

REPORT FROM THE OMBUDSMAN

This month: Is the practice of disclosing any link between writers and subjects—a *Brill's Content* hallmark—more harmful than helpful to readers? BY BILL KOVACH

Let me tell you something interesting I've learned in the 19 months since I began writing this column for *Brill's Content*. A lot of the country's most important journalists like to complain, but they want to do it off the record.

Not all of them, obviously, because this column—and much of the rest of each issue—is devoted to complaints, corrections, and debates about content.

But every month I receive at least one phone call from a journalist or someone else representing a media organization with a grievance about an article or item in the magazine. The calls, sometimes from old friends, are often pretty hot, ranging from outraged to outrageous. Often the grievances are so general I have to ask for specifics, and a written complaint with those specifics is invariably promised. As deadline approaches and the promised bill of particulars hasn't shown up, I call back to find out what happened. Sometimes I get an answer, sometimes not. Two reasons for the lack of follow-through—which reflect the range of answers I get—have been given more than once by different individuals, journalists, and news organizations.

Reason 1: "Oh, we decided no one reads *Brill's Content* anyway, and we don't want to give the magazine more credibility by responding." Reason 2: "I don't know. Our lawyers swore they were sending it." This column, as a matter of fact, was to be my response to details of a specific written complaint promised after a phone conversation a month ago. It never showed up.

So I turn instead to a *New York Times* reporter who raises a broad question about the magazine's standards but doesn't want to be identified—for an interesting reason.

"I would love to hear your thoughts on this," reads an e-mail from that reporter. "If you would like to pursue this topic in your column, I would prefer not to be mentioned by name. Too many journalists are attacking you guys because you make them uncomfortable. I do not want to be counted among them, or to lend their gripes any legitimacy."

The issue this person goes on to address is the concern that objective journalism is being undermined by the practice of routine disclosure of potential conflict. *Brill's Content*, the journalist writes, "is rife with disclosure. A writer reviews a book written by her former teacher ['Diagnosis Murder,' in the 'Stuff We Like' section, by staff writer Kimberly Conniff, October]. A huge article about Supreme Court reporters ['May It Please The Court,' by senior writer Robert Schmidt, also October] is written by a man with a personal relationship with three of the featured journalists. [Also in October, editor

in chief Steven] Brill writes 'Curiosity Vs. Privacy,' a long article about the media pursuit of Caroline Kennedy Schlossberg, whose husband has a relationship with the magazine's parent company....

"In many fields, such as medicine, disclosure has been rejected as inadequate to address conflicts. The problems with disclosure are multifold: It is voluntary and it is meaningless. The writer with the conflict is the person least able to judge the impact that the conflict has on analysis. The reader cannot possibly know.

"Moreover, subtle issues can never be provided to the reader. How far does the conflict really go? In the Schlossberg example, is the conflict that Schlossberg is working on a project that could bring more money to Brill? Are they personal friends? With a disclosure standard, there is no way for readers to ever be confident that they know the truth, because the disclosure has been written by the conflicted person."

I agree with the basic concern of this reader. A declaration of conflict, real or potential, should not become a routine substitute for assigning reporters and writers who have no connection with the people or subject under examination. I think the most important duty of an editor is to protect the integrity and credibility of the report. The journalist's implied contract is

that the recipient of the information's interest be served—not that of the reporter or the subject. Not assigning writers or reporters with real or potential conflicts is an obvious first step in fulfilling that contract. But on those occasions when the knowledge that such a conflict might raise would provide a deeper understanding or insight into the report, a good editor may opt for that deeper understanding. In such cases the editor must then balance the potential for conflict with the potential for uncovering information of the greatest possible use to the reader. And in those cases maximum transparency—explaining to the audience how and why you do what you do—is crucial. That is done by disclosure, the more detailed the better.

Having the conflicted person make the disclosure becomes inadequate only if the editor fails. It is the responsibility of the editor to become fully aware of the extent of the conflict and make sure it is adequately described. The reader can then decide how much to credit the content of the report or article. Reluctance by the press to be more transparent about why and how they do what they do, I believe, is one important reason for the decline in press credibility with the public.

As the press and the communications media in which it is embedded become more powerful and more intrusive, a lack of transparency makes the public more dismissive and suspicious.

Greater transparency by journalists about why they do the things they do and how they do them is something to strive for. For that reason, I consider the number of disclosures an attribute, not a problem. The problem would come if the disclosure does not make the potential for conflict transparent to the reader of the magazine, or if it becomes an excuse not to try to find the most objective reporter available to do the job. ■

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