

## HOW CLOSE IS TOO CLOSE? CONFLICT OF INTEREST IN JOURNALISTS' RELATIONSHIPS WITH SOURCES

*A Report of the Ethics Advisory Committee of The Canadian Association of Journalists*

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A journalist acts independently of the interests of his or her sources. That's not just an ethical imperative but, at least in some situations, a definitional one—in other words, where journalists' choices are swayed by the interests of their sources, the result may be bad journalism or, worse, not journalism at all. (Brethour et al. 2012; Shapiro 2014) Some aspects of this idea of independence are almost obvious: few would suggest that journalism is committed when a reporter is employed by a political party or company about whom she is relaying information.

But how about relationships between journalists and individual people? “How close is too close?” is a timeless and somewhat insidious question for journalists, and the answers are as inevitably murky as are human relationships themselves.

In March, 2014, the *Los Angeles Times* dismissed an investigative reporter, Jason Felch, after he disclosed having “engaged in an inappropriate relationship” with a source for a story about sexual assault allegations. (Oshiro 2014) In the authors' experience, student journalists are often perplexed by instructions not to interview their friends at a time when, thanks to Facebook, they may have thousands of “friends.” One young magazine journalist, whose mother had battled cancer, discovered the difficulty of “actively separating” this personal experience from a story she was writing about cancer-caregivers. (Noth 2014)

As a matter of ethics, this type of question falls under the general heading of *conflict of interest*. For journalists, conflict of interest “impugns not just the communicator's performance but her motives,” and a potential conflict might not just distort a particular story, but the shape of an entire career. (Wasserman 2007) Since the journalist's responsibility is to convey fair, truthful and trustworthy information, her judgment

should be influenced by the public interest rather than her personal stake in the outcome. Put another way, conflict of interest exists if the obligation to serve the public interest is *threatened* by the human urge to protect personal interests. As Bernier explains:

The typical conflict of interest... is a situation where the neutral dissemination of information could damage the personal interests of the journalist in question, be they monetary or non-monetary (ideology, parents, friends).... Otherwise, we should rather speak of convergence of interest. This is the case where the public interest is well served, that professional duties are met and, in addition, the reporter sees an improvement or maintenance of his personal situation. This is the case where the public interest is well served, that professional duties are met and, in addition, the reporter can expect an improvement or maintenance of his personal situation as a worker. In fact, this is the ideal situation for the journalist who can honourably earn a living while serving the well being of his community by providing information on significant events. (Bernier 2004, 315)

Potential conflicts of interest can be divided into two distinct types: monetary and non-monetary. Monetary conflicts are probably easier to identify and avoid: a freelancer can choose not to report on matters affecting an employer; a news organization can make policy against receiving gifts or investing in covered industries; an editor can ask a different editor to handle a story about wrongdoing by her husband's company.

Previous reports by our committee have looked into the nature of journalistic independence and various types of non-monetary threats to it, including political ambitions and activity within the social web. (Brethour et al. 2012; Currie, Bruser, and Van Wageningen 2011; Regan, White, and Shapiro 2010) But in this discussion paper, we are concerned only with a highly specific type of potential conflict—the relationship between a journalist and a source—which has little in common with those other issues or, for that matter, with decisions made, for example, about whether a personal mutual-fund investment includes shares in a company being covered, or whether the employer news organization has a commercial interest in a venture that's flying under the public's radar.

In some communities, it is close to impossible for a reporter to consistently avoid relying on people with whom they have had non-professional contact. And in small towns, a local news outlet might be seen as so integral part of the community that its journalists might even be *expected* to have many personal ties with those they cover. But this kind of potential problem isn't limited to small towns; it ranges across all media, and all specializations. Say a lifestyle columnist turns to a former high school classmate for an interview: is that too close? Or an investigative team discovers the possibility of wrongdoing by one of the team members' cousins. Too close? A chase producer reaches out to a friend of an in-law, or a well-placed acquaintance whom she finds attractive, or just admirable. A beat reporter meets a public official and long-time source for drinks "to catch up" and the source reveals a personal matter that could impact on his job. A copy-editor writes a headline referring to a political announcement by her spouse (or "ex").

Which of these relationships, if any, are too close for ethical comfort?

## RELATIONSHIPS AS PROBLEMS

Some degree of detachment from sources has been a traditional, and increasingly recognized, ethical requirement for journalists. In the words of the Canadian Association of Journalists' ethics guidelines: "We do not report about subjects in which we have financial or other interests...." (CAJ Ethics Guidelines 2011)

The chief risk associated with getting too close, according to several journalists whom we interviewed, is that these relationships might encourage self-censorship: the journalist softens his approach to reporting information that might be to the detriment of a source about whose well-being he has special reason to care.

Some would argue for a distinction between *perceived* and *actual* conflicts of interest when it comes to relationships with sources, but many agree with Foreman, who points out: "The public usually lacks the concrete facts to judge whether a journalist is trustworthy. And so, if a journalist *appears* to have a conflict, the skeptical (or cynical) public is going to assume that he or she *does* have a conflict." (Foreman 2010, 139) Or Buttry puts it: "How would you feel if you were reading a story written by someone you knew had a close relationship to a source?" (Buttry 2009) On the other side, it may be argued that while actual conflict is an ethical (moral) lapse, a perceived conflict is a credibility (strategic) challenge. (Vultee 2010) For example, if the journalist used to work at the same company as the source, but they didn't interact, there may be a perceived conflict, but the damage, if any, is to public relations, not integrity. While it is very hard to construct an ethical problem, or solution, around people's possible perceptions, we recognize that the threat to reputation posed by perceived favoritism or prejudice is far from insignificant from a news organization's perspective.

The situation is even more complicated for journalists who do work for more than one organization. As freelancing or entrepreneurial journalism occupies an increasingly significant part of the journalistic landscape, more journalists will make a living by doing diverse types of work for multiple payers. This cannot but lead to more mixing of relationships—and greater potential for conflict of interest.

When does a relationship become close enough to constitute a conflict? News organizations' ethics codes often seek to solve this puzzle (see Appendix). Yet the topic, as the exceptionally comprehensive handbook of *The New York Times* notes, "defies firm rules." (Ethical Journalism 2004, 9) Non-monetary relationships are, of course, ubiquitous and potentially insidious for any human being, including journalists. They include family, romantic and other personal ties with sources for whom the journalist feels, or is likely to feel, either sympathy or antipathy. (McAdams 1986) As Bernier (2004, 348) notes, friendship is "a great source of" conflict of interest for many journalists. When a reporter discovers information by asking an official, that is one

thing; but how about when a loose-lipped friend lets something damaging slip at a party?

But even strictly professional relationships can create ethical conflict. The “beat system” of reporting, for instance, “creates strong incentives to use or withhold information” to sustain needed trust by sustained sources.” (Wasserman 2007) And the longer a journalist works a particular beat, the more likely she is to get caught up in friendships or even romance with sources. As freelance urban-affairs journalist John Lorinc told our researcher:

With any kind of reporting relationship, there should be ... daylight between the reporter and the source.... When you're working on a beat, or certain area, you develop these relationships with people that are kind of between strictly professional and strictly social, they're familiar relationships.... You call up somebody and say, you know, “Look, I'm working on a story: can you do this or that, can you help me out with something?” ... And sometimes you do become quite friendly with your sources because you deal with them all the time.... You have to say to yourself, “At what point am I going to create some kind of obligation that prevents me from reporting on something dispassionately?”

In effect, it's not just in wartime situations that reporters find themselves “embedded,” or at least interdependent, with their sources. When soldiers or (as in “ride-along” stories) police provide for reporters' safety and presence at the news scene, the relationship becomes a perfect storm of co-dependency. The resulting unique problems attached to those instances are too intricate for this paper, but some version of interdependence is by no means rare for journalists following any beat or specialization.

Tackling this type of ethical challenge is seldom going to be straightforward, but a helpful start is to adopt tests by which a potential conflict can be readily identified.

## TESTS FOR CONFLICT

In our reading on this matter and in interviews with professional journalists conducted by or on behalf of committee members, we noted a few recurring questions that may helpfully be asked in order to identify the presence of a conflicted relationship.

- *Has the source given or promised any kind of **reward or favour** in return for the journalist's choices, or is one expected?* This question is the first, and most basic, test. It permits no ambiguity, because a positive answer always and quite literally impugns independence.
- *Where is the journalist's primary **loyalty**?* Foreman has written that a conflict of interest exists where a journalist owes greater loyalty to a source than to the audience (Foreman 2010, 138) or, as we might say in a more interactive age, to the general public. As Walter Lippman famously put it: “Newspapermen can't be the cronies of great men.... There always has to be a certain distance between

high public officials and newspapermen. I wouldn't say a wall or a fence, but an air space, that's very necessary.” (Lippman 1965, 161–162) As we have seen, this notion of “daylight” is seen by some journalists as a useful metaphor for a proper reporter-source relationship. (Russell 2006, 69–73) Another way to put this question is: *Is the primary interest to the public being threatened by a secondary interest?* (Borden and Pritchard 2001, 82) At the same time, employees owe a duty of loyalty to their employer, which is a different type of relationship that sometimes conflicts with the duty to the public, but beyond the scope of this paper.

- ***How close and how current is the relationship?*** As Scott White, then editor-in-chief of the Canadian Press (and a former member of our committee) told us: “Current or recent connections are generally more problematic than long-ago connections; close personal friendships more problematic than casual acquaintances or routine professional interactions; siblings or spouses more of an issue than third-cousins.” That said, almost everyone knows that some long-ago entanglements can have lasting impacts on choices, whether on a conscious level or more subtly.
- ***What would the public think?*** Although it is never objectively possible to know the answer to this question, the question is a frequently cited ethical barometer sometimes called “the test of publicity.” As Philip B. Corbett, standards editor for *The New York Times*, told us: “Assume the story were to include full disclosure of the details of any connection or possible conflict. Would a careful, skeptical but fair-minded reader say, ‘Who cares? Why are you bothering to tell me this?’ In that case, there’s probably no problem. On the other hand, would such a reader say, ‘Wait a minute! ... How do I know [the reporter is] being fair?’ Then you probably have a problem and might need to consider reassigning the story.”
- ***Is there any other reason to think the journalist’s judgment may be impaired by the relationship?*** This test, proposed by Borden and Pritchard (2001, 84), may often be the hardest to assess, but if it is indeed found difficult, then it may be an effective prompt for erring on the side of caution.

We do not suggest that a “yes” to any of these questions—except the first--*necessarily* indicates a serious ethical problem, nor does this list establish any kind of hierarchy of conflicted relationships. Rather, applying any one of these tests may raise a red flag that could spark a useful discussion about the impact of the relationship on a journalist’s work.

And, of course, it is one thing to identify the presence of a problem, and quite another to resolve it.

## A CONFLICT EXISTS, OR MAY EXIST: NOW WHAT?

Obviously, the best way to deal with conflict of interest is to **avoid** it, an exceptionally healthy habit for a journalist to cultivate. One obvious strategy for doing so is to keep source relationships strictly professional. But journalists are not a “priestly class that must remain unsullied by the squalid affairs of ordinary men and women,” as Wilkins and Brennan wryly point out. (Wilkins and Brennan 2004, 306) Depending on the size and nature of the community being covered, potentially problematic relationships are almost inevitable. Some have even suggested that greater involvement with the people being covered makes for better journalism: the public now expect their local press to be a good neighbour, with that role tied to characteristics of public journalism such as caring about and understanding the community, reporting on interesting people and groups, and offering solutions to local problems. (Eksterowicz, Roberts, and Clark 1998, 86–87; Poindexter, Heider, and McCombs 2006)

Once relationships are in place, it helps to define the boundaries of an assignment carefully in order to steer clear of troublesome areas of involvement. But if an actual (or potentially perceived) conflict with a beat or assignment has been identified, what can a journalist or her employers do about it? A few tactics recurred through our reading and interviews:

- **Consult:** the journalist seeks counsel from a superior or peer. This is almost universally a smart initial strategy, as it potentially (though not necessarily!) allows for unconflicted wisdom to be brought to bear on the problem.
- **Offload:** the journalist passes information gained through the relationship to a colleague who is not conflicted, and refrains from influencing the colleague's coverage. (Bernier 2004, 353) This is not always as easy as it sounds. “Withdrawing from an important assignment can mean stalling a career.... In many instances, the person with the conflict may be the most qualified professional—and hence a partial remedy becomes the only solution.” (Wilkins and Brennan 2004)
- **Exit:** the journalist removes herself from the relationship that interferes with her judgment (Borden and Pritchard 2001, 82) This is both an obvious solution and one that will seldom be practical: friendships, like marriages, are not disposable.
- **Disclose:** the journalist reports the information to the best of his ability, and publicly reveals the personal involvement. The CAJ's statement of ethical principles states simply: “We disclose conflicts of interest.” (CAJ Principles 2011) Indeed, transparency has, in recent years, emerged as a preeminent norm for journalists. (McBride and Rosenstiel 2013, 4) But, as Ward and Basen have both noted, transparency is not necessarily enough to restore moral balance. (Basen 2011; Ward 2013) Rather, it is one of a “web of values” that should guide practice: “Just telling people ‘where you come from’ is not enough for journalism ethics.” (Ward 2013)

- **Explain:** the journalist not only discloses, but also explains why the conflicted reporter was deemed the best equipped to tell the specific story. Clearly communicating values and how newsroom decisions are made is key to maintaining public trust. (Kovach and Rosenstiel 2007, 73–74). When the Toronto Star sent journalist Shree Paradkar to India to tell the behind-the-scenes story of a cousin who had been charged (and later was convicted) of murdering her 13-year-old daughter, public editor Kathy English (also a member of this committee) explained the decision as follows: “... In some stories, involvement and full transparency can bring readers closer to the story and the process of reporting.” (English 2013)

We do not suggest that these tactics will resolve every challenge, or simplify issues that are complex by nature. When Kara Swisher, a technology journalist formerly with the Wall Street Journal and the AllThingsDigital blog and now co-CEO of [Re/code](#), disclosed her marriage to a Google executive, the disclosure was applauded even while the revealed relationship was seen as a significant ethical concern. (Thomas 2008) But we are unready to accept that journalistic independence is a lost cause or replaced by the popular principle of transparency. And we take heart from having heard from so many journalists interviewed on our behalf that an awareness of both the hazards and the benefits of close relationships is ever on their minds as they approach their jobs.

As former Afghan-war correspondent Graeme Smith put it to us: “If I’m faced with a dilemma where I have to choose between friendship - that is to say being nice to people who are within arms reach of me -and journalism, which is essentially being nice to people who aren’t within arms reach of me, you just have to make that sort of human judgment call. You try to do the greatest good for the greatest number.”

Smith’s utilitarian prescription may not fit every practitioner’s taste, but we are confident that awareness of the nature of the choice will continue to provide journalists with the means to heed, and balance, the voices of professional conscience and common sense.

## **APPENDIX: EXTRACTS FROM CANADIAN NEWS ORGANIZATIONS' CODES**

### ***The Canadian Press:***

"A cardinal rule with sources is to avoid close personal involvement. There is nothing wrong with social contact with sources, but close personal relationships can lead to conflicts of interest." (*The Canadian Press Online Guide for Writing and Editing* 2014)

### ***CBC/Radio-Canada:***

CBC/Radio-Canada employees shall serve the public interest by:... [3.3] Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest

between their official responsibilities and their private affairs in favour of the public interest. (“Policy 2.2.21 Code of Conduct” 2012)

***Disclosure:***

1. If an employee, acting reasonably and in good faith, concludes at any time that there is a conflict of interest or that there are reasonable grounds for a perception of conflict of interest, then the employee has a duty to disclose the matter in writing to their immediate supervisor and to remove the conflict.
2. A written record of the disclosure and disposition of the potential conflict of interest must be maintained by both the employee and the supervisor. (“Policy 2.2.3: Conflict of Interest and Ethics”)

***The Globe and Mail***

As a general rule, reporters and editors should avoid taking part in coverage of matters in which they have or may be perceived to have significant personal interests... In this context, personal interest means a financial stake in a matter being covered, an outside involvement with a group or association being covered, a close friendship, romantic attachment or near family relationship to someone whose career or other interests may be affected, or any other entanglement that could lead to less than evenhanded treatment. The Globe and Mail relies on staffers' integrity and common sense in the application of this rule. In some cases, the necessities of daily newspaper production may make strict adherence impractical. Some personal interests may be too trivial to count. For example, it might be hard to cover a teachers' strike if everyone related to a teacher were disqualified. On the other hand, close relatives of bargainers on either side could not take part in the coverage.... In columns and feature stories, significant personal interests may be noted either in the text or in italics at the end. This gives the reader an even break and generally takes care of the problem. The new format does not lend itself to such disclosure, however.... (*Globe and Mail Editorial Code of Conduct* 2013, 15)

***Guide de déontologie des journalistes du Québec***

**9. CONFLITS D'INTÉRÊTS:** Les journalistes doivent éviter les situations de conflits d'intérêts et d'apparence de conflits d'intérêts, que ceux-ci soient de type monétaire ou non. Ils doivent éviter tout comportement, engagement ou fonction qui pourraient les détourner de leur devoir d'indépendance, ou semer le doute dans le public. Il y a conflit d'intérêts lorsque les journalistes, par divers contrats, faveurs et engagements personnels, servent ou peuvent sembler servir des intérêts particuliers, les leurs ou ceux d'autres individus, groupes, syndicats, entreprises, partis politiques, etc. plutôt que ceux de leur public. Le choix des informations rendues publiques par les journalistes doit être guidé par le seul principe de l'intérêt public. Ils ne doivent pas taire une partie de la réalité aux seules fins de préserver ou de rehausser l'image de tel individu ou de tel groupe. Les conflits d'intérêts faussent ou semblent fausser ce choix en venant briser l'indispensable lien de confiance entre les journalistes et leur public. Les conflits d'intérêts ne deviennent pas acceptables parce que les journalistes sont convaincus, au



fond d'eux-mêmes, d'être honnêtes et impartiaux. L'apparence de conflit d'intérêts est aussi dommageable que le conflit réel....

**...9b) Privilèges** Les journalistes ne doivent pas se servir de leur statut professionnel ou des informations recueillies dans l'exercice de leurs fonctions pour retirer des avantages et privilèges personnels, ni pour en faire profiter leurs proches. Les journalistes ne doivent pas taire ou publier une information dans le but d'en tirer un avantage personnel ou pour favoriser des proches. Le cas échéant, les journalistes doivent produire à leur employeur une déclaration d'intérêts incluant les avoirs détenus dans des entreprises. (*Guide de Déontologie Des Journalistes Du Québec* 2010)

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