JOURNALISTS AND THE OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT

By Robert Jensen

News media owners and workers have been struggling over whether journalists are professionals under federal law and exempt from mandatory overtime payments. Owners argue that journalists are professionals and need not be paid overtime; journalists disagree. This article reports on recent case law, which supports the journalists' position, and suggests a more detailed examination of the meaning of "professional" beyond the law is needed.

Journalists typically see themselves as skeptical observers who expose the pompous rhetoric, self-serving rationalizations, and hypocrisy of news subjects. So, when journalists and media owners employ such rhetoric and rationalizations concerning issues about the business of journalism, the hypocrisy is especially ironic.

Such is the case with both sides of the current debate between owners and workers over the status of journalists as professionals under federal labor law. At stake is money: overtime pay that is an additional expense for owners and additional income for journalists. This struggle has led owners to argue that journalists are professionals under the law and hence exempt from the federal mandate concerning payment of overtime, even though owners have never treated working journalists like professionals. Journalists, on the other hand, argue that they are not professionals and hence are covered by the overtime mandate, even though journalists and their associations have long held themselves up to the public as professionals.

Part I of this article explains the relevant statutes and regulations. Part II examines the bulk of the recent cases, which support journalistic workers' claims to overtime. Part III looks at the sole case in which a judge ruled for an owner. Part IV highlights some of the key questions that arise from this legal issue but also have implications beyond the law.

Part 1: The Fair Labor Standards Act and Overtime Pay

Passed in 1938 as part of the second wave of New Deal legislation, the Fair Labor Standards Act (FLSA)[1] established a minimum wage and overtime compensation at time-and-a-half for hours worked past a forty-hour work week. The overtime provision does not cover all employees, however, providing an exemption for: "any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman."[2]

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The law also includes an exemption for small newspapers (circulation under 4,000)[3] and broadcast stations (in certain cities of less than 100,000 population, depending on their distance from other cities).[4] These exemptions have been held to be nondiscriminatory.[5] In cases where one company owns a group of newspapers in the same area, a court has ruled recently that circulation can be aggregated.[6]

Court cases and Department of Labor (DOL) interpretations in the 1940s clearly stated that reporters, editors, and photographers[7] were not exempt and had to be paid overtime.[8] The administrative exemption applies to a worker whose primary duties relate to "management policies or general business operations" and who "customarily and regularly exercises discretion and independent judgment."[9] This exemption is rarely the source of litigation, especially at mainstream news outlets.[10]

The professional exemption is of most concern for journalists. Early court rulings followed the interpretation of the law reached by the Department of Labor, which was charged with promulgating opinions to be used in enforcing the FLSA.[11] The status of journalists under the FLSA must be examined under the two types of exemptions: the "learned" and the "artistic" professional. The "learned" category covers: "Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes."[12]

In its interpretations, the DOL clearly rules out journalism as a learned profession, calling it a "quasi-profession . . . in which the bulk of the employees have acquired their skill by experience rather than by any formal specialized training."[13]

The "artistic" exemption covers: "Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee."[14]

According to the DOL, the "reporting of news, the rewriting of stories received from various sources, or the routine editorial work of a newspaper" is not exempt.[15] However, editorial writers, columnists, critics, and "top-flight" writers of analytical and interpretative articles are exempt, according to the DOL, because of the orginal nature of their work.[16]

Federal courts have long applied these regulations in a straightforward manner. A U.S. Circuit Court of Appeals in 1944 rejected the idea that journalists were learned professionals, stating that it was "common knowledge that few newspaper employees are graduates of specialized schools of journalism" and that most editors in the business agreed "the only practical school of journalism is the newspaper office."[17] That court also reiterated a Supreme Court decision[18] that found no First Amendment violation in the application of wage-and-hour standards to a newspaper.

In all but one of the cases (see Part III) where journalistic employees have been ruled to be professionals, the employees at issue have fit into one of these narrow exemptions, and the basic definitions have not been challenged. For example:

- A city editor was deemed to be a professional employee when writing a training manual. However, a night city editor,

assistant city editor, and Sunday editor were not executive or administrative employees, and the newspaper stipulated that reporters were not exempt.[19]

- An employee who functioned as head of the news department of a radio station was exempt as a professional.[20]

- A newspaper employee who wrote commentary, opinion, and criticism about radio and television programs was exempt as an artistic professional, even if he was required to handle some routine work, because he had discretion over the subjects and tone of his column and produced individualized analysis, interpretation, and criticism that were the product of his creativity.[21]

- The sports director/anchor of a small TV station was an exempt administrative and artistic professional because of his "uniqueness as a sportscaster entertainer."[22] However, trial and appellate courts ruled the opposite way in a subsequent case that involved the same station and same job title, but a different employee.[23]

Part II: Unsuccessful Challenges to Journalists' Nonexempt Status

Beginning in the 1980s and into the 1990s, newspaper and broadcast station owners renewed the challenge to the nonprofessional designation for all journalists. In response to the DOL's 1986 call for input on proposed changes in the definitions of professions,[24] the American Newspaper Publishers Association (ANPA) argued that journalists were artists, not unlike short-story writers.[25] The ANPA rejected the view that journalists were mechanics and argued that "inventiveness" could be more important for journalists who write "straight news" than those who write opinion pieces: "The fact that a reporter avoids or minimizes expressing in the news story his or her individual views, as those of the newspaper, in no way supports a conclusion that the reporter does not rely upon interpretation and creativity to develop that news story."[26]

Owners have also pressed their case in court. In four of the recent cases, two involving newspapers (weekly and daily) and two involving television (local and network), district courts followed the earlier interpretations. Appellate decisions have been handed down in three of the four cases, affirming the results.

In general, these cases suggest that because no formal education is required for a career in journalism and success is based more on a mix of a general critical thinking ability and experience, journalists are not exempt as learned professionals. And while journalists sometimes do creative and imaginative work, the courts have ruled that work is not artistic in the sense intended by the law, and hence journalists are not exempt as artistic professionals. A more detailed look at some of these cases follows.

In 1981, the DOL filed suit on behalf of thirty-three journalists who claimed almost $46,000 in unpaid overtime at the Concord (New Hampshire) *Monitor*, a 21,000-circulation nonunion daily. *Monitor* managers appear to have been ambiguous about an overtime policy. In depositions and trial testimony, reporters at the paper told how they were expected to work as

long as needed to do the job but were both subtly and openly discouraged from claiming those overtime hours. At the trial one reporter testified, "Clearly every time you put in for overtime, no matter how little, I would say eyebrows were raised. Voices weren't necessarily raised, but the message was clear that overtime was not liked at the *Monitor*."[27]

Another reporter testified that when she went to the city editor to discuss the problem of getting her work done without overtime, she was told, "You'll have to figure that one out for yourself."[28] After a ten-day trial in 1986, U.S. District Judge Shane Devine finally issued a ruling in 1993,[29] finding for the employees.[30] Devine limited the reporters to claims within the two-year statute of limitations, ruling the paper's violation was not willful. But he did award liquidated damages because the paper did not act in good faith.

On the question of the learned professional exemption, Devine noted that half the journalists in question did not have a journalism degree, finding that "a good liberal arts education and an ability to think and write clearly form the foundation of success in journalism" and that no prolonged course of specialized study is necessary.[31] On the artistic exemption, Devine ruled that while some of the work product of the journalists was original and creative, most is not, and he rejected the managing editor's comparison of journalists to sculptors, painters, actors, conductors, musicians, and clothing designers.

Like the judges in other cases, Devine cautioned that the decision was of limited precedential value because issues of exempt status are "intensely factbound and case specific."[32]

On appeal, the *Monitor* unsuccessfully challenged the validity of the forty-year-old DOL interpretations, suggesting that technological changes in the news industry undermine the pertinence of those interpretations. The three-judge panel of the 1st Circuit upheld Devine's decision that the interpretations were applicable and pointed out that once that decision was made, the finding that the journalists were nonexempt was inevitable.[33] While noting that the decision should not be read to mean all journalists are nonexempt and that "newspaper writing is certainly a medium capable of sustaining creativity," the appellate court also made it clear that "whether an employee is an exempt professional is independent of the title the employer ascribes to the position."[34]

In a case concerning a chain of small weekly papers, an appellate court ruled that the journalists clearly were not covered under the learned profession exemption and that the artistic exemption was not appropriate because journalists rely mostly on "intelligence, diligence, and accuracy," not imagination, invention, or talent.[35] But that court noted that the work of a small paper – collecting information for listings, attending meetings, and conducting routine interviews with officials – is different from "the type of fact gathering that demands the skill or expertise of an investigative journalist for the *Philadelphia Inquirer* or *Washington Post*, or a bureau chief for the *New York Times*."[36]

The two recent decisions about broadcast media produced similar results. In 1988, U.S. District Judge Sidney A. Fitzwater ruled that a Texas television station's reporters, producers, and directors were not professionals under the FLSA and that the station must pay them overtime.[37] He first dismissed the learned profession exemption, noting that no formal course of study is required and that journalists' careers follow a path more akin to "an apprenticeship and . . . training" rather than "intellectual instruction and study."[38]

The judge said the work of none of the three types of employees met the criteria of original and creative work that relies mainly on invention, imagination, or talent for the artistic exemption. For example, in discussing producers, Fitzwater wrote, "There is some testimony that a talented producer can weave a newscast in a particularly pleasing manner and can add 'bell and whistles' that differentiate one newscast from another," but that such work did not primarily involve invention, imagination, or talent.[39] Fitzwater also ruled that producers, directors, and assignment editors do not come under the administrative or executive exemptions. The station's appeal was unsuccessful, with a three-judge Circuit panel upholding the District judge on all matters.[40]

The other broadcast case concerned employees for NBC's network news operation and one of its owned-and-operated stations. In this case, NBC paid overtime, but at issue was the formula for determining the base salary, and employees argued that the FLSA was controlling. A U.S. magistrate judge ruled that none of the three plaintiffs – an *NBC Nightly News* writer, a *Weekend News* producer, and a field producer for the O&O – were exempt.[41] After rejecting the notion that the learned professional exemption applied, U.S. Magistrate Judge Kathleen Roberts ruled that the employees also were not artistic professionals, describing their work as "functional in nature" and depending "primarily upon acquired skill and experience and does not depend to a sufficient extent upon invention, imagination or talent."[42]

Roberts also reflected on the irony of each side's arguments:

> The testimony on both sides was frequently crafted (one is tempted to say "scripted") to conform to the language of the regulations, interpretations and court decisions that each side perceived to be supportive of its position. . . . This testimony tended to throw into sharp relief the remarkably ironic nature of this lawsuit, in which writers and producers at the pinnacle of accomplishment and prestige in broadcast journalism, in order to increase their renumeration, present themselves as simple writers, editors and reporters, who are forced to fit the news into the rigid molds imposed upon them by their employer; while NBC extols the plaintiffs as "the best and the brightest" in the country, but argues that they are therefore too creative, talented, and independent to merit increased pay.[43]

Part III: Sherwood v. Washington Post

In 1986, ninety-nine *Washington Post* reporters, editors, photographers, and copy aides (the list of plaintiffs was reduced to thirteen and then eventually to just Sherwood) filed suit in an attempt to reverse the paper's policy of paying overtime only to employees who make less than a specified amount per week ($740 at the time the suit was filed). The complaint first came before the late U.S. District Judge Gerhard Gesell, who granted summary judgment to the *Post*.[44] That decision was overturned[45] and sent back for a trial before Judge Norma Holloway Johnson, who also ruled for the *Post*, declaring Sherwood to be an artistic professional.[46]

Johnson explicitly rejected the authority of the DOL interpretations, ruling that the news business had changed significantly since the 1940s. Gone are the days when "leg men" gathered facts and called them into "rewrite

men," who wrote the stories. While those older reporting jobs did not require "invention, imagination, and talent," Sherwood's job did, Johnson ruled. Following Gesell's ruling, Johnson concluded the interpretations were "useful, guides, nothing more" that should be accorded very little weight.[47]

In labeling Sherwood – who during the period in question covered Virginia politics, the D.C. government, and the vice presidential campaign – an artistic professional, Johnson stressed Sherwood's talent for cultivating sources and identifying important stories. He wrote with creativity and imagination to produce the "artful" stories the *Post* expected, Johnson ruled. Sherwood had testified that his primary duty was to gather facts, but:

> The Court finds that Sherwood's job did require him to gather facts, but that fact gathering was only one aspect of his duty as a reporter. Sherwood's job also required him to originate story ideas, piece together seemingly unrelated facts, analyze facts and circumstances, and present his news stories in an engaging style. The Court further finds that Sherwood's fact gathering involved more than passively writing down what others told him. He was required to cultivate sources, utilize his imagination and other skills in seeking information, and continually developing his finely tuned interview skills."[48]

In short, Johnson ruled, Sherwood "was not a robot run by his editors."[49]

Part IV: Professional Problems

Johnson's ruling, which has been appealed to the D.C. Circuit Court,[50] raises the question of whether a change is likely in future judicial interpretations of the professional exemption. At this point, there seems to be no reason to expect similar rulings in most cases. Sherwood was a highly paid, well-respected political reporter at one of the country's top papers. While that does not automatically dictate that reporters such as Sherwood should be included under the professional exemption, Sherwood's experience, skills, and assignments meant he had more freedom to set his own direction and work schedule than reporters at smaller papers, or journalists at larger papers who do more routine work. As judges have consistently pointed out, these determinations are highly fact-specific, and the decision in Sherwood is unlikely to be influential in the more common cases involving smaller papers and broadcast stations.

But, while the courts seem likely to continue to view working journalists as nonprofessionals, the larger question of the professional status of journalists remains unresolved. Of course, the definition of a term for use in legal proceedings does not dictate the definition used in the culture more broadly; journalists have argued, and can continue to argue, that "professional" has a specific meaning for purposes of the FLSA and quite a different meaning outside the law. Likewise, owners can make the same claim, with different interpretations of the definitions. But the appearance of hypocrisy remains.

"Professional," in fact, means different things in different contexts. In one sense, it marks an occupational group's ability to define membership and control entry into the labor market through education requirements and licensing. Freidson points out that in the extreme, this kind of "credentialism" creates "an occupational cartel, which gains and preserves monopolistic

control over the supply of a good or service in order to enhance the income of its members by protecting them from competition by others."[51]

In another sense, "professional" suggests a certain kind of moral autonomy for the professional worker, who can in varying ways operate outside institutional structures. When an occupation is a profession in this sense, one defining characteristic, according to Freidson, is autonomy: "the freedom to employ discretion in performing work in the light of personal, presumably schooled judgment that is not available to those without the same qualifications."[52]

And, finally, "professional" simply can designate a person or occupational group with a certain kind of status in society. Abbott observes: "People don't want to call automobile repair a profession because they don't want to accord it that dignity. This unwillingness probably has less to do with the actual characteristics of automobile repair as an intellectual discipline – which are conceptually quite close to those of medicine – than it does with the status of the work and of those who do it."[53]

By this common-sense definition, journalists generally are regarded – both by themselves and the public – as professionals. Working journalists tend to, as the author of a trade-press article puts it, "think of themselves as more professional than proletarian... Their work is creative, their clothes are clean, and they are on a first-name basis with prominent politicians."[54] This is the "professional orientation" that McLeod and Hawley found in their survey of journalists.[55]

The overtime issue provides employees and owners with a convenient opportunity to rethink professional status. Because almost every interpretation of the First Amendment precludes any control over entrance into journalism, professionalism-as-credentialism is not a viable possibility. Meanwhile, journalists will likely continue to think of themselves as professionals in the common-sense definition, as will owners and the public. The real debate should be over the autonomy of journalists to make moral and political decisions about the organization of newsrooms and their work. At this point, it seems more accurate to describe journalists working at mainstream news outlets as technicians, defined by Freidson as "practitioners divorced from policy determination – particularly those whose work is amenable to formal structuring."[56] While newspapers and broadcast stations allow journalists varying levels of discretion, and at times the news-gathering process is actually collaborative, journalists clearly do not have professional autonomy.

This kind of discussion about what professionalism in journalism means need not take place within the confines of traditional sociological or legal definitions of the professions. Journalistic workers can organize in unions as workers and still pursue professional goals.[57] Or, journalists could abandon professionalization for a more openly critical and politicized role in society, as some have argued.[58] No matter what the eventual resolution of the legal issue may be, journalists should begin to consider what professional autonomy would mean for themselves as workers and for the public.

NOTES

1. 29 U.S.C. §201-219 (1988). The minimum wage provisions are in §206 and the overtime provisions are in §207.

2. 29 U.S.C. §213(a)(1).

3. 29 U.S.C. §213(a)(8).

4. 29 U.S.C. §213(b)(9).

5. *Mabee v. White Plains Publishing*, 327 U.S. 178 (1946); *Oklahoma Press Publishing Co. v. Walling*, 327 U.S. 186 (1946).

6. *Reich v. Gateway Press Inc.*, 22 Med.L.Rptr. 1257, 13 F.3d 685 (3rd Cir. 1994). The court held that "businesses that engage in related activities, under unified operation or common control, and for a common business purpose constitute an enterprise and will be treated as a single entity for purposes of applying the FLSA," at 1258. So, journalists at Gateway Press' nineteen papers in the Pittsburgh suburbs, including the six that had individual circulations of under 4,000, were ruled eligible for mandated overtime pay.

7. For convenience, from this point on this group will be referred to simply as "journalists," which includes news and feature reporters (but not columnists or specialty writers), front-line editors who are not considered management, and working photographers at newspapers. The law also applies to people doing comparable work at broadcast stations, such as reporters, field producers, newswriters, and videographers.

8. A brief note about real-world practices: As most journalists know, such clear precedents have not meant that all papers and broadcast stations have paid overtime to reporters who work overtime. Media outlets, especially smaller operations, often ignore such law (or perhaps are not even aware of it), and journalists are not always aware that the law covers them. Much of the employees' grumbling about long hours and inadequate compensation never leaves the newsroom. Because employees have to take action to initiate complaints, most of the news industry's FLSA violations go undetected and unpunished.

9. 29 C.F.R. §541.2.

10. In *Ricci v. El Mundo Inc.*, 85 F.Supp. 82 (D.P.R. 1949), the first assistant to the editor in chief was exempt as an administrative employee. In *Adams v. St. Johns River Shipbuilding Co.*, 69 F.Supp. 989 (S.D.Fla.), rev'd on other grounds, 164 F.2d 1012 (5th Cir. 1947); and *Donovan v. Reno Builders Exch., Inc.*, 26 Wage & Hour Cas. (BNA) 1234, 1984 WL 3149 (D.Nev. 1984), editors of company and trade periodicals were exempt as administrative employees because of the broad responsibilities they had for overall makeup of the publication.

11. In *Skidmore et al v. Swift & Co.*, 323 U.S. 134 (1944), the Supreme Court gave endorsement to the Department of Labor's interpretations of the FLSA. While not controlling on the courts, the Department's interpretations and opinions "do constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance," at 140.

12. 29 C.F.R. 541.3(a)(1).

13. 29 C.F.R. 541.302(d).

14. 29 C.F.R. 541.3(a)(2).

15. 29 C.F.R. 541.303(f)(2).

16. 29 C.F.R. 541.303(f)(1).

17. *Sun Publishing Co. v. Walling*, 140 F.2d 445, 449 (6th Cir. 1944), cert. denied, 322 U.S. 728 (1944).

18. *Mabee v. White Plains Publishing Co. Inc.*, 327 U.S. 178 (1946). In this case the Court followed its reasoning in *Grosjean v. American Press Co.*, 297 U.S. 233 (1936), stating that regulation that did not discriminate against the press was constitutional.

19. *Newspaper Guild v. Republican Publishing Co.*, 8 WH Cases 140 (D.Mass. 1948).

20. *Mitchell v. Kickapoo Prairie Broadcasting*, 182 F.Supp. 578 (W.D.Mo. 1960), aff'd in part and rev'd in part on other grounds, 288 F.2d (8th Cir. 1961).

21. *Lewis v. News World Communications Inc.*, Labor Relations Cases (CCH) #34,992. (D.D.C. 1987).

22. *Mandelaris v. McGraw-Hill Broadcasting Co.*, 20 Med.L.Rptr. 1953, 1956 (E.D.Calif. 1992).

23. *Nordquist v. McGraw-Hill Broadcasting Co.*, 38 Cal.Rptr.2d 221 (Cal.Ct.App. 1995). Brian Nordquist was ruled not exempt as an artistic professional or administrative employee as sports director/anchor. The court noted that different facts could produce different decisions in similar cases. Also, both cases were based on California, not federal, labor law and hence have no precedential value in FSLA actions.

24. As of this writing, no action had been taken on the proposal.

25. American Newspaper Publishers Association, "Comments of ANPA in Response to Advance Notice of Proposed Rulemaking," 21 March 1986, 27. On file with author.

26. ANPA, "Comments," 26.

27. Cited in Plaintiff's Post Trial Brief, *Brock v. Newspapers of New England Inc.*, (D.N.H., Civil File No. 81-298-D), 17. On file with author.

28. Plaintiff's Post Trial Brief, 19.

29. On appeal, the 1st Circuit panel noted the inexplicable delay between the trial and decision but ruled that the delay did not constitute reversible error. *Reich v. Newspapers of New England, Inc.*, 23 Med.L.Rptr. 1257, 1260 (1st Cir. 1995).

30. *Reich v. Newspapers of New England, Inc.*, 834 F.Supp. 530 (D.N.H. 1993).

31. *Reich v. Newspapers*, 834 F.Supp. 536.

32. *Reich v. Newspapers*, 834 F.Supp. 532.

33. *Reich v. Newspapers*, 23 Med.L.Rptr. 1261.

34. *Reich v. Newspapers*, 23 Med.L.Rptr. 1267.

35. *Reich v. Gateway Press Inc.*, 22 Med.L.Rptr. 1257, 1270 (3rd Cir. 1994).

36. *Reich v. Gateway*, 22 Med.L.Rptr. 1270.

37. *Dalheim v. KDFW-TV*, 15 Med.L.Rptr. 2393, 706 F.Supp. 493 (N.D.Tex. 1988). The same judge later denied plaintiff's request for liquidated damages and prejudgment interest, finding that KDFW acted in good faith and upon reasonable grounds. *Dalheim v. KDFW-TV*, 712 F.Supp. 533 (N.D.Tex. 1989).

38. *Dalheim v. KDFW-TV*, 15 Med.L.Rptr. 2399.

39. *Dalheim v. KDFW-TV*, 15 Med.L.Rptr. 2403.

40. *Dalheim v. KDFW-TV*, 18 Med.L.Rptr. 1657 (5th Cir. 1990).

41. *Freeman v. National Broadcasting Co., Inc.*, 846 F.Supp. 1109 (S.D.N.Y. 1993). As this article was going to press, that decision was reversed in *Freeman v. NBC Inc.*, 24 Med.L.Rptr. 1653 (2d Cir. 1996). The appeals court ruled that the plaintiffs qualified as artistic professionals.

42. *Freeman v. NBC*, 846 F.Supp. 1157.

43. *Freeman v. NBC*, 846 F.Supp. 1123.

44. *Sherwood v. The Washington Post*, 15 Med.L.Rptr. 1692, 677 F.Supp. 9 (D.D.C. 1988).

45. *Sherwood v. The Washington Post*, 16 Med. L. Rptr. 1665, 871 F.2d 1144 (D.C. Cir. 1989). The appellate court ruled that because Gesell faced a genuine issue of material fact, summary judgment was inappropriate and reversed and remanded for trial without commenting on the merits of the case.

46. *Sherwood v. The Washington Post*, 23 Med.L.Rptr. 1273 (D.D.C. 1994).

47. *Sherwood v. Post*, 23 Med.L.Rptr. 1282.

48. *Sherwood v. Post*, 23 Med.L.Rptr. 1275.

49. *Sherwood v. Post*, 23 Med.L.Rptr. 1283.

50. Oral arguments have been scheduled for 1996.

51. Eliot Freidson, *Professional Powers* (Chicago: University of Chicago Press, 1986), 63.

52. Freidson, *Professional Powers*, 141.

53. Andrew Abbott, *The System of Professions* (Chicago: University of Chicago Press, 1988), 8.

54. Daniel Lazare, "State of the Union," *Columbia Journalism Review*, January/February 1989, 44.

55. Jack M. McLeod and Searle E. Hawley Jr., "Professionalization Among Newsmen," *Journalism Quarterly* 41 (autumn 1964): 529-39.

56. Freidson, *Professional Powers*, 229.

57. See Gail Lund Barwis, "Contractual Agreements in Newsroom Democracy," in *With Just Cause: Unionization of the American Journalist*, ed. Walter M. Brasch (Lanham, MD: University Press of America, 1991), 367-82; and Gail Lund Barwis, *Contractual Newsroom Democracy*, Journalism Monographs, no. 57 (Columbia, SC: AEJMC, 1978).

58. See, for example, James W. Carey, "The Communications Revolution and the Professional Communicator," in *The Sociological Review* 13 (January 1969): 23-38; and James W. Carey, "AEJ Presidential Address: A Plea for the University Tradition," *Journalism Quarterly* 55 (winter 1978): 846-55.