

August 1988

TO: Executive Addressed
FR: James E. Lukaszewski, *APR* Chairman
RE: Being a News Source Is Getting Riskier

Making headlines is a story from Minneapolis about the verdict of a jury giving an award of \$700,000 in damages to an individual who was promised anonymity as a news story source but whose identity was intentionally revealed.

The individual lost his job and perhaps a lot more. But his lawsuit has led to a court decision in Minneapolis that greatly simplifies the relationship between a source and a reporter to a simple, binding contract. The revelation is that reporters at most news organizations are not authorized to give anonymity, except as authorized by their editor or the editor's boss.

This court decision will now force reporters who have probably been lazy in the past about getting permission, to give up sources to their superiors to get iron-clad guarantees that their promise of anonymity is a promise that will be kept. What that means to you is that if you feel like being an anonymous source, your identity will be known to at least two people, whether or not confidentiality is granted.

The stakes for confidential sources have risen dramatically. The rules for remaining anonymous have always been controlled by the media. Anonymous sources are always at risk. Oliver North was revealed as the anonymous source for a number of *Newsweek* magazine stories. This happened after he publicly criticized the news media for using anonymous sources. Is there a relationship to the disclosure of his identity and his public statements? Only *Newsweek* knows.

The rule is, stay on-the-record. If you think about it for a little bit, virtually anything you say off-the-record can be phrased in a such way to be put on the record. But, if others shouldn't know it, then don't say it.

Why do reporters repeatedly use anonymous sources? The usual reason is simple laziness. It is far easier to use the unverified comments of a "credible" source than to double check, recheck, crosscheck, and use real sources. Besides, anonymous sources often create much more news value in a story than really exists.

As if you needed more proof, let me share with you what I consider to be the three most powerful reasons for not being a news source:

1. Fear: Once you become an anonymous source, you worry constantly about people finding out. The results can be ulcers and acne.
2. Truth: You have to remember what you did not say. No source ever tells the whole story. Reporters have an irritating habit of coming back and asking for additional clarification and information, making it impossible for the source to control the scope of information revealed.

3. Worry: Once a source, always a source. Once you agreed to participate in this process, the reporter will come back again and again. In the back of your mind lurks the fear that if you don't cooperate on the next question, your identity might be revealed on the last answer you gave.

And, there are harsh realities to your relationship with the reporter when you are asked or perhaps being coerced into being a confidential source:

- The reporter does not have the authority to grant you anonymity without sharing your identity and the substance of your information with a superior and receiving permission to protect your identity.
- If your information is of better than average value, the reporter's boss must talk to his superiors, perhaps even to the legal department or the publisher or owner, to receive authorization to risk legal exposure.
- You can be sued. The media is being sued regularly. The next step for those injured or harmed by the allegations of an unnamed source will go beyond the news media itself to lawsuits against the sources themselves.

Recommendation: Most major corporations have explicit or implicit media relations policies that permit their spokespersons protection of the corporate legal umbrella in virtually any legal activity, even if mistakes are made. Corporations should now specifically and directly outlaw the practice of being an anonymous source to the news media – not just because unidentified sources rarely serve the public interest, but because this practice increasingly puts corporations at extraordinary legal risk. The media can and should be expected to do its work, for the most part, without anonymous sources.

For additional information, please refer to the Sunday, July 31, 1988 *The New York Times* article, "When the Press Breaks a Promise" and the August 1, 1988 *Time* magazine article, "Breaking the Code of Confidentiality."

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