

Carl Lindemann

Sent: Saturday, October 13, 2007 5:28 PM
To: Mark Tapscott
cc: SPJ Ethics Committee Members (e-mails redacted)
Subject: RE: Your letter regarding Bob Cox

Dear Mr. Tapscott,

Thank you for responding. Your questions seem rather distant from the typical follow-up to a submission of a letter to the editor. I do appreciate the sensitivities here given how this raises questions about the ethical practices of one of your writers and perhaps your organization as a whole. That I share your concern will be evident in my response here.

First, let me note that given the limits typical to letters to the editor, my response to Mr. Cox's piece is trimmed tightly. I am happy to resolve whatever ambiguities there may be by answering the questions you raise as best as I am able so as to clear this for publication.

Before I do so, I would like to pin down two points. You indicate that you are a member of Investigative Reporters and Editors. You are not listed in their directory. Could you confirm that you are a fellow member?

Also, I see that you managed the "CARR" program at the Heritage Foundation:
<http://www.ojr.org/ojr/people/tapscottm/>

Mr. Cox states on the Media Bloggers Association Web site that he is on the citizen media advisory board for the Center for Media and Public Policy at the Heritage Foundation:
<http://www.mediabloggers.org/robert-cox-bio>

From what I have been able to ascertain, this entity is the same as the CARR program or is closely related. Since the issue I raise is about undisclosed relationships, forgive me for wanting to be sure that everything is on the table here. Please confirm whether Mr. Cox was/is on a board for an organization you managed. Is there any relationship aside from editor/writer that might be of interest?

In the meantime, see my responses below:

-----Original Message-----

From: Mark Tapscott
Sent: Saturday, October 13, 2007 9:05 AM
To: Carl Lindemann
Subject: Your letter regarding Bob Cox

Could you clarify some points you raised in your letter?

First, are you affirmatively asserting that Lance Dutson was the source for Bob Cox, as you say in your first paragraph, or are you asking whether Dutson was the source, as in your second graph? If it is the former, what is the factual basis of your assertion?

Regarding the lines "Lance Dutson, the source and subject of this piece," and question "Did Dutson feed him this story?" these do not contradict one another. I'm afraid that your question is slightly off as a result. Let me see if I can clarify the points for you.

That Mr. Dutson (or some affiliate - perhaps an agent of his or the Collins campaign) is the source of the information that forms the basis for Mr. Cox's piece is self-evident. Access to private information shared between Mr. Dutson and Google in the last few days that is the source of Mr. Cox's story

came from one, the other, or both parties. Do you seriously suggest that Google is the source? Note that Mr. Cox's text shows that he has made direct contact with Mr. Dutson. He quotes him. What Mr. Cox uses to serve as a quote from Google is text drawn from a policy statement on its Web site - apparently no direct contact. Simple logic: the source is A, B or A+B. Since it is not B or A+B, it must be A.

The question "Did Dutson feed him this story?" is a different matter. This addresses the relationship between Mr. Cox and Mr. Dutson (see below). Mr. Dutson has been marketing this story as an operative of the Collins campaign. Mr. Dutson says he is an associate of Mr. Cox. Draw the obvious conclusion. I was being generous - perhaps overly so - for suggesting there may be other possibilities, however implausible. Please feel free to edit out this question or let it stand. Again, this points to questions about the exact nature of the undisclosed relationship between your writer and the subject of his piece.

Second, if you are asserting that Dutson was the source of the story, do you recommend that all journalists always disclose all of their sources? If not, on what basis do you recommend that we use in deciding when and when not to disclose specific sources? When would the identity of a specific source negate the importance of independently verified information from that source?

The questions you raise here are about journalistic ethics in general and I am not sure how these matters specifically pertain to the application of the basic disclosure principle I have raised regarding this particular case. Please be specific. However, I would suggest that the Society of Professional Journalist code of ethics may speak to many of the issues raised by Mr. Cox's piece, some of which I did not raise in my letter:

- *Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.*
- *Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.*
- *Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.*
- *Avoid conflicts of interest, real or perceived.*
- *Disclose unavoidable conflicts.*

If you care to mention specific issues regarding this situation, especially regarding the matter of "independently verified information", I would be glad to respond. You suggest that there was some independent fact-check of this piece. Which facts? How were they independently verified?

Third, what exactly do you mean by a "professional relationship?" Are you suggesting an employment situation involving compensation? Or the same sort of relationship that you and I have or have previously had as fellow members of IRE? Are you suggesting that I could not view you as a credible source for an oped on a topic we have discussed simply because we are or both have been members of IRE? Are you suggesting that there should be a different standard for evaluating the accuracy of information received from present or former fellow members of professional organizations than for other sources of information? I'm afraid that your analogy is inaccurate. The relationship between otherwise unaffiliated IRE members is different than that between Mr. Dutson and Mr. Cox for their connection to the Media Bloggers Association. If you were IRE's founder and president and I were on your board, had made public speaking appearances together, and had provided numerous professional services for the organization, then you would be closer to the mark. Also, the organizations are quite different due to both their size as well as membership recruitment. The only way to join the Media Bloggers Association is by being invited to join by an existing member. IRE membership, in contrast, is self-initiated. This, I imagine, makes the Media Bloggers Association a more close-knit connection in what is also a far smaller organization than IRE.

Perhaps you missed my citation on the relationship between Mr. Cox and Mr. Dutson at the bottom of my e-mail. It is drawn from Mr. Dutson's own bio posted on his Web site:

Lance is a board member of the Media Bloggers Association, a non-partisan organization dedicated to promoting MBA members and their blogs, educating bloggers, and promoting the explosion of citizen's media. Dutson was featured on a recent panel on blogs and legal issues at the Media Giraffe Summit at the University of Massachusetts at Amherst, along with several attorneys and MBA President and Founder, Robert Cox. Dutson developed the new MBA website, and continues to work on new initiatives through the site with fellow MBA members. He was one of several MBA members to gain credentials to cover the US vs Libby trial, the first time bloggers have been credentialed to cover a Federal court case. Dutson also worked with the Associated Press to deliver the aggregated feed of MBA coverage to over 750 AP partner websites.

This describes a far more significant relationship than that had between otherwise unaffiliated IRE members.

Fourth, what is the factual basis of your assumption that the editor - in this case, me - was not aware of the fact Cox and Dutson are both members of the MBA?

I assume that you are referring to my closing lines:

The Examiner's editors need to have their columnist explain how his failure to disclose his relationship with Dutson is ethical or acceptable. After such fact-finding, a retraction, correction or clarification is due.

Are you suggesting that Mr. Cox disclosed his relationship with Mr. Dutson, perhaps in an earlier draft, and that you edited it out?

If you wish to take responsibility for concealing this relationship, so be it. In any case, whoever is responsible for the piece - be it the author or editor, publisher - needs to explain publicly how the failure to disclose this relationship between Mr. Cox and Mr. Dutson is ethical or acceptable.

What I assume here is the widely accepted journalistic values contained in the SPJ code as stated above:

- *Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.*
- *Avoid conflicts of interest, real or perceived.*

Also, the Code addresses the accountability issue. Journalists should:

- *Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.*
- *Encourage the public to voice grievances against the news media.*
- *Admit mistakes and correct them promptly.*
- *Expose unethical practices of journalists and the news media.*

I cannot seem to find any code of ethics on The Examiner's Web site. Perhaps you do not abide by this or any other such code of professional practice. Does that mean that you believe there are no grounds to raise apparent conflicts of interest or ethical violations at your publication(s)?

Fifth, can you point to a single sentence in the oped that is not completely factual or accurate? If not, how would your recommended disclosure of a source alter the credibility of the oped?

A "single sentence...that is not completely factual or accurate"? Please substantiate Mr. Cox's opening assertion that "Internet giant Google has banned advertisements critical of MoveOn.org...".

There is no source cited. Is this from an anonymous source? If so, revealing the identity of that source would certainly be of value.

Google DID remove ads and provided reasons for this. According to a statement from Google released yesterday, its "advertiser support team offered instructions on how Senator Collins campaign could edit and resubmit its ad". In light of this, it is a gross misrepresentation to say that it has "banned advertisements critical of MoveOn.org". IDid you contact Google to provide independent verification for what may be Mr. Cox's own assertion? If not, this piece fails to maintain a basic ethical standard. Here is how it is stated in the in the SPJ code:

— *Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.*

Now, stepping aside from your "single sentence" focus, the disclosure issue applies to the piece as a whole. Note that Mr. Cox properly identifies the only other quoted source, Mr. Coleman, as "general counsel for the Media Bloggers Association". Mr. Cox is identified as the founder and president of the same organization in his byline. It is absurd to claim that Mr. Dutson, a board member of the same organization, should not be identified for his ties, too. In fact, his centrality in the piece heightens the demand that this connection be disclosed.

Finally, do you think it is appropriate for Google or any other private or public corporation to, as a matter of corporate policy, allow political organizations to suppress criticism of them in the nation's public policy or political campaign debates? Has your organization trademarked the words " TrueDialog.org" for any purpose?

Please note as I stated in my letter that I am not addressing "whatever the merits of the story" may be. I would be happy to explore that and other matters - perhaps in your pages - at another time. Now, the matter at hand is whether Mr. Cox's piece adheres to fundamental standards of ethical journalism. This is of special concern given his byline. in it, he indicates that the purpose organization of his Media Bloggers association is "to raise professional standards in the blogosphere". Given his failure to disclose his connection with Mr. Dutson, there is reason to doubt whether that assertion is factually accurate.

I look forward to receiving your response on these points.

I believe I have faithfully and fully answered your questions as appropriate. Now that I have done so, will you be publishing my letter as well as publicly provide the explanation called for (with appropriate changes - again, if you are taking responsibility for removing the appropriate disclosures):

"The Examiner's editors need to have their columnist explain how his failure to disclose his relationship with Dutson is ethical or acceptable. After such fact-finding, a retraction, correction or clarification is due."

In addition, I have asked for additional information needed to address some of your questions. I am happy to respond once I have that. trust you Also, I hope you will return the courtesy by responding to the questions I raised initially about whatever relationship you, yourself, may have with Mr. Cox beyond editor/writer.

Finally, please note that I have cc'd this to members of the Society of Professional Journalists Ethics Committee. I have made it plain that the issues I raise over Mr. Cox's piece are based on the SPJ code of ethics. I want to be sure that I have accurately cited and applied those standards here to address what I see as a flagrant violation of professional ethics.

I look forward to seeing your reply as well as my letter in print/online.

Sincerely,

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Mark Tapscott
Editorial Page Editor
The Washington Examiner