

PRESS OMBUDSMEN

by Sam Zagoria

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and a writer of some distinction

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I. PRESS OMBUDSMEN

One of the more recent by-products of the 19th century Scandinavian ombudsman concept has been the emergence of press ombudsmen -- designated persons on daily newspapers who accept complaints, investigate those worthy of attention, and then take steps to remedy the problems. This may involve intercession, conciliation, or, in extremis, publicizing professional misconduct in order to force improvement.

Newspapers, like governments, have been growing in size, and the distance between the individual reader and the top editors in their remote offices has also seemed to grow. In addition, as the number of daily newspapers declines in the United States -- a trend over the past decade -- the number of monopoly papers has increased and with this has come a greater feeling of powerlessness for the readers. Of some 82,000 cities and towns in the United States, there are now only 141 with more than one daily newspaper.

This means that one paper sets the agenda for the community by its choice of what is news and what is not. For example, a business editor who has no interest in consumer news can contribute to the weakening of a consumer organization. It means, too, that a partisan newspaper can dominate the local political scene if it features only one party in its editorials and columns.

A recent study by the American Society of Newspaper Editors revealed that 70 percent of daily newspaper readership has doubts about their news content. A newspaper has become to some readers a towering monolith, distant and forbidding, and accountable to no one. It was interesting to note that readers polled in the ASNE study attached more credibility to those papers with ombudsmen.

Other observers of the press have commented on the decline in credibility, ascribing it in part to the arrogance and indifference of power, and noting the decline in sentimental attachment to the local paper. There is now more of a "we-they" relationship and less of an "us together."

More than 150 years after the first Swedish ombudsman was established, the editor of the Louisville, Ky., Courier-Journal, Norman Isaacs, read an article in the New York Times Magazine entitled, "What's Wrong With American Newspapers?" The July 11, 1967 article by A.H. Raskin, then assistant editorial page editor at the Times, suggested that a newspaper create "a Department of Internal Criticism" to put all its standards under re-examination and to serve as a public protector in its day-to-day operations." Isaacs recalls, "I read the damn thing and the next day I went looking for an ombudsman."

Since then about 40 media ombudsmen have been appointed in North America -mostly on daily newspapers, but a few on radio and television. They operate under varying titles ranging from ombudsman to reader representative or public editor.

They operate in different ways, although there are some common activities. For the most part they are senior editors, who deal with reader complaints through personal investigation, in-house memoranda and/or a weekly, bi-weekly or monthly column. The principal goals are correcting inaccuracies, unfairness or insensitivity. In some papers, they actually prepare the corrections or clarifications appearing in the publication.

While the public columns are not universal, where they do appear they demonstrate that the ombudsman function is legitimate and not merely a public relations gambit. The column shows a paper can take criticism, even pay for it.

Some papers have developed individual approaches to watch-dogging their own accuracy. Two West Coast dailies -- the Seattle Times and the Orange County, Calif., Register -- have arranged for their ombudsmen to pick stories from the paper at random and send questionnaires to the people who were mentioned, asking for comments as to the fairness and accuracy of the coverage.

The Boston Globe ombudsman publishes an annual accounting of corrections and clarifications and assesses the blame among reporters, editors, erroneous information provided, etc. Then Ombudsman Robert Kierstead breaks down the total among the various departments of the newspaper, which obviously puts pressure on each to do better by the time of next year's

tabulation.

The Wilmington, Del., papers begin a new year by reprinting a comprehensive code of ethics, and Ombudsman Harry Themal, president of the national Organization of News Ombudsmen, encourages readers to bring to his attention any perceived infractions.

The question of whether ombudmen are truly neutral or have a first loyalty to the readers has been debated. A 1985 "Census of North American Newspaper Ombudsmen," published by the Silha Center for the Study of Media Ethics and Law at the University of Minnesota School of Journalism, noted that while most ombudsmen agreed they should be neutral in issues between the paper and its readers, the same number agreed that "in the final analysis, an ombudsman's loyalty is to the paper's readers." This may be difficult when it is the paper that is paying the ombudsman's salary.

But ethical ombudsmen have demonstrated it is possible. Last spring Art Nauman, ombudsman for the Sacramento Bee and former president of ONO, attacked his newspapers solicitation of public figures to endorse the paper in advertisements. He condemned the practise in a lengthy column on potential conflicts of interest and then added brimstone by noting that the paper at the same time as the ads ran "published an editorial page cartoon which severely criticized Geraldine Ferraro for endorsing a soft drink, depicting her as a prostitute. A mean spirit might call that a display of corporate hypocrisy."

Ombudsmen also try to educate readers about how newspapers work. Ombudsman Jack Briglia of the London, Ont., Free Press has used a question and answer format to deal with reader inquiries about why things went wrong with a particular story or headline.

At The Washington Post, the office of Ombudsman was established in 1970 and the first three occupants were senior editors on temporary assignment. The system raised some questions about the wisdom of having an ombudsman who doled out criticism to editors and reporters one day and then a few days hence returned to his old job alongside his targets. The Post switched to outsiders with journalistic background who serve a limited term -- now two years -- on a contract.

The contract assures protection for the ombudsman so he may comment freely in his column and in the in-house memoranda. It has a non-renewable feature, which discourages any inclination to go soft on management in order to obtain another appointment.

At The Post the ombudsman receives from 100 to 150 complaints a week in the form of telephone calls or letters, and while responding in some way to each, less than half warrant further follow-up. The follow-up may involve conferring with editors, reporters, checking files, making comparisons with other newspapers, commenting in a memorandum prepared for editors and reporters, or incorporating the subject in a weekly column. The column is the most potent weapon since it brings the problem to public attention in The Post and also goes out over the Los Angeles Times-Washington Post news wire to about 550 newspapers in the U.S. and abroad.

Does the ombudsman make a difference?

To listen to ombudsmen at one of their annual meetings, the answer is a firm "yes." While there are the occupational pains of taking in reader complaints and confronting editors and reporters who are largely defensive, there is general agreement that the same mistakes are unlikely to be repeated. In this there is job satisfaction.

My experience has been similar. Editors who are so willing to handle stories criticizing others are reluctant to accept the same treatment themselves. They do not acknowledge error easily and might dispute ombudsmen claims about being responsible for change. So at the risk of charges of exaggeration of the ombudsman role, let me cite a few Post examples:

A front page story carried a dramatic lead telling about a woman who smuggled cocaine into Miami by secreting it in the body of a dead infant. The day the story appeared, a Miami television reporter protested that he had checked numerous sources and could not find support for the lead. The reporter said she got it from a fellow reporter, who, in turn, told me he had heard it years earlier from a Customs agent. After much calling, I determined it was a hypothetical example cited in a Customs agent training program, and I was finally able to get a correction into the paper withdrawing the example.

In a less spectacular endeavor I was able to encourage reporters to inquire whether seat belts were used when traffic accidents were reported and whether smoke detectors were present when major fires occurred. I felt readers were entitled to this information, and when reporters began asking public safety officials about these pieces of safety equipment, the officials began paying more attention to them also. In a similar effort I was able to get the local reporters to round up information each week on restaurants closed in the Washington area for unsanitary conditions. I felt readers were entitled to know, and there is little doubt that publication of the list helped expedite cleanup, too.

Constant watchdogging by the ombudsman is necessary to wipe out vestiges of sexism -- listing the ages of women and not men; unfairness -- telling one side of the story and not the other; inadequate warning -- failing to label "news analysis" or "commentary" pieces or to identify a partisan interest in describing the author of an article or letter; misuse of labels -- identifying a criminal as an ex-Marine or former IBM employee when the previous work had nothing to do with the crime.

An ombudsman's column offers a way of educating readers in the problems and limitations of daily newspaper reporting. In this way readers may realize that some expectations are unrealistic and revise their attitude toward the paper. For example, a reader who complains about an occasional typographical error will have a different attitude when a columnist explains that a midweek Washington Post (neither the fattest or leanest of the week) has about the same number of words as the typical American hard-cover book, but it is produced in 24 hours with only minutes for editing and proofing rather than the months and years of a bound volume.

Readers disappointed that every event is not covered in the paper need to be given some feel for the thousands of words which are offered to a paper each day and which cannot be printed because of space limitations. As it is, a reader takes longer to read the front page of a paper than to listen to entire half-hour radio or T.V. newscast. How much more time is the reader willing to give to his daily newspaper?

Another complaint involves facts appearing in another paper, specialty magazine or scholarly study which do not appear in the local paper. Ombudsmen explain that sometimes these facts are not known to the reporters, and also that completeness and balance are qualities to be measured over time, not only in a day.

Reminding readers of avenues available for expression of views contrary to those in editorials or columns is another ombudsman service. Most papers provide for publication of Letters to the Editor and many offer space for op ed (opposite the editorial page) articles. Encouraging such expressions not only helps calm an irate reader, but also brings contrary views before the paper's large audience.

Nat Hentoff, columnist for the Village Voice, has suggested that ombudsmen can help avert libel suits against the paper by handling complaints. I believe this to be true, although it is difficult to document. I have had persons mentioned in articles threaten libel suits, but then subside when a correction or explanation was forthcoming. Whether the threat was an idle one to stimulate action or a real one is hard to judge, but certainly the presence and activity of an ombudsman does enhance the chances of averting a courtroom confrontation.

Are there other approaches to press accountability?

In the United States, following up on a blue ribbon commission recommendation, several prominent citizens established a National News Council in 1973. It consisted of ten public members and eight from the press, and was charged with investigating complaints about accuracy and fairness of news reporting, and launching some broad studies of issues involved in freedom of the press. Participation was voluntary and the only weapon was publicity.

The project was met with mixed reaction by the media. Some major publications announced they would not cooperate if their stories were under fire; others declined to publish the charges and findings of the council. Some greeted the plan supportively and gave it nominal support, both financially and in print, but in 1985 the Council gave up.

In the background was a lingering feeling on the part of some news executives that the Council might turn out to be a way station on the way to government intervention in the media

and a trespass on precious freedom of the press. The argument is that if there were many Council findings suggesting such remedial action as corrections or clarifications, or requiring stories giving an opposite view to a published one, or similar remedies, and papers failed to carry them out, the next step might be legislation to require that the suggestions be carried out. This they dreaded as government intervention.

As a result of the closing of the National News Council, the only active news council left in the country is a state one in Minnesota, formed in 1971. It is essentially a one-person endeavor and necessarily accomplishes most of its results through conciliation since its funds are limited. The funding is by newspapers, the public and a few commercial enterprises, and there is some concern about possible conflicts of interest arising when complaints involve such companies. The future for news councils is not a bright one.

Sweden has a Press Council and a Press Ombudsman and they operate in ways different from the American models. The Council, founded in 1916, was created by the National Press Club, the Union of Journalists and the Newspaper Publishers Association and is traditionally headed by a judge. Other members are drawn from the three sponsoring groups and two members of the general public.

In 1969 the office of Press Ombudsman was established and is filled by a person selected by the Parliamentary Ombudsman, the chairman of the Swedish Bar Association and the chairman of the committee formed by the three national press groups sponsoring the Press Council. Initially complaints about violation of good newspaper practice now go to the Ombudsman. The more serious or stubborn complaints are passed along to the Press Council after investigation, but most are handled by the ombudsman, currently Dr. Thorsten Cars, Chief Judge of the District Court of Stockholm.

In Sweden, newspapers have agreed voluntarily that the Press Council may censure a paper and/or levy an administrative fine, and affected papers are expected to print the decision. In my visit to Sweden last year I learned that when a paper is unhappy with a decision, it may be hard to find it in the paper and it may be hard to read because the type is so small. One

Swedish editor indicated he preferred the American approach with an individual ombudsman for his paper instead of one dealing with all the papers.

Great Britain has a Press Council with 18 press members and 18 from outside the press to consider complaints. Prominent public figures have been appointed from the legal profession as chairmen. A visiting British journalist, while acknowledging that the Council had managed to remain alive since 1953, unlike the American version, complained that it is now largely dominated by the publishers and does not enjoy universal respect among newspaper staffers.

Watching over the press is not an easy task in my country, since the press requires freedom to carry out its responsibilities and looks upon any intercession as a potential threat to its goals. In my experience, the press ombudsmen of the U.S. newspapers have offered a concept deserving study and more popularity. Persons who complain about mistreatment by papers should have some recourse short of a lawsuit for libel. The courtroom ought to be the last resort, rather than the first. Readers who need a way of making their grievances known should not have to hire a lawyer to do so.

A little newspaper accountability can contribute to a little more humility, which can, in turn, lead to a lessening of alienation and hostility between an individual reader and a large and powerful paper.

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