

## Not Censorship - Possibly “Legal Concerns”

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David L. Linhardt , publisher , MDN - REJECTED May 5, 2005

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The city of Midland, Michigan and the Tittabawassee River that flows through the small community are heavily contaminated with a group of highly toxic chemicals called "dioxins". Dioxins are the impurities that were found in high levels in the Agent Orange herbicide used to defoliate thousands of acres of jungles and forests during the Vietnam War. Low levels of dioxins are found throughout the environment and in every human body – good news for all of us.

The U.S. EPA, the World Health Organization, the U.S. Public Health Service and the National Academy of Science agree that the most potent dioxin – TCDD – is a "known human carcinogen". The Dow Chemical Company that is responsible for the vast majority of dioxins present in the Midland area disputes this finding – as might the Midland Daily News.

Dioxin contamination of the community has been recognized for more than 20 years. During this time period, little have been done to reduce human exposure except to allow environmental degradation to slowly – very slowly – reduce the extremely high levels of dioxins of the 1960's to the still high, but less dangerous, concentrations in 2005.

One of the many factors – but certainly not the only one – has been the "reluctance" of the local newspaper to confront the company responsible for the contamination. It is understandable that the newspaper "fears" the reprisal of the \$40 Billion per year Dow Chemical Company, less understandable is "favoring" the responsible polluter.

At first glance, the Midland Daily News appears to be impartial and tries to present both sides of the dioxin issue in most articles. However, the editorial page tells a different story.

While professing to offer all parties equal access to its editorial pages, the Midland Daily News provides supporters of the company "bylines" under which opinions – both scientific and not so scientific – are offered and "facts" are assumed to be correct since they rarely offend the company. These "editorials" tend to be "wordy" and brevity does not seem to be a criteria.

Critics of the company are generally limited to 300 to 400 word "letters to the editor" without the "prestigious" MDN Byline. Scientific facts not "fully supported" by the company are grounds for rejection. Since most journalist majors are rarely expert in the scientific complexities of dioxin exposure, some have wondered if the MDN allows the company to review some submittals prior to publishing – or the more probable rejection.

A number of the many issues facing Midland area residents are complex and can not be addressed in 300 to 400 words. It is also extremely difficult to pass the newspaper's editorial criteria – supported by a Dow Chemical PR release or expert.

In a September, 2004 editorial, Ralph E. Wirtz, MDN managing editor, made these observations as to why a reader's response had been rejected, "Every day we receive opinions from our readers ... we use our right to edit this newspaper so that, well, we will have a newspaper to come to work at tomorrow. Some people will call this censorship ... We rejected one Thursday because the response alluded to a definitive link between dioxin and disease, which at this point in time, doesn't exist."

Following an exchange of communications about the editorial standards of the MDN, Kathie Marchlewski, a staff reporter that follows the "Dow beat", e-mailed this response, "While we appreciate the material provided ... there is much of it that we cannot confirm for a number of reasons, including time and resources. Without confirming statements that are presented as fact, we can wind up in serious legal trouble."

Please note the use of the word "can". Not "could"; not "might" – but "can".

It should be noted that the material was a summary of dioxin blood serum levels found in New Zealand residents that lived in a community adjacent to a Dow Chemical 2,4,5-T production plant. The NZ levels were extrapolated to an estimate of dioxin serum levels in the Midland community. To the best of my knowledge, the material contained no derogatory statements about the company but certainly presented scientific opinions which the company might not appreciate. Estimates - yes; opinions - yes. Facts? Only those reported by the NZ Department of Health.

Despite Ms. Marchlewski's apparent apprehension, it is doubtful if the company would have initiated legal action over this letter to the editor. The reasons why will be the subject of a subsequent editorial.

The MDN is part of the Hearst Corporation – a \$4 Billion per year corporation itself, with possibly lawyers of its own. Ernest L. Meyer in Farewell : Lord of San Simeon wrote, "Mr. [William Randolph] Hearst ... printed downright lies, forged documents, faked atrocity stories, inflammatory editorials, sensational cartoons and photographs and devices by which he [promoted] his [zealous] ends."

Whatever Mr. Hearst's faults might have been, apparently, concern about "serious legal trouble" was not one of them.

Let me quote a portion of the Hearst Newspapers Statement of Professional Principles, May 2002 as a gentle reminder to the staff of the MDN.

"We place our readers' interest above all others, and dedicate ourselves to the principles of truthfulness, fairness and independence. We understand that the free flow of accurate information is vital to our system of government and the foundations of our economy."

This guiding principle was formulated by Mr. Hearst's successors. One of Mr. Hearst's Editorial Guidelines from 1933 also has current value for the Midland Daily News. Fortunately, it is not true in this community of intelligent readers.

I quote Mr. Hearst, "If you cannot show conclusively your own paper's superiority, you may be sure the public will never discover it."

In conclusion – in the same e-mail, Ms. Marchlewski wrote, "The Daily News is not ... influenced by The Dow Chemical Co."

I'm certainly glad that she cleared up that misunderstanding.

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