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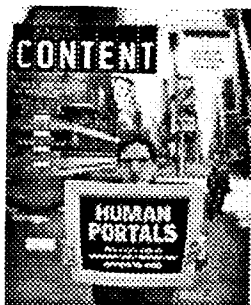
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REPORT FROM THE OMBUDSMAN

This month the ombudsman explores the phenomenon of journalists who decline to comment; plus, more on sources -- some anonymous, some not quite anonymous enough.

Andy Crowley of CNN "did not return calls seeking comment."

Brit Hume of Fox News "did not return calls seeking comment."

Author Sebastian Junger "was unavailable for comment for this story."

Sean McManus, head of CBS Sports, and Russell Pillar, head of Viacom Interactive, "did not return calls for comment."

Richard Scaife "denied *Brill's Content's* interview requests and didn't respond to faxed questions."

All of those quotes are from the March issue of *Brill's Content*, but they aren't surprising. Go to the Google.com search engine, enter the name of almost any prominent journalist or media executive along with the words "declined comment," and you're likely to find many listings.

A sampling: Last year during journalism's momentous "Is Leonardo DiCaprio a journalist?" crisis -- was the actor qualified to interview President Clinton for an *ABC News* show? -- New York's *Daily News* reported that ABC's Ted Koppel "declined to comment." Sam Donaldson's assistant told the newspaper, "At this time, Sam has no comment."

In 1999, when an ethical issue arose at San Jose's *Mercury News* about a reporter's investments, the paper's executive editor at the time, Jerry Ceppos, "declined to comment," according to the online journalism review of the University of Southern California's Annenberg School.

In 1998, when Dan Rather took a glancing shot at Connie Chung during an interview with the *American Journalism Review*, the magazine added: "Through a spokesman, Chung...declined comment."

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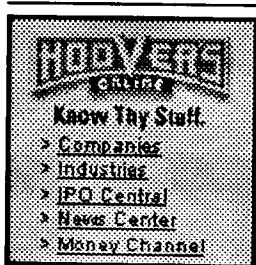
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SKEPTICISM
IS A VIRTUE

And last year, when *New York* magazine's gossip column wrote about "discontent" at *Brill's Content*, it reported that Steven Brill "did not return calls."

Overall, what does this mean? Often it's as simple as this: Journalists can dish it out, but they can't take it. Many journalists -- the print ones and the microphone ones -- are thin-skinned. They pry, they meddle, they snoop, but they don't want to deal with other priers, meddlers, or snoopers. Their attitude doesn't do much to enhance the image of the arrogant press.

Specifically, though, what does "declined to comment" mean? It can mean lots of things. It can mean "You've caught me in an embarrassing situation, and nothing I say will make it better, so go away." Or "I know you're doing a negative story, and you'll twist around anything I say or take it out of context, so to hell with you." Or "It's not going to do me any good to comment, so no comment." Or "I don't talk to your ilk." Or "I don't like your publication [or boss or owner or editorial position], so get out of here." Or "I could get in trouble with [my boss, my readers, my viewers, my lawyer] if I said anything, so I'm not saying anything."

The reader has to decide. When you're reading a story and you come across a "no comment," it's worth pausing and trying to figure out the reason. Look at everything in context. Does the story seem fair or unfair? Is it balanced or hyped? Are the quotes fully sourced, or are they cheap shots? If the story is fair and balanced and sourced, you can bet a "no comment" means "You've got me -- anything I say will simply confirm I'm a jerk or a crook or something in between. Nothing I say is going to help my case." If the story is unfair and hyped and anonymous, you can bet a "no comment" means "You've already made up your mind about me, and nothing I say will change that, so I'm not going to waste my time talking to you."

A "couldn't be reached for comment" can mean a couple of other things. It can mean that the person truly couldn't be reached -- adding to their arrogance, famous newspeople rarely have listed telephone numbers -- or it can mean that the reporter waited until the last minute to check because he didn't want to take the chance of ruining a good story by getting the other side.

It's tough being a reader these days. I've long thought that future journalists shouldn't take journalism courses in college, that they would better spend their days studying history or economics or Spanish and earning a liberal-arts degree from someplace like Dartmouth or Mills or the highly regarded Carleton College. Now I'm beginning to think that future readers should take journalism courses -- to learn the codes of the brotherhood and the tricks of the trade.

Anonymous quotes

Brill's Content continues to sprinkle its articles with anonymous quotes, ignoring the complaints of its ombudsman, but the use of

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anonymous quotes in one March story seemed particularly odd. Usually the anonymous speaker is identified in some general way that puts him in a group so big he can retain his anonymity. Kimberly Conniff's fascinating article on Mr. Scaife, for instance, cites "one staffer," "one former employee," "one reporter," "one former reporter," and the like. Unless you happen to know the speech patterns of Mr. Scaife's detractors, it would be impossible to identify who was saying what.

But the uncomplimentary anonymous quotes in the story on Ari Fleischer -- also a fascinating story -- are different. One comes from "one former Democratic spokesperson." Another from "another former Democratic spokesperson." Let's see now -- how many former Democratic spokespersons are there? There's Pierre Salinger, from the Kennedy days, but he served 40 years ago, in a different era, so it's unlikely he's the speaker. Besides, *Brill's Content* writer Seth Mnookin refers to Salinger as "an amiable jester in Bermuda shorts," a wonderfully descriptive term but not one likely to be used for a good source. Then there are Bill Moyers and George Reedy from the Johnson era, Jody Powell from the Carter years, and five people who spoke for President Clinton -- George Stephanopoulos, Dee Dee Myers, Mike McCurry, Joe Lockhart, and Jake Siewert. Mr. Moyers, Mr. Reedy, Mr. Powell, and Mr. Stephanopoulos were not quoted by name in the Fleischer story, which reduces the possibility that any of them is an anonymous source. Therefore, a reader could infer that those two anonymous critics came from the group that comprised only Ms. Myers, Mr. McCurry, Mr. Lockhart, and Mr. Siewert.

So why not just name him? Or her?

The editors respond: On the question about the meaning of "declined to comment," we want to point out that this magazine's policy is always to seek comment from the relevant parties and never, as Michael Gartner implies, to wait until the last minute in the hope of not "ruining a good story by getting the other side." In fact, our editorial guidelines state: "What if Jones is unavailable for comment? Make sure you leave an explicit message about what you want to ask and that you make a note of who took the message and the time of the call. This is not so much for legal protection as to ensure that you work in a way that produces careful, accurate reporting and will enable you to write a snappy reply when Jones writes a letter complaining about how stupid and unfair you are."

As for Mr. Gartner's attempt to smoke out Seth Mnookin's sources in his article on Ari Fleischer: He argues that anyone not quoted by name in the story was likely not an anonymous source, and he therefore narrows down the field of possible sources. But there's no basis for that assumption.

Toadyism

The ombudsman at *Brill's Content* is supposed to investigate complaints about articles in the magazine, and there's no such investigation this month. That's because there were no complaints of substance. The mail was all about problems with subscriptions,

mail generated by a column on the subject two months ago.

Perhaps the magazine has become so good and fair and scrupulous that there are no complaints. Perhaps the magazine is riddled with mistakes and cheap shots but people don't think it's worth the trouble to complain. Perhaps readers think the ombudsman is just a toady for management. You choose, but remember: Skepticism is a virtue. (And the only reason I used "toady" was to tell you that the word comes from "toadeater," the term for the shills used by charlatans in 17th-century Europe. The shill would elbow through the crowd, run up to the wagon of the traveling medicine man, and announce that he had swallowed a poisonous toad. The medicine man would give him an elixir, and suddenly the toadeater would be fine. Everyone would then want to buy some of the magic potion. Sales would soar, and the medicine man and his toady would then be off to the next town. That's why today a servile flatterer is known as a toady.)

Broadcast journalists

Someone in this magazine should say a good word or two about television. *Brill's Content* has been pretty tough on television as of late -- Steven Brill was particularly harsh (rightly so, perhaps) in the February issue as he analyzed what the magazine's headline writers called "the election-night fiasco," and editor Eric Effron was almost as tough in the March issue, calling the XFL football partnership between the World Wrestling Federation and NBC "the next step in the evolution of shock TV, and it's an important one because it applies the trashy practices of the genre to mainstream entertainment."

Fine, but for the sake of balance might I add:

Television journalists are the bravest journalists in the world. When covering wars and riots, they have to risk their lives for weeks on end to get the 90 seconds of footage that we routinely expect and matter-of-factly watch from our living rooms in the evenings. The TV journalist cannot report from the edge of the crowd. What's more, he is carrying equipment that marks him as a target for bottle throwers in riots and bomb throwers in wars. The next time you're in Washington, D.C., go to the Newseum, in Arlington, Virginia, and look at the memorial in the little park next door. It lists the names of journalists around the world who have died doing their jobs. Sadly, it added 579 names between 1990 and 1999. Though print journalists far outnumber broadcast journalists throughout the world, almost half of those killed on duty -- 226 of those 579 -- were broadcasters.

That's what reality television really is.

Michael Gartner is a Pulitzer Prize-winning journalist and lawyer who has edited papers large and small and headed NBC News.

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