist’s approach to reporting on the bill. Specifically, respondents were asked, “How often is a government official the only source used in a news story regarding the USA Patriot Act at FOX 4?” and “How often did management instruct you on how to report on the bill?” This measure helped determine the journalist’s opinions on how well the Patriot Act was covered at FOX 4, and determine the strongest factors that influenced the coverage. The survey concluded with three open-ended questions including, “In your opinion, how can future journalists better prepare for a career in local television news?” and “What sources did you use when reporting on the USA Patriot Act?” These open-ended questions also included an opportunity for the respondent to offer improvements their station could enact in their coverage of the USA Patriot Act.
CHAPTER 4
FINDINGS

Content Analysis

This research will first look at the content analysis results of stories on the USA Patriot Act found in the archives at FOX 4 over a five-year span, beginning September 2001 and ending January 2006. The story archives at FOX 4 are stored digitally and rely on key word and date search parameters. The archives were filtered on all stories after the year 2001, with key words like “Patriot Act,” “USA Patriot Act,” “Patriot Act bill,” and “terrorism bill.” The search resulted in 64 stories across a five-year span.

All stories were measured by Kasoma and Maier’s (2005) and Wanta and Roy’s (1995) time periods of different lengths. After filtering all 64 stories, only three of seven possible time units displayed results. FOX 4 did not begin airing stories on the USA Patriot Act until one year after its passage. The highest percentage of FOX 4 stories, forty-five percent, aired October 2002 through October 2005. This time unit coincided with the upcoming re-election of President Bush and the bill’s pending sunset provision. The other two time units with the highest concentration of coverage were closely tied. Twenty-eight percent of the stories aired three years after the bill’s passage, which coincided with the Congressional filibuster that stalled the renewal of the USA Patriot Act, and the third highest unit, twenty-six percent, occurred four years after the bill’s passage, which coincided with the 2006 renewal of the USA Patriot Act. These results display a tapering effect and suggest a time lag.

The tapering effect can be explained through proximity and orientation. News of the passage of the USA Patriot Act appeared during the first year in national newspapers
and in network news broadcasts, but did not appear in FOX 4’s local news broadcasts. If the Kansas City community did not have an understanding of the bill, then it would not become part of the public’s agenda. Applying the theory of public journalism, if the public did not include the Patriot Act in their agenda, then it would not become part of the FOX 4’s agenda. The tapering effect could also suggest FOX 4 journalists did not have a working knowledge of the USA Patriot Act, and without orientation, they did not include it in their station’s agenda. Responses to this researcher’s survey, to be discussed later in this paper, will provide insight to the FOX 4 journalists understanding of the bill.

The time unit results can be used to answer R2: Did FOX 4 display time lag in their coverage of the USA Patriot Act? The three highest concentrations of coverage on FOX 4 coincided with national headlines: the re-election of the president, the sunset provision and the renewal of the bill. The station acted within the theory of time lag and aired their highest concentration of stories on the Patriot Act to coincide with headlines in the national news. Whether the Kansas City community or the FOX 4 journalists were responsible, FOX 4 was reactive in their coverage of the USA Patriot Act. The time unit results are evidence FOX 4 did not initiate their own coverage of the USA Patriot Act.

The second unit of measurement in the content analysis is the length of the story. After filtering all 64 stories, this researcher found fifty percent of stories on the USA Patriot Act aired on FOX 4 were 20 seconds in duration (see fig. 1). The 20-second story concurs with Luskin (1990), that broadcast news is “brief and shallow” (p. 335). Twenty percent of stories on the USA Patriot Act at FOX 4 were longer than 30 seconds. Only two stories on the USA Patriot Act were longer than one minute.
The third unit of measurement in the content analysis is the story format. The majority of stories on the USA Patriot Act at FOX 4 were formatted as voice over video (see fig. 2). As a former producer at FOX 4, this researcher can claim the V/O is a common format for the local news station. The V/O provides the viewer with images as an anchor reads script off camera. The V/O resulted in forty-five percent of the total. The next most common format was voice over graphics. With this format, a partial or full screen of information appears on the screen, and the anchor reads script over the graphics off camera. Voice over graphics occurred eighteen percent of the time, with only a one percent lead above voice over with sound on tape (VO/SOT).
As a former producer at FOX 4, this researcher can claim the VO/SOT is a preferred format for the local news station. Like the V/O, the viewer is provided images as an anchor reads script off camera. However, a VO/SOT incorporates a sound bite into the story. In a VO/SOT, a source speaks on tape and the sound bite is aired as part of the story. The VO/SOT is preferred because it allows the source to speak in her or her own words, giving the story validity.

Ten of the 64 stories studied were readers, which meant no video or graphics aired with the story; the viewer saw only an anchor speaking on camera. Two of the stories aired as reporter packages. The FOX network produced one of the packages and made it available to producers through a satellite feed. A FOX 4 journalist produced the other reporter package locally.

These findings are evidence journalists at FOX 4 did not prioritize the need for a sound bite in their coverage on the USA Patriot Act. The question arises: Why? Did the network feeds not offer sound bites with their video? Did the FOX 4 journalist not
understand the sound bite? Or was there simply not enough time in the newscast?

Survey responses from FOX 4 journalists will better explain why more sound bites were not included. However, this researcher proposes time constraints were a significant factor. A VO/SOT requires more time, at least 35 seconds, and as discussed, only twenty percent of FOX 4’s stories on the USA Patriot Act were longer than 30 seconds. As previously discussed, FOX 4 allocates about five minutes of international and national news coverage during each one hour news block. Perhaps the FOX 4 journalist felt they did not have enough time in those five minutes to include more VO/SOT formatted stories.

The fourth unit of measurement in the content analysis is access to news feeds and wires. This researcher wanted to know where the majority of stories on the USA Patriot Act originated. Ninety-one percent of the stories on the USA Patriot Act at FOX 4 originated from professional news feeds (see fig. 3). The two most common news feeds were the FOX network and Associated Press. These news sources tied 33 percent, followed by CNN with 25 percent. Only nine percent of the stories used local video. This evidence suggests FOX 4’s reliance on a network or press service to source their stories on the Patriot Act. As with the time lag evidence, the news feed evidence also supports this researcher’s interest in whether or not FOX 4 was proactive in their coverage on the USA Patriot Act. Only further research could reveal why FOX 4 did not include coverage on the USA Patriot Act as part of their agenda.
Despite the evidence of reactive coverage, this research aims to collect evidence that affirms H1: Journalists at FOX 4 did not provide the public with a comprehensive explanation of the USA Patriot Act. All 64 stories were filtered for explanatory phrasing that would help the public understand the bill. Despite the language or tone of the phrasing, whether proponent or critic, stories were filtered for any language that would explain to the public what the USA Patriot Act did or aimed to prevent. The evidence disproves this researcher’s hypothesis.

Seventy-eight percent of stories on the USA Patriot Act aired on FOX 4 included some sort of explanation of the bill. There were many different explanations (see fig. 4). The most common explanation made reference to terrorism. Fifty-eight percent of explanations used phrasing like “anti-terrorism bill”, “fights terrorism”, and “tool to stop terrorists plots.” The majority of stories aired on FOX 4 attempted to explain what the USA Patriot Act bill did or prevented. This evidence negates H1 and suggests FOX 4
journalists did provide the public with an explanation of the USA Patriot Act.

The last two units of measurement in the content analysis, attributed sources and controversial phrasing, are used to answer R3: Did FOX 4 balance sources in their coverage to include national and local, supporters and critics, of the USA Patriot Act? The attributed sources unit will provide evidence as to whether FOX 4 balanced national and local sources. The results from the controversial phrasing unit will provide evidence as to whether FOX 4 included views from both proponents and opponents of the bill.

Fifty-nine percent of the stories on the USA Patriot Act aired on FOX 4 included an attributed source (see fig. 5). Attributed sources included “President Bush says…” “supporters say…” and “critics say…” The results are evidence that journalists at FOX 4 favored using an attributed source in their stories on the USA Patriot Act.

Since the majority of journalists favored including an attributed source, but only 17 percent formatted their story to include a sound bite, it is more evidence to suggest journalists at FOX 4 did not have enough time within their five-minute national news
The most common attributed source was President Bush, who was referenced in seven stories on the USA Patriot Act. Sources deemed as policymakers, including President Bush, his administration, the Justice Department and lawmakers, were referenced in 32 of the 64 stories. This large showing of policymaker sourcing in stories on the Patriot Act is evidence of the power policymakers have.

Of the 59 percent of stories that attributed a source, only seven stories were produced locally at FOX 4. This is evidence FOX 4 did not strike a balance between national and local sources in their coverage of the USA Patriot Act. Was FOX 4 able to strike a balance between supporters and critics?

To help answer the above question, this researcher first filtered on all 64 stories for controversial phrasing, i.e. “controversial,” “reach a compromise,” “months of debating,” etc. There were 31 different phrases (see fig. 6) used throughout the 64 stories.
that illustrated the tension surrounding the bill. Some phrases were used more than once, to total 104 controversial phrases across 64 stories on the USA Patriot Act. These results are important because it reveals FOX 4 did report on the struggle between supporters and critics of the USA Patriot Act. However, these results reveal only the power struggle and do not suggest a balance within the story, itself, between supporters and critics.

Figure 6: Controversial Phrasing

To better understand if a balance was reached between supporters and critics of the bill, each attributed source story was revisited to see if it included views from both sides of the issue. Of the 38 attributed source stories, 42 percent were balanced to include opinions from both supporters and critics of the bill within the story. The other 58 percent were one sided, either supporting only critics or supporters of the bill.

The results from attributed sources and controversial phrasing reveal FOX 4 failed to balance between supporters and critics within each individual story on the USA Patriot Act. However, FOX 4 did provide an overall balance between supporters and
critics of the bill with the use of controversial phrasing. These results came as a surprise for this researcher and would suggest during this five-year period, a regular FOX 4 viewer was presented with the struggle between supporters and critics of the USA Patriot Act, even if each story was not equally balanced. Despite the overall coverage, the evidence from the content analysis suggests FOX 4 did not balance their sources to include national and local, supporters and critics, of the USA Patriot Act.

**Survey Results**

Survey responses from FOX 4 journalists will provide evidence to answer R1: Did the FOX 4 journalist understand the USA Patriot Act? As previously discussed, orientation is an important factor in the agenda setting theory. In order to measure the journalists’ orientation on the USA Patriot Act, the survey included 12 questions concerning the bill. Three questions were True/False; the remaining were interval questions with predetermined scaled responses.

Ten of 35 surveys were returned, representing 29 percent of journalists at FOX 4. The responding journalists represented a range of experience. Forty percent worked as local news journalists 16-20 years, another 40 percent worked 1-5 years and the remaining 20 percent worked in the industry for 6-10 years. The majority of the respondents, 60 percent, worked at FOX 4 the previous five-years, which is important because these journalists were responsible for writing the stories studied in the content analysis. Seventy percent of respondents said they see themselves working as a journalist five years in the future.

The interval survey questions attempted to measure how the journalists sourced and reported their stories on the USA Patriot Act, and how effective they believed their
coverage was. When asked how much of the USA Patriot Act did they read, ninety percent of FOX 4 journalists said they read less than half of the bill. When asked if the station provided time to read and understand the bill before reporting on it, 50 percent “strongly disagreed.”

Despite reading only half of the bill, the survey results indicate the majority of FOX 4 journalists had orientation. Ninety percent acknowledged there are critics of the USA Patriot Act who claim the bill violates civil liberties, seventy percent were aware the bill can be used to try American citizens for acts of terrorism, and 100 percent of respondents acknowledged the government is not required to notify suspects when they are under investigation. These results affirm R3; FOX 4 journalists had an understanding of the USA Patriot Act.

More than half of the respondents, 70 percent, believed the information available at the station (i.e. news wires and feeds) used to source stories on the USA Patriot Act, was accurate.

The journalists were asked to list the sources they used to report on the bill (see fig. 7). The most common responses were Associated Press wires, FOX feed, CNN feed and the Internet. The next most common response was policymakers. Only one journalist listed opponents of the bill, i.e. the ACLU, as a source they referred to. These results concur with the findings from the content analysis, that FOX 4 failed to balance between supporters and critics within each individual story on the USA Patriot Act.
The journalists were asked to scale how often a government official was the only source used in a story on the USA Patriot Act and the answers resulted in a tie. Fifty percent of respondents reported “often,” while the other 50 percent reported “seldom.” This means half of the respondents acknowledged they used only one source when reporting on the USA Patriot Act, and that one source was a policymaker. These results are evidence of the power policymakers have in setting the agenda. These findings could be used as evidence to support the claim FOX 4 journalists did not have enough time in their five-minute national news block to expand their coverage on the USA Patriot Act. Time constraints would limit the length of the story, the format of the story and could limit the number of sources used in the story. More research is needed, however, to justify that assertion.

The respondents were asked to scale how often FOX 4 presented both sides of the story concerning the USA Patriot Act. The majority of journalists, 50 percent, answered
they “often” presented both sides. Only 20 percent said both sides were “always” represented, and 30 percent said this “seldom” occurred. As previously discussed in the content analysis results, the majority of stories on the USA Patriot Act aired on FOX 4 did not include attributed sources from both sides of the issue within each story.

The survey asked journalists to scale how often FOX 4 management instructed them on how to report on the USA Patriot Act. Thirty percent said this “seldom” occurred and the remaining 70 percent said it “never” occurred. Journalists were asked how often audience demands affected reporting on the USA Patriot Act. Fifty percent said this “seldom” affected their coverage, 30 percent said it “often” affected it and 20 percent said it “never” affected it.

The journalists were asked how they would scale FOX 4’s effort to explain the USA Patriot Act, 50 percent responded “below average,” 40 percent responded “average,” and one percent responded “poor.” The survey results contradict the content analysis evidence. The majority of FOX 4 journalists believed their efforts to explain the bill were below average, however, the results from the content analysis indicate 78 percent of the stories aired on FOX 4 explained how the bill worked.

The journalists listed how FOX 4 could improve their coverage on the USA Patriot Act (see fig. 8). The answers varied, however, there were commonalities. Three respondents wanted to see FOX 4 provide more in-depth coverage, two respondents suggested more people read the bill, and two respondents wanted to see FOX 4 make the bill more relevant to the Kansas City community. These responses confirm the importance of orientation and proximity.
The FOX 4 journalists acknowledge orientation on the USA Patriot Act is important, and suggest a more knowledgeable journalist would improve the station’s coverage. FOX 4 journalists also acknowledge proximity is valuable and the station could better serve the public if stories on the USA Patriot Act were relevant to the local community.

These responses also support this researcher’s claim that the five-minute national news block needs to be expanded. The majority of responses suggested more time be devoted to the USA Patriot Act (i.e. stories exceeding 30-60 seconds), thus providing the viewer with more in-depth coverage.

Three interval questions were included in the survey to measure how effective the journalists believed their station serviced the public. Forty percent of respondents said FOX 4’s news coverage was “often” ideal; the remaining 60 percent said their news coverage was “seldom” ideal. Seventy percent of respondents said the quality of local
news was “seldom” equal to network/cable news. Despite how the respondents felt about the quality of local news, 70 percent said local news “often” effectively serves as the public’s watchdog. These findings seem to contradict each other. The majority of FOX 4 journalists surveyed do not find their coverage ideal or equal to network/cable news; however, the majority of journalists believe they are effectively serving the public.

The survey concluded by asking respondents how future journalists could better prepare for a career in local news. Journalists were first asked to rate, in order of importance, college degree, on the job training, journalism degree and years working in the field (see fig. 9).

**Figure 9: Survey Responses to Career Preparation**

On the job training ranked as the most important factor, followed by years working in the field. The least important factor was a college degree. A journalism degree ranked right in the middle.

Respondents were then asked to offer their own advice to future journalists (see
fig. 10). Responses varied, however, there were commonalities. Twenty-six percent of respondents listed an internship as valuable to future journalists, followed by an ongoing study of current events, and a variety of college course work.

![Figure 10: Recommendations for Future Journalists](image-url)
CHAPTER 5
CONCLUSION

The discussion of literature on the shifting role of journalism, the rights to free speech and its effect on democracy, and the theory of agenda setting explain the climate local news journalists at FOX 4 worked in at the time of passage of the USA Patriot Act. The content analysis and survey results explain how the local news journalists at FOX 4 reacted within that climate. This research does not attempt to explain why. However, results from this research suggest a new hypothesis: Journalist and public orientation would be increased and public proximity would be expanded if the local news station reconfigured their format to expand the national news block. The local news journalists could better serve the public by expanding their national news coverage.

As previously discussed, 73 percent of Americans turn to local television news programming for their news and information about the world (Pew Center, 2009). The public is saying they want their local news station to report on events within the world, not just news local within their community.

This researcher’s survey results revealed local news journalists desire this change. Thirty percent of respondents said they wanted more time for in-depth coverage on issues like the USA Patriot Act. Eksterowicz et al. (1998) concurs more time is beneficial and states if journalists want to restore public trust they must devote more time and make major changes in the way they cover “politics, government, and the formulation and implementation of public policy” (p. 89).

This researcher’s survey results also revealed local news journalists were willing to achieve more orientation on national stories like the USA Patriot Act. More knowledge
in an era where “sound bites are preferred over sound arguments” (Matsaganis & Payne, 2006) will be difficult to “sell” to the public, but research shows more knowledge, for both the journalist and the public, is key to a democratic society (Deuze, 2005).

Kurpius’ research (2003) found television stations could alter routines and formats without upsetting the structure of television news, if a “visionary manager” leads them through the changes (p. 81). Journalists at FOX 4 said their managers were seldom to never involved in coverage on the USA Patriot Act. Research shows more involvement could be beneficial and effective (Kurpius, 2003).

An expanded national news block does not mean the station forfeits their local angle. The survey results revealed FOX 4 journalists wanted proximity for a story like the USA Patriot Act. Proximity would mean local news journalists would find a way to make a national story, like the USA Patriot Act, relevant to the local community. Proximity means local news journalists could quit pandering to their audience and find a way to make public policies relevant to their audience.

As Bauman, 2001, (qtd. in Deuze, 2005) points out, “rethinking of journalism…is necessary not so much because there is something wrong with the profession, but rather because it is essential in order to maintain a conceptually coherent understanding of what journalism is in an increasingly complex and liquid modern society” (p. 455).
WORKS CITED


McClellan, S. *What Happened: Inside the Bush White House and Washington’s*


Police Chief President. “Voice your support for the Patriot Act.” *The Police Chief* 77.12


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ROLE OF LOCAL TELEVISION NEWS IN THE KANSAS CITY MARKET

The following survey will ask your opinions on how local news journalists understand and report the 2001 USA Patriot Act, and how the mission of local news reporting could affect the public's understanding of such an important piece of legislation. The results of this survey are completely anonymous and will only be used to supplement a research project aimed at determining media behavior. The survey will take 10 minutes. Please return within 7 days. Thank you for your valued assistance in this project!

PLEASE CIRCLE ALL RESPONSES!

<table>
<thead>
<tr>
<th>How many years have you worked as a journalist?</th>
<th>1-5 years</th>
<th>6-10 years</th>
<th>11-15 years</th>
<th>16-20 years</th>
<th>21+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td>How many years have you worked at this station?</td>
<td>1-5 years</td>
<td>6-10 years</td>
<td>11-15 years</td>
<td>16-20 years</td>
<td>21+ years</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>True</th>
<th>False</th>
</tr>
</thead>
<tbody>
<tr>
<td>Many critics claim the USA Patriot Act violates civil liberties?</td>
<td>True</td>
</tr>
<tr>
<td>American citizens can be tried for acts of terrorism through the laws of the USA Patriot Act?</td>
<td>True</td>
</tr>
<tr>
<td>Under the USA Patriot Act, the government is required to notify suspects when they are under investigation?</td>
<td>True</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Read entire bill all the way through</th>
<th>Read more than half of the bill</th>
<th>Read less than half of the bill</th>
<th>Did not read at all</th>
</tr>
</thead>
<tbody>
<tr>
<td>How much of the USA Patriot Act did you read?</td>
<td>Outstanding</td>
<td>Average</td>
<td>Below Average</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outstanding</th>
<th>Average</th>
<th>Below Average</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>How would you rate your station's effort to explain the 2001 USA Patriot Act bill?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Always</td>
<td>Often</td>
<td>Seldom</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
<td>-------</td>
<td>--------</td>
</tr>
<tr>
<td>How often did management instruct you on how to report on the bill?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How often did your station present both sides of the story concerning the USA Patriot Act?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The information used for reporting on the USA Patriot Act at your station is accurate.</td>
<td>Strongly Agree</td>
<td>Agree</td>
<td>Disagree</td>
</tr>
<tr>
<td>How often is a government official the only source used in a news story regarding the USA Patriot Act at your station?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How often do audience demands affect reporting on the USA Patriot Act at your station?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The station provided you time to read and understand the bill before reporting on it.</td>
<td>Strongly Agree</td>
<td>Agree</td>
<td>Disagree</td>
</tr>
<tr>
<td>Your station’s news coverage is ideal.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The quality of local news is equal to network/cable news.</td>
<td>Always</td>
<td>Often</td>
<td>Seldom</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>--------</td>
<td>-------</td>
<td>--------</td>
</tr>
<tr>
<td>How often does local news effectively serve as the public's watchdog?</td>
<td>Always</td>
<td>Often</td>
<td>Seldom</td>
</tr>
</tbody>
</table>

What sources did you use when reporting on the USA Patriot Act?:

________________________________________________________________________

Please list any improvement's your station could make pertaining to the coverage and/or renewal of the 2001 USA Patriot Act:

________________________________________________________________________

________________________________________________________________________

Of the following characteristics, please rate how they effect the making of a local television news journalists. Use a scale of 1 to 4 (1 being most important and four being least important).

__ College Degree  __ On the job training  __ Journalism Degree  __ Years working in the field

In your opinion, how can future journalists better prepare for a career in local television news?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Can you see yourself working as a journalist five years from now?  Yes  No

*Please return the survey in the enclosed envelope.*

*Thank you for your valued assistance in this project!*  
*Your participation is greatly appreciated.*
CONSENT FORM

Identification of Researcher: Michelle Bright, a graduate student with the Department of Communication at Central Missouri State University, will be the primary researcher for this project. You can contact her at (816) 377-6959 or via email at mooshbright@yahoo.com.

Purpose of this Study: The purpose of this research is to understand how local news journalists understood and reported the USA Patriot Act, and how the mission of local news reporting could affect the public’s understanding of such an important piece of legislation.

Exclusions: You must be at least 18 years of age to participate in this study.

Description of Research Model: Each participant will receive in their mailbox, a survey, a consent form and a return envelope. The questions on the survey will probe each participant’s understanding of the USA Patriot Act, their sourcing and approach to reporting on the bill, demands and requests for stories about the bill, along with questions on journalism training and education. Participants will include producers, associate producers and reporters at WDAF-TV FOX 4. Participation in this study is voluntary and each participant has the right to withdraw from the study at any time.

Privacy: All answers will remain anonymous.

Explanation of Risks: The risks to this study are similar to the risks of everyday life.

Explanations of Benefits: Each participant will benefit from participating in this study as they gain firsthand experience in the field of communication research.

Questions about Your Rights: Participation in this research is completely voluntary. You have the right to withdraw from this study at any time. If you have any questions about your rights as a research participant, please contact the Human Subjects Protection Program at (660) 543-4621.

Thank you for your cooperation.