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INQUIRY

Topic: NEWS MEDIA

Herbert Schmertz, 53, Mobil Corp.'s vice president for public affairs, is a frequent critic of the quality of news coverage. With a \$25 million budget this year, he heads Mobil's effort to support events and programs the company feels better serve the public interest. He was interviewed by USA TODAY's Richard Benedetto.



Herbert Schmertz

Press can't have the right to lie

USA TODAY: Why is Mobil leading the business community's most vocal campaign against the performance of the news media?

SCHMERTZ: "Against" is the wrong word. We have tried to provide constructive, responsible criticism of a very important institution of our society. We believe wholeheartedly in a free and unfettered press. We believe that if that institution is to survive and prosper as an unfettered institution, it must be responsive to the needs of society. We have tried to provide insights from one particular point of view of the performance of the press.

USA TODAY: How well do the news media fulfill the needs of society?

SCHMERTZ: It's our view that its performance in terms of responding to the needs of society could be improved. We think the press, to some extent, follows a code of conduct for itself which the public does not accept and which the public has become increasingly cynical and disenchanted about.

USA TODAY: What examples can you cite?

SCHMERTZ: The increasing, widespread use of unnamed sources; the increasing use of tactics to get material — receiving stolen documents from sources; and very poor editing of reporters' activities. Editors, in our view, increasingly fail to ask tough questions of their reporters.

USA TODAY: How is the use of unnamed sources abused?

SCHMERTZ: The press are the surrogates of the public. Whether I agree or disagree with that, let's assume for the sake of discussion that I were willing to accept that. If they are the surrogates of the public, they have an obligation to provide the public with enough information to make an evaluation of the credibility of the source, the motivation of the source, the competence of the source, and, indeed, whether the source truly exists.

USA TODAY: What sort of damage does such abuse cause?

SCHMERTZ: To make a generalization, so-called television journalism possesses the ability to indict, prosecute, convict, and punish with a severity and speed that exceeds any court. They do it without according the victim any minimal amount of civil liberties or civil rights that they would receive in a court of law. Those rights are the right to face your accusers, the right to cross-examine your accuser, the right to examine documents that are being used against you, the right to present your case in the words of your own choosing, and the right to rebut inaccuracies. The result is that we have the press, on occasion, acting as prosecutor, judge, and jury.

USA TODAY: Is television more prone to this than newspapers?

SCHMERTZ: By and large, I find the *60 Minutes* and *20-20* type of pseudo-journalism to be particularly offending.

USA TODAY: What recourse does the subject have?

SCHMERTZ: None — not unless he wants to sue for libel. The ability of a public figure to sue for libel is almost non-existent, the way the press has gotten the courts to interpret their rights. A public figure today has virtually, under the present law, no chance of winning a case unless he can show that the reporter's notes said, "I know this to be untrue, but I'm going to make it anyway."

USA TODAY: How does the press influence the courts?

SCHMERTZ: The cases that have been brought by the press have led to interpretations that are highly favorable to press immunity. They have created a climate that says it is better to err on the side of giving the press immunity to lie than it is to protect the individual. Every time there is any suggestion that this be changed, you'll see a spate of articles and comments from the press that this would jeopardize the freedom of the press in this country. That is just simply nonsense.

USA TODAY: You mentioned use of stolen documents as an abuse by the press. What do you mean?

SCHMERTZ: There have been instances where reporters have solicited people to, in effect, steal docu-

A Mobil 'advertorial'

Few corporate advertising campaigns have sparked more controversy than Mobil Corporation's advocacy series. As this excerpt from an ad on the "myth of the threatened First Amendment" shows, Mobil has sharp words for the behavior of the news media.

The credibility of the media is already at an all-time low. In 1981 opinion surveys, only 24 percent of the public expressed a great deal of confidence in television news, and only 16% had that level of confidence in the press as a whole — a dramatic drop from 1973. By contrast, 29% believed fraudulent reporting to be very common, and fully 97% believed the press guilty of some fraudulent reporting. . . .

At any given time, the public can withdraw the privileges it has accorded the media if they are no longer serving the public interest. All the free institutions in our society are constantly subjected to this test, and the media do themselves no good in seeking special immunity through fostering the myth of the threatened First Amendment.

Source: Mobil Corporation

ments. A reporter calls someone up and says, "Can you get me some documents?" Do you think that doesn't happen every day in the week?

USA TODAY: Wouldn't some reporters argue that such tactics have to be used because Big Business is so closed to press coverage?

SCHMERTZ: Most reporters say that because they seem to think they're entitled to everything we have, which I totally reject. We're not the U.S. government; we have responsibilities to our shareholders. We're in a competitive situation. We have no obligation to provide reporters with information that's proprietary. Indeed, we should be fired if we do that.

USA TODAY: Is it unfair for a reporter to get comment from others on a business or its operations?

SCHMERTZ: Not at all. First of all, if they go to another person and that person gives them chapter and verse as to why we're doing it wrong, two things will happen: No. 1, we should get a chance to comment on what that person said. No. 2, we should get a chance to comment on that person's credibility, or perhaps on what his motivation is, what his competence is, and let the public judge whether what he is saying has any substance or whether the fellow is wrong. But we rarely get a chance for a reporter to come in and say, "Here are all the negatives I've picked up. What do you have to say?"

USA TODAY: How do you account for the public's increasing cynicism about the performance of the press?

SCHMERTZ: The press has placed a premium on reporting things that tend to undermine the public confidence in our institutions. They have distorted what the world is all about in this country.

USA TODAY: Do you think reporters are appealing to what they perceive the public wants?

SCHMERTZ: There is no doubt that the public loves gossip. There is no doubt that the press is pandering more and more to gossip and less and less to substantive analysis. I'm not saying they shouldn't do gossip; all I'm saying is that I'd like to see them put out more usable information for people who are interested in making rational judgments.

USA TODAY: Should the press cover itself?

SCHMERTZ: Absolutely. It should cover itself just as it covers any other institution — including gossip stories on the private lives of the press, if they're going to do it about everyone else.

USA TODAY: What makes a good journalist?

SCHMERTZ: A good journalist is one who is able to present in intelligible fashion a complex story in a way that gives the reader or viewer information on which to make rational judgments.

USA TODAY: Do you think Mobil's 15-year campaign to try to set the record straight has made progress?

SCHMERTZ: We've made substantial progress. In terms of Mobil, journalists will work harder to get their stories accurate about us. There has been an improvement in the print press of business coverage generally. Part of that comes as a result of some of our criticisms.

USA TODAY: Is it true that your company will sue quickly?

SCHMERTZ: We have never sued.

USA TODAY: But Mobil has libel insurance. How does it work?

SCHMERTZ: If an executive, in the course of carrying on his business, has a story written about him, which, in the opinion of the executive committee, the general counsel and myself, is deemed libelous, we will provide insurance to enable that individual to file suit papers or pay legal fees to correct the record.

USA TODAY: Isn't making such insurance readily available a license to sue?

SCHMERTZ: No, because the only time someone is going to sue is when someone lies about them. All this insurance does is balance the scales. All reporters and journalists have huge insurance policies which protect the reporter in case he gets sued. So the reporter has no fear that he is going to be financially damaged if he lies. All we've done is even the scales.

USA TODAY: Is such insurance the beginning of a trend?

SCHMERTZ: I certainly hope so.

USA TODAY: Do you know anyone else who provides such insurance?

SCHMERTZ: No.