Ombudsman

Sam Zagoria

For me the job as ombudsman at *The Washington Post* was made to order. It was a chance to return to the paper I had left thirty years earlier, to reenter a workplace teeming with talent and excitement, to criticize to my heart’s content, and probably to enjoy more fame than I had achieved in several governmental posts. And a byproduct: The appointment provided an escape from a Federal agency fast fading into nothingness.

When I began in January 1984, protected by a two-year, non-renewable contract, I had to look up the title in the dictionary to be sure I understood the role. But as I visited with some of my six predecessors and became familiar with the history and practice of ombudsmen in other institutions, I began to appreciate the potential for increasing newspaper accountability.

The Swedes were first, as they were on many governmental innovations. They established an ombudsman in 1809, recognizing that citizens needed a better way to make effective complaint against government bureaucracy. The ombudsman was given the power to investigate and recommend how to resolve fairly such grievances. Since then the position has been created in all of the Scandinavian countries, and also in the Netherlands, Britain, France, Ireland, Spain, Portugal, Italy, Switzerland, India, Australia, New Zealand, all the provinces of Canada and several states, cities, and counties of the United States.

One offshoot of the governmental ombudsmen has been the newspaper ombudsman. There are now about forty in the U.S. and Canada, according to the membership rolls of the Organization of News Ombudsmen, headed this year by Harry Themal of the Wilmington (Delaware) *News Journal*. The complaint-handlers operate under various titles ranging from simply ombudsman to public editor or reader advocate.

The Louisville (Kentucky) *Courier-Journal* started the line. Then-editor Norm Isaacs read an article in the July 11, 1967, *New York Times Magazine* entitled, “What’s Wrong with American Newspapers?” by A. H. Raskin, then assistant editorial page editor at the *Times*. Raskin 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.”

The *Post* started in 1970 and the first three were senior editors — two were Niemans, Richard Harwood [’56] and Robert C. Maynard [’66] — and then came four people who might be described as persons from public life with some experience in journalism. They operated in different ways, but all attempted to deal with reader complaints about the news columns, adding some concerns of their own to in-house memorandums and public columns. The principal targets were inaccuracies, unfairness, or insensitivity in the *Post*, but sometimes the news business in general fell within range.

On my watch, complaints — written and telephoned — averaged about 190 to 150 a week and came from all
Hardly a day goes by without an editorial or a columnist in some newspaper railing against a corporation or an industry for coming up short on social responsibility. Frequent visitors to the editorial knee, for example, have been the chemical companies for dumping cancer-producing waste.

Last week the policy-making House of Delegates of the American Medical Association came out in opposition to all tobacco advertising and announced an intention to seek national legislation prohibiting it. The move was a sudden burst of activism prompted by a recognition that, as one member-delegate put it, smoking is "the No. 1 health problem in this country."

At stake are some large numbers. Cigarette advertising provides about $1.6 billion a year to the media to keep sales up. Cigarettes are the most heavily advertised product in the country and last year brought in 9 percent of all magazine advertising revenue and 1 percent of all newspaper advertising revenue.

The other large number is that each year smoking is blamed for an estimated 350,000 American deaths a year. This is a number so large it becomes abstract, but one anti-smoking crusader, Alan Blum, a family physician and editor of the *New York State Journal of Medicine*, said it might be better visualized as the equivalent of three fully loaded jumbo jets going down every day of the year — *with all lives lost*.

Was that the reaction of the media to the AMA proposal? If you were expecting a show of financial sacrifice in favor of public good, you would have been very disappointed.

Instead, the American Newspaper Publishers Association and the Magazine Publishers Association told the AMA: "Products that can be legally sold in our society are entitled to be advertised; if it is legal to sell a product it should be legal to advertise it." The groups joined the tobacco industry in a reminder of First Amendment protections of freedom of speech. Furthermore, the tobacconists argued, advertising does not persuade people to start smoking, but only induces smokers to try different brands.

A Laurel resident who read Post reporter Susan Okie's reports wrote, "What if one 10-year-old child saw just one ad in his parent's Post one day and tried a cigarette, and liked it, and tried more, and was praised by his peers, and smoked more, and became addicted, died from lung cancer at an early age? I just don't see how you can rationalize risking such a scenario for just two-thirds of 1 percent of your total [Post advertising] revenue."

Journalists, from publishers on down, are understandably apprehensive about any legislation that tinkers with precious freedom of the press. But is there another approach, one that deals with the startling disparity between the news reports that describe the evils of smoking and the advertisements that glorify handsome, sophisticated puffers, whatever the brand they are inhaling?

In this era of voluntarism, when the business community is constantly urging Congress and regulatory agencies to stand aside and "let us take care of this problem ourselves," couldn't the newspapers of the country agree — voluntarily and collectively — to refuse cigarette advertising? Couldn't they do what is right rather than only what is not prohibited by law?

Most papers take great pride in the service they render to their communities, not only in providing information but also in philanthropic activities that provide scholarships and underwrite athletic tournaments. Is not helping some youngster avert the tortures of life-shortening lung cancer even a greater gift? A greater service?

So far, according to Dr. Blum of the *New York State Journal of Medicine*, of the almost 1,700 daily newspapers, only the publishers of the Salt Lake City *Desert News*, the *Christian Science Monitor*, Bluffton [Indiana] *News-Banner*, Morrisstown [New Jersey] *Daily Record*, Kirkville [Missouri] *Express and News* and the Salina [Kansas] *Journal* have banned the "most addictive drug" from their advertising columns. Among magazines, *Reader's Digest*, *Good Housekeeping* and the *Saturday Evening Post* have a similar policy.

Is there any media group for social responsibility? Are there any more companies for corporate responsibility?
the managing editor for possible use in his early morning meeting of senior editors and for later reprinting for senior executives including the publisher, a small but powerful audience. Staffers could summon the comments to their word processor screens by pushing the appropriate program key.

In addition, once a week I would provide a column on some aspect of the Post, often critical, occasionally expository, and leaven this with some observations on other media outlets. The column, in addition to publication on the editorial page, would go out on the Los Angeles Times-Washington Post News Service wire and I would sometimes receive letters taking exception from far away places. My first choice would have been to respond to them in person.

Readers seem to like the idea of an ombudsman, a person specifically designated to receive complaints, much more accessible than a busy editor, and less defensive than someone involved in the story being complained about.

Reporters and editors reacted in varied ways. Some couldn’t accept the notion that anything they had taken part in contained an error. They would bluster, or disappear, or argue that what they had done was substantially correct, even if not exactly. Others, more secure — and more professional — would discuss the complaint and take appropriate action, such as preparing a correction, clarification, or follow-up story.

Much of what I was involved in was consciousness-raising. A female editor who had run a cover photo of a group of therapists, all male, in her section, had to be reminded that there were women therapists, too. Rewrite men who cited ages after women accident victims or celebrity brides, but not the males involved, and headline writers who used "ex-Marine" or "ex-IBM" when the previous connection had no relation to the crime, had to be reminded, too.

Early on there was a flurry of missing facts in some local stories. I began to suspect the editors were out to lunch — all night long. There was an abundance of praise about Syria’s role in helping free the TWA hijacking victims and readers complained about the euphoria beclouding Syria’s financing of terrorists on other occasions. The situation cried out for a balancing piece and after a memo, it came.

Other complaints: the need for “news analysis” or “commentary” labels; the hope for a letup in the Christmas-New Year’s parade of canned series upon series: the shortcoming of a one-sided piece in a controversy, or the confusion fuzzing up understanding of another article. These are samples from the ombudsman’s mill.

Does an ombudsman make a difference?

I think so, but then I am probably biased. The presence of an ‘Omb’ helps overcome the feeling of some readers that the newspaper is some distant, unapproachable, unaccountable monolith, which uses its monopoly or near-monopoly status to wield power selfishly. In some cases an Omb can help resolve a grievance and avert the possibility that it flower into an expensive libel case. Interestingly, papers with ombudsmen scored better on credibility in last year’s American Society of Newspaper Editors survey than others.

Internally an Omb can shield a reporter or editor from unfair or unrealistic expectations by a news source or reader by providing a neutral view. Stories can’t always have the details appearing in the Jerusalem Post or a Foreign Affairs magazine footnote, for example.

Editors have assured me that within the newsroom, begrudging as the acknowledgment may be, the citation of error or other shortcoming by the Omb does help avert repetition. “No matter what they say, they won’t do it again,” one confided.

One of my special interests has been consumer safety and so I have pressed editors to require reporters to note the presence or absence of smoke detectors in serious fires, the use of seat belts in auto accidents, and the listing of eating places closed for unsanitary conditions. An effort to more product recall notices from the specialized readership of the Business section to the more general audience of the Metro section took months, but finally worked out.

If Oms are so good why do so few of the nations’ dailies have them?

I suspect the main reason is that editors and publishers don’t like criticism — and certainly don’t like paying for it. When I experienced “Why are you bothering busy me?” reactions from an editor or reporter, I shuddered to think how the same journalist must have treated an utter stranger with a complaint.

But as more cities become one-paper towns — only 141 as of this writing still have more than one daily — the arrogance of power looms larger. Readers need more ways to overcome feelings of powerlessness. Letters to the editor, op-ed page pieces, even guest editorials, provide some relief, but all of these are at the pleasure of the newspaper management; they do not have the aura of independence.

Experiences in this country with a National News Council and state councils, and in other countries with Press Councils have been less than satisfying. Perhaps the ombudsman approach deserves a chance.

I should, however, acknowledge two concerns, even though they didn’t occur in my tenure. Is there a possibility that an ombudsman’s in-house or columnar effort criticizing a journalist might become the basis for a Newspaper Guild grievance? It seems to me that on other papers where the Omb is part of management, his or her comments are in the same category as those made by a management supervisor and if they cannot be defended, then that person should be prepared to withdraw them. If the Omb is an independent, as at the Post, he or she may not be subject to the grievance procedure.

A second question — is there a possibility that an ombudsman comment may become part of a plaintiff’s case
The Us-First Syndrome

Sam Zagoria

For whom do reporters write? For the readers? Well, yes and no.

After two years inside a daily newspaper, I have concluded that among the hundreds of stories each day, there are a few shaped and targeted largely for the eyes of editors of other newspapers.

The “we got it first” boast is a standard ingredient in newspaper conversations. It was tradition when I was reporting and editing at The Post 35 years ago, and time has not diminished its hold. Editors’ competitive juices run fastest when primed by an exclusive. That’s when you see the closed-door story huddles, the staff lawyers poring over every word, the newsroom speculating about what’s up.

Do most readers know or care? I doubt it.

This is an exercise in one-upsmanship, played out in the front pages for a journalistic audience.

True, it pushes reporters and editors to dig deeply, to overcome cover-ups and stonewalling, in order to alert readers to facts that sources have chosen to keep hidden. Recent history has shown The Post does the job well, “watchdogging” the public and private sectors — Watergate, the Pentagon papers, Sen. Joe McCarthy or the current Pentagon procurement excesses. The paper has had the courage to print in the face of threats, court proceedings, and some public disfavor.

But is there a down side? Are some stories overplayed simply because a reporter got it first? Are some published even though they are fragments? Are some rushed to print without adequate effort to give the target a chance to respond? I thought last year’s intelligence shuttle scoop should have been held until the Defense Department had a chance to respond.

Is there a danger of a newspaper’s being “used” by a leak master out to discredit a rival or to advance a cause? The source has all the advantages — anonymity, more attention than if he held a news conference and a friendly report by a writer who may feel an obligation. The poor reader is rarely alerted as to why the story was leaked, because this may give away the source.

The preoccupation with “first” also affects how The Post deals with stories appearing first in another paper. There is a tendency to discredit or play down — for example, last year’s KGB spy defector story.

A more recent example: On December 23, The New York Times ran a front-page story reporting that President Reagan’s budget for the next fiscal year contains an unusual and far-reaching proposal to sell the Bonneville Power Administration and three similar agencies. Together they provide electric power to millions of people living in western, southwestern and southeastern states. The next day The Post carried a nine-line brief back on page D6 of the business section, which cited the Times report but was so short it never identified the three power agencies.

Most readers are oblivious to the intramural contests. They read only one paper — New York City papers don’t carry Washington grocery ads or theater times — and readers don’t sit around keeping score on which paper has more “firsts” than another.

A democracy is dependent on the media for information, information that tells both the bad and the good, of achievement and incompetency, about the decent and the ineccent. But editors on all papers have to make sure that the lure of an exclusive story or the added sparkle to a contest entry doesn’t lead to shortchanging the readers.

Take a little longer, but get it all, put it in perspective, give all sides a chance, maybe even force the source to put down the mask. And, if some other newspaper does come up with the story, rise above the sophomoric response. In an era of newspaper monopoly, or near-monopoly, there should be a second editor. If a story appears a day or two later, the Post readers will know or long remember.


in a libel action against a newspaper? I raised this and was told by lawyers that whether an Om comments or not, standards of professional conduct can be testified to by expert witnesses, so the presence or absence of an Om’s words will not be controlling.

In sum, being an ombudsman is satisfying work; it is a contribution to better newspapering. But do not be misled, it is hard work. Taking in complaints much of the day and then doling out criticism to reporters and editors makes for heavy withdrawals from the emotional bank. There are bound to be days when you look around the newsroom and wonder whether there is anyone left to eat lunch with. And if you share a table, should you switch plates first?

Ombudsmen are not meant to be loved. When my predecessor at the Post, Bob McCloskey, a veteran diplomat, finished his two-year stint, he received his farewell from the news staff in the form of three cakes, inscribed, “Picky,” “Picky,” and “Picky.”