



2016-68: Michael De Souza vs National Post

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The National NewsMedia Council has dismissed a complaint from Michael De Souza about an opinion article in the Financial Post that contained what he called “deceptive, defamatory and misleading information” about his work as an investigative journalist.

The complainant, who is a journalist with the National Observer, said the author of an October 3, 2016 article, “The cash pipeline opposing Canadian oil pipelines”, failed to identify herself as a journalist while working on an article for the Financial Post; wrongly stated that he did not answer her questions; reported misleading information about funding of the National Observer; made “irresponsible omissions” about National Observer funding; and did not describe the mission of a donor foundation.

In a detailed response, the National Post said the article was “thoroughly researched, fair and accurate”. It noted a strained relationship between the complainant, who is a former employee of the National Post, and his former media employer.

In dismissing the complaint, Council found the complainant offered no specific examples to substantiate his allegation about deceptive, defamatory or misleading information about his work as an investigative journalist. Council noted he was named in two paragraphs of the article, one of which credited him for uncovering an inappropriate political connection among members of a review board.

Criticism, claimed by the complainant, that the article implied ongoing funding from the Tides Foundation was weakened by the fact that the first reference stated that the new organization “has received” and cited the previous year. To a reasonable reader, this would indicate a one-time event. The second reference was in the present tense, but was corrected via Twitter. The complainant acknowledged that correction.

Accepted ethical practices demand that journalists identify themselves prior to conducting interviews and gathering information that may be used for publication. The news organization said the journalist was well known to the complainant. It also differentiated between collecting information that ended up in Financial Post story and writing for the Financial Post. In any case, journalistic practice is to identify oneself and state the purpose of an interview. There may be room for leeway in this case, given that both parties have ‘covered’ the other and could be reasonably expected to know each other’s role and intent.

The news media organization offered conflicting information on whether the article in question was commissioned by an editor or offered by the journalist. In both cases, the same standards for journalism ethics and standards apply.

The complainant included a series of electronic messages showing that the journalist made repeated attempts to contact him, and that they did have a telephone conversation. The series indicated the complainant did not respond to all the messages. The article was explicit in stating the complainant

responded but did not answer questions about funding. Journalists should make reasonable effort to contact an interviewee, who in turn should make reasonable effort to acknowledge, or be clear about declining an interview. In this case, both parties are experienced in interviewing and could reasonably be expected to know that refusing an interview does not prevent use of information already gathered.

The complainant criticized the article's lack of context about the donor foundation and lack of information about media funding and the journalist's speaking fees. The Council found that deep background information of that nature is not within the context of an opinion article. It is not a breach of journalistic practice for an opinion piece to be written by someone with expertise and paid experience in the field.

In dismissing the complaint, the Council noted the complainant offered no concrete examples of omissions that insinuated, in any way, links between funding sources and his reporting. Likewise, the complainant cited no example to support his allegation that the news organization failed to be fair and ethical prior to publication of the article. The NNC's mandate is to resolve specific complaints about breaches of journalistic ethics and standards.

Council noted the complainant asked for a correction, apology for commissioning the article, and equal space to him to write an op-ed response. The NNC does not have a mandate to order an apology, and found no factual errors that warranted correction. It noted the news organization posted an update and link to his extensive rebuttal article. That article was strongly critical of the Financial Post and contained a heavy appeal to readers for funds.