March 28, 2004

THE PUBLIC EDITOR

The Privileges of Opinion, the Obligations of Fact

By DANIEL OKRENT

It sounds like a simple question: Should opinion columnists be subject to the same corrections policy that governs the work of every other writer at The Times? So simple, in fact, that you must know that only an ornate answer could follow.

For the news pages, the rule is succinct. "Because its voice is loud and far-reaching," the paper's stylebook says, "The Times recognizes an ethical responsibility to correct all its factual errors, large and small (even misspellings of names), promptly and in a prominent reserved space in the paper." But on the page where The Times's seven Op-Ed columnists roam, there has long been no rule at all, or at least not one clearly elucidated and publicly promulgated. When I began in this job last fall, I was told The Times considered the space granted Op-Ed columnists theirs to use as they wish, subject only to the limits of legality, decency and publisher Arthur O. Sulzberger Jr.'s patience. Columnists decided when to run corrections, and where in their columns to run them.

But several days ago, editorial page editor Gail Collins handed me a memo in response to my inquiries. (You can read it in its entirety at www.nytimes.com/danielokrent; look for posting No. 22.) Less a formal statute than an explanation and justification of practice, the document lays out the position of both Collins and her boss, Sulzberger, who bears ultimate responsibility for hiring and firing columnists. Collins explains why columnists must be allowed the freedom of their opinions, but insists that they "are obviously required to be factually accurate. If one of them makes an error, he or she is expected to promptly correct it in the column." Corrections, under this new rule, are to be placed at the end of a subsequent column, "to maximize the chance that they will be seen by all their readers, everywhere," a reference to the wide syndication many of the columnists enjoy.

But who is to say what is factually accurate? Or whether a quotation is misrepresented? Or whether facts are used or misused in such a fashion as to render a columnist's opinion unfair? Or even whether fairness has anything to do with opinion in the first place? Can you imagine one of the Sunday morning television screamfests instituting a corrections policy?

In the consciously cynical words of a retired Times editor, speaking for all the hard-news types who find most commentary to be frippery, "How can you expect fairness from columnists when they make up all that stuff anyway?"

Of course they don't make the stuff up (at least the good ones don't). But many do use their material in ways that veer sharply from conventional journalistic practice. The opinion writer chooses which facts to present, and which to withhold. He can paint individuals he likes as paragons, and those he disdains as scoundrels. The more scurrilous practitioners rely on indirection and innuendo, nestling together in a bed of lush sophistry. I sometimes think opinion columns ought to carry a warning: "The following is
solely the opinion of the author, supported by data I alone have chosen to include. Live with it."

Opinion is inherently unfair.

Columnists also attract a crowd radically unlike the audience that sticks to the news pages. Judging by my mail, the more partisan of The Times's columnists draw two distinct sets of fanatical loyalists: those who wish to have their own views reinforced, and those who enjoy the hot thrill of a blood-pressure spike. Paul Krugman, writes Nadia Koutzen of Toms River, N.J., "makes more sense (along with Bob Herbert) than anyone. He states irrefutable facts." Paul Krugman, writes Donald Luskin of Palo Alto, Calif., has committed "dozens of substantive factual errors, distortions, misquotations and false quotations - all pronounced in a voice of authoritativeness that most columnists would not presume to permit themselves."

For a wider audience, Luskin serves as Javert to Krugman's Jean Valjean. From a perch on National Review Online, he regularly assaults Krugman's logic, his politics, his economic theories, his character and his accuracy. (If you want to see what kind of a rumble can evolve from a columnist's use of a quotation, go to posting No. 23 of my Web journal to find a series of links relating to a recent charge against Krugman: can you figure out who's right?) Similarly, David Corn of The Nation has taken aim at William Safire, charging in one recent piece that "under the cover of opinion journalism," Safire is "dishing out disinformation." And Maureen Dowd is followed faithfully around the Web by an avenging army of passionate detractors who would probably be devastated if she ever stopped writing.

Anyone who calls the Internet's bustling trade in columnist-attack a cottage industry might more accurately liken it to the arms bazaar in Peshawar. Peace and calm were not enhanced a few weeks ago when Times lawyers took a legal sledgehammer to an imaginary Op-Ed corrections column published by Robert Cox of the Web site The National Debate - but peace and calm rarely accompany arguments about political opinion in a polarized age.

This sort of contentiousness makes a clear, publicly stated corrections policy necessary, and finding a bright line in such murky precincts isn't easy. At the very minimum, anything that is indisputably inaccurate must be corrected: there is no protected opinion that holds that the sun rises in the west. Same with the patent misuse or distortion of quotations that are already in the public record. But if Safire asserts that there is a "smoking gun" linking Al Qaeda to Saddam Hussein, then even David Corn's best shots (which include many citations from Times news stories) aren't going to prove it isn't so. "An opinion may be wrongheaded," Safire told me by e-mail last week, "but it is never wrong. A belief or a conviction, no matter how illogical, crackbrained or infuriating, is an idea subject to vigorous dispute but is not an assertion subject to editorial or legal correction."

Safire good-humoredly (I think) asked me to whom he could complain if I quoted him out of context. I had a ready answer: "No one - I'm a columnist."

I generally don't like to engage in comparative newspapering, but I thought it was worth knowing what other papers do with (or to) their columnists. At The Boston Globe (owned by The New York Times Company), editorial page editor Renee Loth's practice is almost identical to the one now in place here; so is the policy of Paul Gigot, who presides over the opinion pages at The Wall Street Journal (definitely not owned by The Times). The Los Angeles Times actually allows its readers' representative to participate in decisions on columnist corrections. (No thanks, I'd rather not.) At The Washington Post, if a columnist doesn't want to write a correction recommended by editorial page editor Fred Hiatt, Hiatt will put one on the op-ed page himself. At every one of these papers, the final arbiter is the editorial page editor.
Daniel Patrick Moynihan, who would have made an excellent editorial page editor if he could have put up with the meetings, once said that "everyone is entitled to his own opinion, but not his own facts." Gail Collins's determination that corrections will appear on their own at the end of a succeeding column, and not disappear into an unrelated digression, is on its own a significant piece of progress. But it's her assertion of responsibility that matters most. Critics might say her statement of policy is very gently phrased, but when I asked her if there was wiggle room, she was unequivocal: "It is my obligation to make sure no misstatements of fact on the editorial pages go uncorrected."

In the coming months I expect columnist corrections to become a little more frequent and a lot more forthright than they've been in the past. Yet the final measure of Collins's success, and of the individual columnists, will be not in the corrections but in the absence of the need for them. Wayne Wren of Houston, a self-described conservative and "avid reader" of National Review Online, expressed it with great equanimity in a recent e-mail message to my office: "If Mr. Krugman is making egregious errors in his Op-Ed column, they will catch up with him." Same goes for Brooks, Dowd, Friedman, Herbert, Kristof and Safire - and, most important, for The New York Times.

My March 14 column may have left some readers wondering why reporter Jane Gross didn't write the corrective follow-up to her story about an allegedly anti-Semitic incident at a private-school basketball game, an article that I criticized. Her editors say the task - the "rowback" - was assigned to another writer only because Gross had left for a long-planned vacation.

The public editor is the readers' representative. His opinions and conclusions are his own. His column appears at least twice monthly in this section.
Memo on the Columnists From Gail Collins, editorial page editor:

The Op-Ed columnists occupy a unique place at The Times. They are full-time employees of the paper, but they speak only for themselves. Their opinions are theirs and theirs alone. They control, as is often noted, some of the most valuable journalistic real estate in the nation and their twice-a-week 700-odd word essays are among the best-read features in the paper.

It's not possible to be an independent voice and also be edited for content, so the columnists are permitted to operate without the kind of direct supervision that the paper's other writers receive. They are hired by the publisher and serve at his pleasure. They file their columns to an editorial department copy editor, who checks for spelling, grammatical errors and adherence to the paper's style. If a column appears to be potentially libelous or in bad taste, the copy editor alerts me. I have the power to pull the column entirely, but that has never, to my knowledge, happened under me or any of my predecessors. The columnists are invariably responsive and cooperative if I call to voice a concern.

While the columnists have extraordinary freedom they are not, by any means at liberty to do anything they like. They are all bound by Times ethics policy which requires them to give up any outside activities that might constitute a conflict of interest. That ranges from consulting work to giving speeches to providing blurbs for friends' books.

And while their opinions are their own, the columnists are obviously required to be factually accurate. If one of them makes an error, he or she is expected to promptly correct it in the column. After some experimentation at different ways of making corrections, we now encourage a uniform approach, with the correction made at the bottom of the piece.

The question of why columnists are permitted to do their own correcting comes up frequently. There are several reasons, some of them practical. The columnists are widely syndicated and it is important that their corrections run within the columns to maximize the chance that they will be seen by all their readers, everywhere. Readers also tend to communicate directly with the columnists rather than through the editorial page editors, and the columnists are often aware of errors that the editors never hear about until they read the correction in the paper.

After having had some experience with the columnist-correction issue from both sides of the fence, I think it's a good policy for other reasons as well. Being a columnist is like walking a tightrope without a net and the very lack of supervision creates an enormous sense of responsibility. You feel very keenly that you and you alone are answerable for every word. That's the way it should be, and I think the corrections policy reinforces that. Also, the relationship between columnists and their readers is extremely personal, and I think readers rightly expect corrections to be delivered in the columnist's own voice.

None of this is meant to suggest that columnist can pick or choose which errors to correct. They are expected to correct every error. Anyone who refused to fulfill this critical obligation would not be a columnist for The New York Times very long. And none of this is meant to suggest that the editorial page editor can use the policy to duck responsibility for inaccuracies on the page. Whenever an error is brought to the attention of one of the Times editors, it goes to me, and through me to the columnist in question. These are some of the top writers in American
journalism. They take their reputation for accuracy very, very seriously.

**dokrent - 10:31 PM ET March 27, 2004 (#23 of 24)**

**Columnist Accuracy Smackdown!**

Follow these steps to get a sense of the complexities and, even more, the passions encountered while trying to separate columnist facts from columnist judgments.

1. Begin with Paul Krugman's column of March 23, "Lifting the Shroud," about the Bush administration and Richard Clarke. His use of an Ari Fleischer quotation -- the act that set off this melee -- occurs in the first paragraph.

2. Here's how Donald Luskin weighed in on the Fleischer quotation specifically, Krugman generally, and Times policy as well.

3. Ari Fleischer wrote this letter to the editor, which The Times published on March 24.

4. The same day, commentator Timothy Noah entered the ring with this response to Fleischer's letter.

5. Re-arrange order of numbers and start all over again.
Dear Mr. Freeman:

As I told you and Andrew Rosenthal when Stuart Gold and I met with you on February 10, the “correction” carried by the Times on February 10 (“Mr. Kissinger said he decided to step down because resolving potential conflicts of interest would have meant liquidating his consulting firm . . .") was not, in fact, correct. As I explained to you, Dr. Kissinger’s December 13, 2002, letter to President Bush withdrawing from his appointment as Chairman of the September 11 Commission does not say that resolving potential conflicts would have meant liquidating his firm. Dr. Kissinger had already proposed a methodology that should have resolved any claim of conflict of interest and that methodology did not include liquidating his consulting firm. It was the Times that was calling on him to do so, conflict or not. Dr. Kissinger did not want the work of the Commission encumbered by that controversy. I have made that point to you at least twice.

Notwithstanding those conversations and notwithstanding that the Times in fact has a copy of Dr. Kissinger’s actual letter to President Bush (your correspondent quoted from it accurately on December 14, 2002, and I gave you another copy of it on February 4, 2004), the Times keeps repeating the error. On Sunday, February 16, 2004, the Times wrote in a story that appeared on page one, that

“The original chairman of the Sept. 11 commission, Henry A. Kissinger, stepped down abruptly because he said resolving potential conflicts of interest would have meant liquidating his consulting firm . . . .

February 17, 2004

Dr. Henry A. Kissinger

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February 17, 2004
Not only is your repetition of this error inexplicable in light of our conversation last week, but it is extremely damaging to Dr. Kissinger’s reputation. Please correct the record and do not repeat this derogatory and false statement again.

Sincerely,

Paul C. Saunders

George Freeman, Esq.
Assistant General Counsel
The New York Times Company
229 West 43rd Street
New York, NY 10036
From: Joseph Dunn [JDunn@cravath.com]  
Sent: Tuesday, February 17, 2004 1:09 PM  
To: jincao@kmaglobal.com  
Subject: Revised Letter to Freeman

Jessee,

This was revised slightly after incorporating Dr. Kissinger's comment.

(See attached file: NYLIT_2260641_1.DOC)

Joe Dunn

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.
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Jessee Incao

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Sent: Tuesday, February 17, 2004 11:01 AM
To: jincao@kmaglobal.com
Subject: Letter to George Freeman

NYLIT_2260641_1.
DOC (38 KB)

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(See attached file: NYLIT_2260641_1.DOC)

Joe Dunn

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George Freeman, Esq.
Assistant General Counsel
The New York Times Company
229 West 43rd Street
New York, NY 10036
February 10, 2004, Tuesday

METROPOLITAN DESK

Corrections

A front-page article on Thursday about the decision by George J. Tenet, director of central intelligence, to publicly defend American intelligence on Iraq referred incorrectly to the reason given by Henry A. Kissinger for his resignation from a commission looking into the Sept. 11 attacks, a move that White House officials said influenced their approach to screening candidates for a commission to investigate intelligence operations under Mr. Tenet. (The error also appeared in a front-page article on Dec. 14, 2002.) Mr. Kissinger said he decided to step down because resolving potential conflicts of interest would have meant liquidating his consulting firm, Kissinger Associates, a step that he said would have unduly delayed the commission's work. He did not say he stepped down to avoid releasing a list of clients of his firm.

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DATE 3/25/04  CORR. FILE Freitag, Michael

ACTION: Alan Stape Dennis Jessee Theresa Stephanie Don Maggie Suzanne

COMMENTS:
Sent to HAK in 3/27 a/p pouch.

SUBJ. FILE

CROSS REF.

DC OFFICE:
Christie / Jody / Tiffany

INFO COPY TO:

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TO BE FILED ___
I thought this might be of interest -- particularly the language in bold.

Regards,

Michael Freitag

Preview of Howell Raines 'Atlantic Monthly' Article
By Greg Mitchell

Published: March 24, 2004 11:36 AM EST, Updated at 12:59 PM
NEW YORK In a 20,000-word article titled "My Times" in the May issue of The Atlantic Monthly, released in preview form today, former New York Times executive editor Howell Raines writes that the "biggest surprise" in the immediate fallout from the Jayson Blair scandal "was Arthur Sulzberger," the newspaper's publisher. "I had not realized how rattled he was, and frankly I don't think I worked hard enough to stiffen his spine for the survival battle we could have won," Raines writes.

Raines also reveals that, contrary to his statement at the tumultuous May 14, 2003, meeting of Times staffers that suggested he had given Blair a break based on racial guilt, the real reason was he had learned that Blair had gone to the paper's Employee Assistance Program to request treatment for alcohol and drug abuse. As a manager in Washington and New York, Raines had dealt with two "brilliant" writers who went on leave for treatment of alcoholism and both had come back to do Pulitzer-level work.

"I was relying on my experience with the previous two cases when Jayson Blair returned to work ... I passed Jayson's desk often after his return, and I saw in him a level of vitality and social engagement that I took to be evidence of recovery," Raines writes. "These positive signs, I thought, warranted giving him a spot on the team covering the D.C. sniper story."

In another disclosure, Raines observes that on the Sunday morning in May 2003 when the paper published a mammoth report on Blair's misdeeds, he was fishing with writer John McPhee on the Delaware River. "I read the story in sections as the day unfolded, and I knew at that point that I was unlikely to survive," he writes. "The article did not pursue the one area of reporting that might have worked in my favor -- how and why critical information about Jayson never reached me."

The "one thing" he would have "done differently" in responding to the Blair scandal was in who he would have asked to compile that massive accounting of Blair's transgressions that would spark his departure.
He first approached a distinguished former Times staffer, who had retired, but who could not do it for personal reasons. Raines now wishes he had then gone to other ex-Times editors such as Max Frankel, Bill Kovach, or John Lee to conduct the inquiry. "Such a person," he explains, "would have had a depth of managerial experience and institutional knowledge that was understandably missing from our team of seven mid-career reporters." That, he feels, inadequately explained to readers how others had kept crucial information on Blair from reaching Raines.

Raines also admits: "In hindsight I'm a little surprised that I weathered more than eight years as editorial-page editor without being canned." He also discloses that Times columnist William Safire had urged him not to hold the disastrous May 14, 2003, meeting with Times staffers.

Discussing how the paper is advancing since his departure, Raines declares, "the signs are mixed." But he charges that the Siegal Committee report of July 2003 on the Blair affair and ethics at the newspaper "shows an institution in denial." It's "a hymn to the old status quo, drafted by the very people who most strongly resisted the idea of a more vigorous and inclusive way of producing the paper."

Most of the lengthy piece, however, covers Raines' career at the Times before the Blair scandal broke.

Raines also reveals:

* that the Blair scandal "destroyed the relationship between me and one of my mentors, Arthur Gelb." In a phone call, an "unhinged" Gelb denounced Raines for authorizing that massive front-page Blair correction that appeared in May. Raines also says that Gelb "was famous for insincere praise of Times staff members..."

* While Raines admits that a more modest report on Blair's misdeeds would have "better served my personal interests," he felt that "full disclosure," not "damage control" was best. He still believed that the paper's report on its Wen Ho Lee errors had been insufficient.

* that he takes "full responsibility for the failure to catch Jayson Blair. I had been in the job for twenty months, and I should have somehow found the time to ascertain whether our ramshackle-personnel system was up to the task."

* one of his closest friends at the paper, Michael Oreskes, told him during the crisis that he was an odd manager -- "a control freak who doesn't like details."

* "Nowadays I think of Jayson Blair as an accident that ended my newspaper career in the same unpredictable way that a heart attack or a plane crash might have."

Cullen Murphy, editor of The Atlantic Monthly, said Raines had been contracted to write not only about his disgraceful exit from the Times, but also about other aspects of his tenure and the paper's future.

"He wanted to write a serious piece about that past and future of The New York Times that would touch on some of the difficult events of the recent past, but would also look at larger issues," Murphy told E&P Wednesday. "That sounded intriguing."

Murphy would not reveal what fee Raines received, but said the piece required no more editing than usual. "Editing of a piece is hard to talk about," he said. "There wasn't anything unusual."

The 20,000-word article is in the May issue, which will reach subscribers beginning next week, Murphy said, and be available on newsstands by April 14.
Further reports on the excerpt to follow.

Greg Mitchell (gmitchell@editorandpublisher.com <mailto:gmitchell@editorandpublisher.com>) is editor of E&P.