

The Seattle Times



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Dear Washington News Council Hearings Board Members:

I admire that you are taking time out of a Saturday morning to do something you believe can benefit journalism and our community. Regretfully, I and most journalists I know feel quite differently. As a result, no one representing The Seattle Times will be attending this event, for to do so would indicate support for a process to which we fundamentally object.

We at The Seattle Times are committed to accuracy and fairness, and we welcome questions about our work. To wit, every week we invite into our news-planning meeting representatives of various interests in our community – nonprofits, educators, health-care providers, small businesses, political activists, elected officials, arts and culture organizations, readers of all stripes – to talk about how we might do our jobs better. We take their suggestions, criticisms and complaints seriously, and regularly act on them. When sources of stories complain to us, we listen carefully and do our best to address their concerns.

As you likely know, The Times has been supportive of the News Council’s educational efforts around news literacy. However, we see this “public hearing” as something altogether different, and in fact as potentially detrimental to a free and independent press. The Society of Professional Journalists’ National Ethics Committee has labeled aspects of the News Council’s hearings process “gimmickry.”

Although Mr. Hamer insists this is an educational event and bristles at any characterization of it as quasi-judicial, it has all the markings of a public trial. From the beginning of this process, in language reflecting some sort of assumed authority, we were told of deadlines we were expected to meet or face consequences. Even the date of today’s hearing was set without any consultation with us; Mr. Hamer informed us of it as a court would inform a defendant.

As for the hearing itself, we find it unacceptable that we face a vote not only by the Hearings Board but by an attending audience formed with no controls and almost certainly dominated by supporters of the complainant, and by a viewing and online audience whose makeup we know nothing about. The Society of Professional Journalists stated in a 2009 release: “The News Council is wrong to emulate the ‘American Idol’ model of voting.”

Further, the framing of the so-called “votable questions” troubles us deeply. They are written from the viewpoint of the complainant alone and not with the public interest in mind. At their core, they assume “balance” is a fundamental journalistic value; it is not. Fairness and accuracy are what we value, and those often do not align with balance. The pursuit of balance resulted in years of articles and broadcasts that gave the 1 percent of scientists who were climate-change

deniers the same weight as the 99 percent who were certain that human activities were having an adverse impact on global climate.

Likewise, in the matter at hand today, the evidence and expert analysis opposing Dr. Richard Wollert's methods of sex-offender recidivism assessment – readily found in court records and academic journals – far outweigh support for his methods. Our goal was accuracy and insight, not “balance,” and we stand confident we delivered on that goal.

It is notable that Dr. Wollert repeatedly declined to be interviewed by our reporter before the series he complains about was published. Nonetheless, when he contacted us after publication of the “Price of Protection” series, we gave his concerns close consideration.

Times editors spent many months corresponding and talking with Dr. Wollert and his attorney. At one point, it appeared we had addressed their concerns when we agreed to publish a clarification on the one issue on which we agreed we had been errant – the specifics of the end of the Multnomah County contract – and to provide an online link to Dr. Wollert's vita. But when we refused to also pay Dr. Wollert's legal bills, the apparent resolution fell apart and they informed us there was no need for further discussion.

Our next contact with Dr. Wollert was notification of his complaint to the News Council. The gist of that complaint is this: We did not portray him as a well-regarded scientist whose theories and risk-assessment tool, the MATS-1, are generally accepted in the sex-offender field.

Dr. Wollert is correct in that assessment. We did not do so, because such a portrayal would have been inaccurate.

We are not going to go point-by-point through Dr. Wollert's lengthy submittal. We have addressed most of his assertions previously. We refer you to our May 25, 2012, letter to him, which is in your packet.

We do, however, offer to you this central, unassailable point: In “Price of Protection,” we reported that Dr. Wollert has made a lucrative business, at public expense, of offering unorthodox views and using generally unaccepted methods to assess the likelihood that sex offenders will re-offend, and consistently finds in favor of sex offenders' release. After months of review, we have seen absolutely nothing that leads us to a different conclusion.

In fact, we continue to discover information that reinforces our findings and should give you concerns about Dr. Wollert's statements.

For instance, Dr. Wollert indicates that Dr. Karl Hanson, architect of the most widely used and respected sex-offender assessment tool, and in our stories a staunch critic of Dr. Wollert and his methods, has changed his opinion. He has not. Dr. Hanson says he stands behind his 2008 sworn affidavit in which he said of Dr. Wollert: “More troubling is that he appears to be relying on my research to suggest that I agree with his analysis, when in fact I disagree. ... These false statements include both misrepresentations of facts as well as misrepresentation of statistics and research methods.”

In a 2012 federal court case in North Carolina, another respected expert, Dr. David Thornton, co-creator with Dr. Hanson of the industry-standard assessment tool, the STATIC-99, said in a sworn statement: “There are potentially large and unquantified levels of error in the recidivism estimates used in the MATS-1.” Relying on Dr. Wollert’s methodology to determine whether a sex offender is likely to re-offend is “unsafe” because of “potentially large margins of error,” Thornton said.

This May, in another 2012 federal case in North Carolina, the presiding judge called Dr. Wollert’s testimony on behalf of a convicted pedophile “incredible and unpersuasive.” That judge also found Dr. Wollert’s \$45,675 fee to the public to be “unreasonable” and reduced it to \$18,267. As you are aware, a major theme of our series was the lack of oversight and regulation over large payments to Dr. Wollert and other expert witnesses in such cases in Washington state.

Finally, you should also know this about Dr. Wollert: He claims in his vita, his publications and even in his correspondence to the News Council to be “Research Professor of Psychology, Washington State University, Vancouver.” According to WSU, he is not. The title he offers “is not accurate,” the WSU director of communications said. The University says it has “no personnel paperwork for Dr. Wollert.” Dr. Wollert may say he is “nonsalaried,” but WSU said that only makes his use of the academic title “even worse.”

In closing, I remind the News Council and interested observers of today’s event that our justice system provides an effective system through which aggrieved parties can pursue claims of libel and slander. Meanwhile, in today’s highly competitive media environment, subjects of stories and the public have innumerable opportunities to hold the press accountable for the quality of our work.

Against that backdrop, we again offer our thanks to you for your interest in the role of the press in our democracy, but our strong objections to this quasi-judicial spectacle. If you must judge us, though, we hope that you will make a clear-eyed assessment of the facts at hand. If you do, we are confident you will find that we have served the public ably and responsibly.

Sincerely,

David Boardman
Executive Editor and Senior Vice President
The Seattle Times