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Final briefing on news blackouts for CAJ National Ethics Committee.

News Blackouts panel members: Ethan Faber (Chair), Sadia Zamann, Ivor Shapiro

The Ethics Committee of the CAJ asked this panel to explore the following questions posed by the CAJ's Board:

Under what circumstances should outlets agree to news blackouts like the one media agreed to on the Mellissa Fung kidnapping? What are the pitfalls, what questions should editors ask, is there a different standard that should be applied to journalists as opposed to other kidnap victims?

To study this issue, the panel looked into several cases of abductions and hostage-taking involving journalists and non-journalists where blackouts were requested or not, and complied with or not. In addition, the panel contacted senior people within several leading news organizations, including The Canadian Press, CBC, CTV, Global News, Canwest News Service, The Globe and Mail, The Toronto Star and The Ottawa Citizen. This briefing summarizes what we learned and our conclusions.

Background

It is impossible to do a complete count but we know that many news agencies from around the world have had employees kidnapped in Iraq or Afghanistan. We also know that in many of these cases, news blackouts have been requested by the journalists employers and most of those requests have been granted by the vast majority of so-called mainstream media outlets. Recent, high profile examples of kidnappings and subsequent news blackouts include the CBC's Mellissa Fung and The New York Times' David Rohde and Stephen Farrell and their respective interpreters/fixers. Links to background articles on these and other cases are attached at the bottom of this briefing. Our research reveals that besides the CBC and the Times, blackout requests have also been made by CTV, NBC and CBS, among others.

It seems safe to assume that in all of these cases the employers argued that a blackout was necessary to protect the safety of the victim. There appears to be a widely held belief that negotiations with kidnappers could be more difficult if they become aware that they're holding a "big fish." Another concern is that kidnappers could become spooked by publicity and more inclined to kill their captive and disappear. The belief that these dangers may generally attach to reporting is neither supported nor refuted by convincing evidence, but it is understandable that no one would want to be the one potentially causing death to a kidnap victim.

While there are many examples of blackout requests stemming from war-zone kidnappings, it should be pointed out that news outlets may also receive blackout requests under different circumstances. The most common domestic example of this would be next of kin notification, in which local police ask the media to refrain from identifying a deceased person until the family has been informed. This example does not appear to be controversial. Local police might also request a blackout while investigating a kidnapping, hostage-taking or other criminal investigation, but these requests are not so straightforward. On April 4th, 2006, a UBC student was kidnapped at gunpoint in a Vancouver intersection in broad daylight. After giving interviews to reporters about the incident, the Vancouver Police suddenly asked for a media blackout, but when asked, the department failed to provide local newsrooms with an explanation for the request. That evening, one local television station made the decision to refuse the request and broadcast the story. The rest of the local media soon followed. There have also been suggestions that ethnicity could sometimes be a factor in deciding whether or not to ask for a news blackout, but the panel has not discovered evidence related to this contention.

The Problem

Our sources have identified two key ethical issues that arise for news managers when faced with a blackout request. A key value held dearly by journalists is that information of public interest should be conveyed to the public. There appears to be a strong consensus that we can deviate from this approach only in exceptional circumstances and there is concern about surrendering editorial decision making to an outside source. Former CTV News Director Tom Walters told the panel:

As I see it, the problem with any request to suppress information is not just that it incites a brawl between competing visions of the public interest. It's that, by definition, it requires us to accept a generally unacceptable premise: that the facts should be held hostage in an effort to control the way someone might react to them. And it requires us to accept a generally unacceptable demand; that we choose information not on the basis of editorial judgment, but in order to engineer a particular outcome.

The other key issue is whether a blackout request involving the kidnapping of a journalist should be treated any differently than a request involving someone in another profession.

Perspectives

Every journalist we've spoken to or seen quoted in the literature about this issue agrees that blackout requests need to be considered very carefully and require newsrooms to gather facts on which to make a decision. Most agree in that often-used phrase, "no story is worth a human life." On the other hand, most agree, too, that the available facts seldom, if ever, dictate a clear response to the blackout request. Current CTV News Director and former Vancouver Sun and CBC reporter Margo Harper told the panel:

If the event is a kidnapping, where authorities are asking for a blackout to ensure the safety of the victim, we must be satisfied that the act of reporting will materially endanger the individual involved. We must ask ourselves: are we convinced that our actions in reporting the kidnapping could lead to the death of the victim, or dramatically compound the negotiations potentially leading to the release? If the answer to those questions is yes, then there is an argument for a blackout. If the answer is no, then the argument for broadcasting what we know is compelling.

Walters asks a similar question,

Does it serve the compelling need of a legitimate interest? And how much harm does it do to the public interest?

In addition, Paul Knox, a former foreign correspondent and foreign editor of The Globe and Mail, cautioned in a December 2008 J-Source column against setting too much store by security experts' recommendations:

Some say listen to the experts. But the experts - especially those paid to advise the employers of kidnapped personnel - are hardly impartial observers. If professional security consultants had their way, stories about kidnappings would rarely appear except after the fact.

On the issue of whether requests involving kidnapped journalists should be treated differently than requests for blackouts involving people in other professions, the news managers we've spoken with say no. There is clearly a perception that journalists may be protecting their own because of the considerable coverage of other kidnappings, but that perceived double standard may be a result of the contacts newsroom managers have with other decision makers in the industry. When a journalist is kidnapped, their news managers back home know who to call to make a blackout request before the story begins to leak out. That kind of quick action is not

necessarily possible when people in other professions are kidnapped, and by the time a blackout request is made in those circumstances, the story may have already been widely reported.

Findings

Based on its study and interviews, the panels finds that:

- It is not possible to assess to what extent blackouts affect the outcome of abductions and hostage-taking events.
- More blackouts have been requested, and agreed to, where journalists were victims of abductions or taken hostage, than is the case with non-journalists.
- Journalists involved in decision-making about blackouts agree that a double standard should not exist, but in practice journalists are more likely to benefit from having closer relations within the industry.
- Blackout requests are treated as exceptions and reviewed on a case-by-case basis, usually by the top editors of the organizations.
- Decision-makers say that a party requesting the blackout must provide strong reasons to support the request, especially as to why reporting is likely to increase risk.
- No news organization has a comprehensive policy dealing specifically with blackout requests, but the CBC comes closest in its "Guidelines on Covering Kidnapping and Hostage Situations."

Conclusion

Making the wrong decision on whether or not to grant a news blackout has great potential for harm - harm to the public interest, harm to the credibility of the news media, and harm to the individuals involved. Given the risks on all sides, and the complexity and individuality of the cases, the panel understands that a one-size-fits-all policy would not be adequate to address what will always be a difficult issue for newsrooms.

Nevertheless, the panel suggests that news organizations should ask the following questions when considering a blackout request:

- Have strong, specific reasons been provided to support the blackout request? Are those reasons rooted in specifics of this case or a general assumption that reporting in this type of instance may result in harm? Is that assumption supported by evidence?
- Are we convinced that our actions in reporting the kidnapping could lead to the death of the victim, or dramatically compound the negotiations potentially leading to the release?
- Is the requested blackout short-term or time-limited? If not, will the request be reviewed after a defined period of time?
- Is a special favour being asked to protect a journalist? If so, would we agree to this request if the person being protected were not a journalist?
- Have senior people within our organization as well as news people in the field been consulted about the request, and their various views taken into account?
- Have we weighed the potential harm to individuals against the potential of harm to the public interest and harm to the credibility of the news media?
- How will our response to this request compare to our responses to similar situations in the past, and how may we justify a perceived inconsistency with such precedents?
- Are we committed to making full disclosure about the circumstances of the blackout once the perceived impediment to reporting has passed?

More reading:

Times reporter freed from captivity, news blackout lifted (Sep 10/09 - includes background links)
<http://www.j-source.ca/english_new/detail.php?id=4243>

Public Editor: Journalistic Ideals, Human Values (Clark Hoyt, July 4/09) [requires subscription or database access].

http://www.nytimes.com/2009/07/05/opinion/05pubed.html?_r=1

Reporting on a kidnapping: do journalists get special treatment? (July 6/09)

[<http://www.j-source.ca/english_new/detail.php?id=4040>](http://www.j-source.ca/english_new/detail.php?id=4040)

Kidnapped Times reporter escapes after seven months: news blackout lifted (Jun 22/09)

[<http://www.j-source.ca/english_new/detail.php?id=3987>](http://www.j-source.ca/english_new/detail.php?id=3987)

News blackouts quite common (Melissa Wilson, Apr 20/09)

[<http://www.j-source.ca/english_new/detail.php?id=3698>](http://www.j-source.ca/english_new/detail.php?id=3698)

In covering kidnappings, news calls are all about the details (Paul Knox, Dec 2/08)

[<http://jsource.ca/english_new/detail.php?id=3087>](http://jsource.ca/english_new/detail.php?id=3087)

Truth or consequences? The Mellissa Fung case (Stephen Ward, Nov 17/08)

[<http://www.j-source.ca/english_new/detail.php?id=3023>](http://www.j-source.ca/english_new/detail.php?id=3023)

Kidnapped reporter's release prompts questions about news embargo (Nov 10/08)

[<http://www.j-source.ca/english_new/detail.php?id=3003>](http://www.j-source.ca/english_new/detail.php?id=3003)