9.23: Contract with the Interviewee

Perhaps the most crucial step in planning and conducting interviews is establishing the contract with the interviewee. The contract with an interview source is a legal contract that must be upheld once it is agreed upon. This was established in a U.S. Supreme Court decision in the Cohen v. Cowles Media Co. case.

You must be aware that there are different kinds of source attribution that you can use. You should be certain that your interviewee understands these options and what they imply about the information, and you both need to agree upon how the information will be attributed in any message you produce. The types of attribution in news stories can be:

- **For attribution**: everything the interviewees say will have their name attached and you can use the information in any message you produce

- **Attribution by title only**: the interviewee’s identity is protected in the message, identified only with something like “a highly placed official” or “sources close to the president”

- **No attribution**: the interviewee agrees to talk but the information will not be attributed in any way in the message — “CBS News has learned…”

- **No publication, or deep background**: the information can’t be used in any way except to inform the communicator, sometimes referred to as “off the record.”

Your goal is to be sure your source understands how the information from the interview is going to be used before you ask any questions or start to gather any information. For most types of interviews, a “for attribution” agreement is the appropriate arrangement. Most news interviewees want to be recognized for their expertise or input into a story.

Participants in a strategic communications focus group sign releases indicating that they understand the terms of the
interview and how the information will be used. It is not unusual for the focus group to be recorded while clients and researchers watch and listen to the focus group participants from behind a two-way mirror so participants must be told that they are being observed.

Respondents to a survey interview are generally assured that their responses will remain anonymous. The survey interviewer will typically ask whether the respondent would agree to provide a name and contact information for a follow-up individual interview after the survey results are analyzed. But it is always within the survey respondent’s right to say no and withhold their individual identifying information.

Interviewees who seek to avoid a “for attribution” agreement may be doing so because they want to protect themselves from the consequences of their words. Or they may be floating a trial balloon to gauge public opinion in advance of an official announcement. Or they may be leaking damaging information about a competitor. Any agreement other than a “for attribution” interview should put you on alert to be especially vigilant about checking the interviewee’s information against independent second and third sources of information.

Interviewees, particularly ones with controversial or damaging information about an organization with which they are affiliated, might seek an ”off the record” status for their interview with you. Journalists normally attribute all information in a story because without attribution the reader or viewer cannot really judge the validity of the information presented. So before you agree to this condition in an interview ask yourself these questions:

- Do I have enough information to make this decision?
- Is this story important enough to justify using an anonymous source?
- Is this anonymous material confirmed by a reliable second and third source?
- Can I explain in the story the reason for the anonymity?
- What is the journalistic purpose of reporting this information without attribution? Is this a story that simply cannot be gotten or told without use of anonymous sources?
- Would more reporting get this material on the record?
- Does my editor or producer know enough about this source to justify my offering a verbal contract?
- If the story quotes an anonymous source, will it still be accurate, complete, fair and balanced? (Some reporters have a rule that they will not use comments or personal attacks about another person from an anonymous source.)
- Does the source understand the meaning of anonymity? Does the source know that at least the editor or producer will need to know his/her identity?
- How far will I and my organization go to protect this person’s identity? Will my organization back me up if I am sent to jail to protect my source?
- Can I tell the reader enough about the anonymous source so he/she can judge the validity of the comment?
- Would this story be improved if I cut the anonymous material?
Be sure you understand the policies of your media organization before you give ANY promise to a source.

Sometimes you can persuade a source who is reluctant to speak on the record to agree to attribution of a quote—you might explain certain benefits to the source for being identified that they don’t realize. Try to read back individual quotes and point out that each one is not so damaging or problematic. A good reporter can sometimes get an entire interview back on the record.

This is not a generally-recommended practice, however. Anything that confuses the clarity of the contract you made with the source at the start of the interview should be avoided. That way, there can be no disputes with sources or supervisors about the terms under which the interview was conducted or the agreements that were made about the use of the interview information.

What kind of contract?

Compare these two sources in a recent news story. What kind of “contract” was established for each?

1. Meanwhile, a federal source law enforcement official told The Associated Press late Saturday that a semi-automatic assault rifle used by the shooter jammed during the attack, forcing him to switch to another weapon. The official, who spoke on condition of anonymity to in order to discuss the investigation, said that the jammed weapon had a high-capacity ammunition magazine.

2. The Aurora police chief says the trap was meant specifically to kill a police officer who might have opened the door. “We sure as hell are angry,” Chief Dan Oates said about the trap being aimed at officers.