

**FINAL REPORT
OF THE AD HOC COMMITTEE**

*TO INVESTIGATE CONFLICTS
BETWEEN RICHARD SNOWDEN
AND THE CHESTNUT HILL COMMUNITY ASSOCIATION*

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Summary of the Report

This committee was asked to investigate claims brought against the Chestnut Hill *Local* by Richard Snowden; the committee was formed in the larger context of an attempt to resolve a dispute between Mr. Snowden and the Chestnut Hill Community Association. Here is a summary of our findings:

- We find a failure, in certain instances, of the Chestnut Hill *Local* to accord with the best practices of its trade; these failures including an inadvisable use of an unattributed source, repetition of hearsay, failure to solicit comment from a subject, and an error of taste and judgment in story placement.
- We find failures of management in the CHCA, both in establishing adequate policies and processes for addressing grievances, and in articulating clearly the roles and responsibilities in the management of its newspaper.
- While we find no malice or conspiracy on the part of the *Local*, we do see, at certain junctures, an institutional indifference to the concerns of Bowman Properties.

In examining Mr. Snowden's claims, certain counter claims, in which the behavior of Bowman Properties contributed to the current state of conflict in the neighborhood, were implicit.

- We find a failure, in certain instances, on the part of Bowman Properties to refrain from the deplorable practice of collective punishment.
- We find a general failure on the part of Bowman Properties to constructively promote its own image.
- We find an indifference on the part of Bowman Properties to the negative effects that the above practices and certain of its vacancies have had on the community.

We recommend various policy and process changes at the CHCA, the *Local*, and Bowman Properties, and that both sides express their regret for past failures and offenses they have given each other and the community at large.

We offer our findings to the community and hope that they may help in putting past conflicts behind us; of course, this hope relies on the good will of the principal parties to the dispute. We do not expect either side to agree fully with our findings, but we do ask that they read with an open mind, and that they bear in mind the deleterious effect that the continuation of this dispute has had on the wider community.

The Committee, Its Methodology, and the Nature of Its Findings

This committee was asked to investigate a series of claims made by Richard Snowden, managing partner of Bowman Properties. Mr. Snowden alleges a lack of fairness and other types of malpractice by the Chestnut Hill *Local* and its ownership, the Chestnut Hill Community Association. In the course of this investigation, the committee reviewed articles published about Mr. Snowden and his business, Bowman Properties, from 2001 to present; it reviewed correspondence between various parties to the dispute and, in some cases, between their legal counsels; it interviewed certain principals to the dispute (Mr. Snowden, Mr. Peter Mazzaccaro) on multiple occasions, and received brief testimony from many other, more tangentially related parties.

The committee winnowed the claims based on several criteria: if a claim, even when stipulated as valid, did not present a substantive issue (e.g., minor errors of fact), we have marginalized it in this investigation, so that more intensive focus could be put on those areas where the allegations have more import, either in terms of the harm alleged, or in terms of the ongoing practices and health of the organizations involved (i.e., CHCA, the *Local*, and Bowman Properties). In certain cases, we have rolled up a number of lesser claims into a larger, more general claim. We have also tended to focus more attention on the earlier claims rather than the latter, the notion being that the roots of the conflict better lend themselves to rational adjudication than do its more florid displays of the last few months.

Some of the claims raised by Mr. Snowden did not appear to have merit, and were dismissed. In a few cases, especially where such claims were the result of inaccuracy, hearsay, or simple misunderstanding, we have informed Mr. Snowden of our findings and he has accepted this information on its face. In other cases, a claim may have truly grieved Mr. Snowden, but upon review, appears to represent no particular ethical, professional or legal failure; these too, we have dismissed. The contents of this report, then, focus on those claims that have a greater or lesser degree of merit. We especially focus on those areas where constructive lessons may be learned and where recommendations may be made for the good of the institutions involved and the good of the community at large.

The committee is aware that it was formed in the interest of establishing harmony in the neighborhood, but its findings are necessarily not predicated upon this. While we have every hope that the recommendations of this committee will provide an equitable basis on which to achieve such reconciliation, it is necessarily up to the principals in this dispute, the *Local*, the CHCA, and Bowman Properties, to take those strides themselves; the findings do not constitute a *quid* for any particular *quo*.

That is to say: nothing that we have found has been found in order to placate, appease, or pacify one side or the other. We believe this fact will become self-evident to anyone with the fortitude to read this rather lengthy report.

Findings and Recommendations

I. Claim: July-August 2001 Articles on Mr. Snowden

Mr. Snowden claims that he granted an interview to the *Local* under false pretenses. Material from the interview was used in preparation of a series of articles about Mr. Snowden.

Finding: The committee believes it is most probable that the *Local* should have stated more explicitly to a source in an investigation that he was, or had become, the central focus of the prospective article.

There is a great deal of nuance to this particular finding; it is exhaustively spelled out in the section of this report entitled “Stem of the Conflict.”

Recommendation: Such cases are always hard to arbitrate (especially at a distance of five years), so the recommendations we make are focused on providing clarity and accountability in the future.

This particular issue would never have arisen but for a divergent view of the obligations of transparency between the reporter and the source. For this reason, it is advisable for the *Local* to promulgate an ethics policy that explains its own position on transparency with sources in representing the nature of the project they are working on. Obviously, the focus or scope of an article may shift, expand, or contract during the course of an investigation, but in such cases where a categorical shift has occurred (an event listing becomes a full article, a topical or omnibus piece becomes focused on a single individual), we find that fairness dictates that the source be apprised of the new intent.

II. Claim: July-August 2001 Articles on Mr. Snowden

Mr. Snowden claims a variety of unfair practices were used in the reporting of the 2001 article.

Finding: Many specific claims were found to be of little merit. But two issues seem to rise above the rest:

The article repeatedly reports or limns a particular charge—that Bowman Properties is, in essence, a rent gouger—and yet over the course of the three part series, this simple matter of fact is never definitively resolved by the reporter. He does, however, give an indication at the end of the third part that the charge is likely not justified. We find that carrying the charge for so long without rebuttal is unfair, and thus, a bad practice, especially since the charge was a hinge on which other negative characterizations turned.

Additionally, a negative characterization about Mr. Snowden’s personality (as distinct from his business practices) in the 2001 article comes from an anonymous source. A

reporter should require that a source who wishes to criticize another person's character be named. Otherwise, the personal critique should be removed from the piece, and the reader should be left to decide, on the basis of reported facts, the true nature of the subject's character.

Again, there is a lengthy explication of these issues in the body of the report.

Recommendation: The issue of fairness to sources and subjects should be addressed in an ethics policy, so as to encourage future accountability around issues of using unattributed quotation or indirectly sourced negative characterization and the responsibility of the reporter to investigate the validity of such anonymous criticism before citing it.

The *Local* would also be well advised to recognize the limitations of its own resources before undertaking longer investigative work. Can it devote sufficient time and resources to the story? Can the editor devote sufficient time to reviewing how the story was sourced and to making sure that the aforementioned "bulletproofing" takes place before publication? Should an outside advisor—preferable an editor currently working at a large circulation paper—be brought in to review such pieces before they run?

III. Claim: July-August 2001 Articles on Mr. Snowden

Appropriate authorities failed to fully investigate Mr. Snowden's claims and produce a finding.

Finding: Indeed, the *Local* and the CHCA appear to have failed to address a variety of complaints by Mr. Snowden in any organized fashion. They provided no clear due process and produced no finding.

The first two findings above can easily be understood as things that happen—regrettable though they may be—in the grind of turning out a small weekly newspaper, even in spite of the efforts of honest and diligent people. But this particular problem is more dismaying. A modicum of professionalism would dictate that a grievance be investigated according to some reasonable process and that a finding be reported to the aggrieved.

Recommendation: The *Local* and the CHCA should publish a process for handling complaints of malpractice by the *Local*. This should be promulgated in tandem with an ethics policy, so that there is due process for handling alleged violations of that policy. The process should begin with an internal review at the *Local* and continue with an appeals process to the publisher's committee, the president of CHCA or both.

The CHCA and the *Local* should express regret for failing to act according to a reasonable process within a reasonable timeframe to investigate and present a finding. This is not to say that Mr. Snowden would necessarily have been gratified by the conclusion; but rather, it was indisputably the responsibility of the CHCA to do a

reasonable investigation and to produce a finding. No grievance, from any community member, should be left to fester for so long.

IV. Claim: 2004 Sheriff's Sale Piece, Wilmsen Obituary, et al.

The CHCA and the *Local* took on a spiteful attitude towards Richard Snowden and Bowman Properties. It abandoned professionalism and decency as a result.

Finding: Mr. Snowden's claim of malice seems to be misplaced; certain mistakes were made as a result of inexperience, haste, and poor judgment.

- 1) The *Local* failed to solicit comment from Bowman Properties—pursuant to the notion that prior refusals of Bowman Properties to comment to the *Local* stood in perpetuity—in a January 2004 story that raised questions about the financial viability of the Bowman enterprise. The story contained no errors of fact, but a brief phone conversation could have revealed that none of the lengthy and, for Bowman Properties, negative speculation turned out to be germane.
- 2) A compounding problem was the juxtaposition—purely as the result of a failure of judgment—of the above story with the obituary of Virginia Wilmsen, Mr. Snowden's grandmother and a founder of Bowman Properties.

Recommendation: The *Local* does not dispute that the errors above were indeed errors. Ms. Worrall, the editor at the time, has extended a written apology to Mr. Snowden for the hurt caused by the placement of the obituary. The appropriate remedy would be for the *Local* to express institutional regret for the lapses, particularly the insensitive treatment of the Wilmsen obituary—but also for the fact that the Sheriff's sale piece, absent further reporting, was of very little news value. Thus, it presented a needless offense to the Snowden family. Further, the *Local* should make plain in its ethics policy that it will always solicit comment from a subject when a negative characterization has been made about their person or business, and that it will publish these comments when provided.

V. Claim: 2004 Sheriff's Sale Piece, Wilmsen Obituary, et al.

The *Local* censors Mr. Snowden when he tries to put forth arguments on his own behalf.

Finding: The *Local* failed to cover a speech Mr. Snowden delivered to a board meeting of the Chestnut Hill Community Association in January 2004. In the course of his address, Mr. Snowden described his long-standing grievances with the organization, and returned the Benefactor's Award that CHCA had bestowed on Bowman Properties in 1995.

This is unfortunate for two reasons: first, this was an obvious news story and a matter of some import for the community; as such it should have been reported. Second, Mr. Snowden has lived with a reputation as a backroom dealer—one who tries to extract his demands by plying the back channels of the community. In fact, he delivered a four-page

disquisition of his grievances to a public meeting of the CHCA. He did so presuming that these grievances would be reported extensively in the *Local*. But the *Local* published nothing about the episode, not even that it had happened. The board president ordered no discussion on the matter, claiming that the silence was pursuant to advice of counsel. The editor of the *Local* at that time took the president's mandate to mean that there must be no coverage of the episode in the paper.

Recommendation: The *Local* should express regret for failing to publish the story and for allowing its editorial decisions to be dictated by political considerations.

The CHCA should clarify its relationship with the *Local*. This includes a stated policy of editorial independence, so that the CHCA president or other board members will not meddle in the editorial affairs of the paper. This independence must rely on an enduring, codified principle and not just the good graces of the latest regime at the CHCA.

The policy should also include the rights and responsibilities of the board with respect to the *Local*. These would include such matters as defining an appropriate vision and mission for the paper; hiring appropriate personnel to run the editorial and business functions of the paper; establishing disciplinary processes for occasions wherein the editorial or business managers seem unwilling or incapable of achieving the board's vision for the paper. The articulation of the paper's mission is not an infringement on the paper's independence, but is, rather, an exercise of the board's responsibility as owner of the paper.

Clarity around the mission of the paper and the relationships between the board, the editor, and a putative business manager would serve the interests of the paper in various ways:

- 1) The style, tenor and even genre of the paper may change with every political vagary of the board unless some more cogent and particular statement of the paper's mission exists.
- 2) Unless the board takes responsibility in an enduring fashion for the general tenor and mission of the paper it publishes, any given editor is vulnerable to politically motivated scapegoating in future conflicts.
- 3) Unless a clear relationship exists between the business and editorial sides of the paper, pressure may fall on the editor to pump circulation by practices not in accord with what the CHCA desires of its paper.

VI. Claim: Autumn 2006 Forum

The Local Forum contains errors of fact and is biased against Mr. Snowden.

Finding: The *Local's* Forum pages are not fact checked.

Clearly, the Forum pages have been entirely negative towards Mr. Snowden since his leasing signs went up on Germantown Avenue. Just as clearly, Mr. Snowden's own acts precipitated this negativity.

However, even as one stipulates that his signs were, as a behavior of a community landlord, dissolute and indefensible, a question arises: was there another side to the story of Bowman Properties itself? Were Mr. Snowden's destructive acts in part the result of legitimate past grievances or of an ineffectual CHCA? Bowman has never been anxious to present its own case in the *Local*, and as one might expect, ruminations on these issues did not show up unsolicited on the op-ed desk during the last few months. Nevertheless, they are questions that are of interest to the paper's readership.

So perhaps, during the almost weekly denigration of Mr. Snowden himself—of his character, the legitimacy of his grievances, and his level of responsibility for various neighborhood ills—a balancing view should have been solicited.¹ Indeed, the quest for balance under such difficult circumstances is as much a defense of the integrity of the *Local* as it is of Mr. Snowden, and perhaps more so. It is precisely when one is accused of bias that one needs to show the most zeal in avoiding it.

Recommendation: The *Local* should pay special attention to fact checking (asking contributors to provide sources) for pieces that denigrate another member of the community or that allege criminal or unethical behavior.

The Lentz policy should be reviewed. On the one hand, the first half of it, which stipulates that the *Local* will attempt to construct and promote solutions to neighborhood problems, appears to have fallen into repose. The *Local* should renew its commitment to this stated mission.

On the other hand, the notion that all opinions submitted to the *Local* are published is clearly just notional:² in fact, there is an unwritten policy at work, existing in the form of the editor's sense of decency. The editor chooses to exclude certain submissions or to excise parts of others that he deems inappropriate or indecent. The CHCA owes it to the editor to provide some sort of realistic guideline so that the editor has a measure for his own success. What factors would the CHCA like the editor to consider (community harm and benefit, rights of privacy, balance) in deciding whether a submission is too inflammatory for publication? How proactive should the editor be in trying to bring that constructive purpose about? To what extent, if any, should constructiveness be a requirement of submissions? Is the editor obliged to solicit countervailing opinion when none is forthcoming? What are the standards for denigrating the character of another community member? These questions should be addressed as the Lentz statement is incorporated into a larger ethics policy.

Finally, Bowman Properties should avail itself of the Forum pages to advance its own agenda and promote its own image in the community.

¹ Whether or not it would have been forthcoming is another matter. We focus this finding as much on future events and practices as on the specific episode involving Mr. Snowden.

² The policy actually states that all "responsible opinions" will be published. The meaning of "responsible," and the extent to which it permits personal insult, is left unclear.

Claims against Bowman Properties

In the effort to understand full nuance of the above claims, the committee had to examine behaviors of Mr. Snowden or Bowman Properties that may have contributed to the conflict. In certain instances, these behaviors had such serious repercussions for the neighborhood that they emerged in our investigation as additional claims.

I. Claim: Signage and vacancies, 1997 to Present

Signage and prolonged vacancies were acts of collective punishment

Finding: It is indisputable that Mr. Snowden's signage and his neglect of certain properties—as he and his family became distressed over the lack of response to their complaints—were broadly offensive to the community at large, many of whom had no part in this dispute and still perhaps do not fully understand what it was all about.

Recommendation: A reflexive habit in this dispute has been to hide bad behavior behind the law. We hear, “Snowden would sue if he had a real complaint” and “A property owner has every right to hang leasing signs on his building.” But there is law and there are ethics. Libel law governs the publication of the news. Real estate and zoning laws govern the development of real property. Bowman is within its legal rights to vacate every property it owns and rent them to the crickets; the *Local* is within its rights to do an exposé on the private life of every business owner in the neighborhood. Trade ethics exist because the law is not enough. Civilization demands more.

Thus, if the *Local* must be impugned for certain professional lapses, then Bowman Properties must also be called upon to acknowledge that punishment of the entire neighborhood for the sins of a small community newspaper is, as a professional lapse, a howler. Bowman should express its regret that it engaged in this type of behavior and publicly eschew future acts of collective punishment.

II. Claim: Failure to Promote Bowman Properties' Public Image

Mr. Snowden's disputes are largely of his own making, because of his failure to express his own side of the argument.

Finding: This is partially true. While Mr. Snowden has, in fact, clearly articulated his grievances to various proper authorities over the years, he has indeed exacerbated his problems with the *Local* and the neighborhood in general by failing to professionally promote the image of Bowman Properties.

Recommendation: The committee recommends several points of actions whereby Bowman Properties might better promote its own image:

- 1) Bowman should engage a public relations firm, or in-house personnel, to promote Bowman's image and handle its media relations.
- 2) In concert with #1, Bowman should respond more constructively to requests for information by the *Local*.

- 3) Also in concert with #1, Bowman should promote its achievements and aspirations for the community by engaging more constructively with the *Local* and other neighborhood organizations.
- 4) Bowman should make a concerted effort to find a tenant for Under the Blue Moon, an albatross around the neck of Bowman Properties and a continual reminder of past disputes. In the interim, Bowman should find some more attractive treatment for the windows of that commercial space, so as to ameliorate the negative effect that the ongoing vacancy has on the spirit of the community.
- 5) The community should welcome these renewed efforts on the part of Bowman Properties to resolve these old points of conflict.

Recommendations Summary

- The *Local* should seek to reestablish its bona fides with Bowman Properties by recognizing that mistakes were made—an inevitability in any newspaper and certainly a community newspaper—and that they were not properly addressed by CHCA at the time, and by expressing regret for the prior lack of adequate due process and renewing commitment to best practices (to be codified in an ethics policy).
 1. Codify ethics policy based on industry standards (i.e., existing policies of Society of Professional Journalists and newspapers of record)
 2. Codify process for investigation of alleged misconduct on the part of the *Local* or its employees. Identify principles by which determination is made as to what remedy applies (e.g., none, letter to the editor, op-ed space, follow-up article, correction, regrets, etc.).
 3. Amend Lentz policy to include notion that opinion pieces and letters may be found unsuitable on the basis of major errors of fact, defamatory content, and indecency. (These are already de facto policies, and should be codified.) Additionally, the board should decide on a policy regarding expressions of personal insult—a denigration of character unrelated to a matter of fact.
 4. Codify relationships between editor, CHCA board, business manager.
 - i. Board is responsible for articulating a mission and desired tone for the paper.
 - ii. Board is responsible for finding appropriate personnel to achieve this mission and tone.
 - iii. Editor should only be measured against his/her achievement of that stated mission, not against any political criterion.
 - iv. Editor has complete control over content of the paper; editorial decisions not to be interfered with by the business manager, CHCA board members, or employees of the board.
 - v. A business manager should be hired to maintain clarity and accountability in finances of the paper. Business manager should run the business affairs of the paper without undue interference from the CHCA board.
- Bowman should express regret for the use of its economic power to punish the wider community. It should eschew this behavior in a policy statement that explains Bowman’s view of its own ethical obligations to the neighborhood.
- Bowman should embrace these efforts by CHCA and the *Local* with a new openness towards the *Local* as a news organization and also as a community forum.

1. A good way for Bowman to do this would be to accept an offer to present their plans for the community in a Forum piece.
 2. Bowman should explain in particular its plans for its acquisition at 8431 Germantown Avenue.
 3. Bowman should make a concerted effort—full court press—to find an appropriate tenant for the Under the Blue Moon vacancy and to make the commercial front more attractive in the interim.
 4. Bowman should take specific action to promote its public image—either in retaining an outside firm or hiring internally.
- CHCA should start a dialogue with Bowman Properties—along with other landlords—about development priorities for the neighborhood. This should not be a free-for-all at a board meeting. CHCA should decide on its own sense of direction and priorities, and then discuss these notions with Mr. Snowden and other landlords at the appropriate committee level. This committee should be tasked with coming to a specific set of objectives, with action items for all parties.

Chronology of Events

The Stem of the Conflict, 2001

Mr. Snowden claims that he has, throughout his career, generally avoided media attention. There seems to be merit to this claim. Nevertheless, he agreed to be interviewed by Mr. Mazzaccaro in the first half of 2001. The two met on three occasions: first, for a lengthy interview in Mr. Snowden's office; second, for a follow up interview in Starbucks; and finally, for a tour of one of Mr. Snowden's properties where a photo of Mr. Snowden was taken to accompany the article.

Mr. Snowden claims he agreed to the interview pursuant to the notion, allegedly voiced by Mr. Mazzaccaro, that the *Local* was preparing an article about the state of business on the "Lower Hill." Mr. Mazzaccaro then published a three part "Profile" (Mr. Snowden's term) entirely about Mr. Snowden and Bowman Properties. Mr. Snowden claims he would never have participated in the interview if he had known that he was the central focus of the story. Thus, he feels that he was duped into participating in what turned out to be a rather critical piece about him and Bowman Properties.

Mr. Mazzaccaro feels that he lived up to every actual agreement he had made with Mr. Snowden during the course of the investigation.³ It is fair to say that Mr. Mazzaccaro's argument has shifted somewhat over time and these shifts are worth examining. Subsequent to the publication of the piece (and to Mr. Snowden's complaints) he argued to Mr. Snowden that what had been published was not a "Profile" at all. More recently, he suggested to this committee that while the articles could be construed as a "Profile," the nature of the piece had changed over the course of reporting such that his initial description of the investigation, while made in earnest, had become inaccurate by the time the article was written. Still more recently, he suggested that, regardless of what was said or not said in their initial conversation, he had not made any warranties at all about the type of piece he was writing. The drift raises a number of questions:

Consider Mr. Mazzaccaro's last position: It is hard to imagine that Mr. Snowden, given his reputed aversion to publicity, would have signed up to an interview for a piece about Rich Snowden. How did Mr. Mazzaccaro land the interview without some reassuring (for Mr. Snowden) characterization of its nature? Consider his middle position: If the focus changed in the course of the reporting, why would Mr. Mazzaccaro fail to clarify such an important change of direction? Given Mr. Snowden's media aversion, one would expect Mr. Mazzaccaro to be overly scrupulous in this regard: certainly by their third encounter, where Mr. Mazzaccaro took Mr. Snowden's photograph for the article, he knew that Mr.

³ Mr. Mazzaccaro claims the following agreements were made: 1) That he would not delve into Mr. Snowden's personal life; 2) That he would steer clear of Mr. Snowden's finances and the finances of Bowman Properties; and 3) That certain comments, made on background, would not be included in his piece. He does not believe that he made any binding characterization of the scope of his article.

Snowden was the focus of the story.⁴ Consider Mr. Snowden's position: why would he suddenly agree to an interview—a practice he had generally avoided—simply because the piece would cover the business issues confronting the “Lower Hill?” After all, Mr. Snowden was central to any story about business on the “Lower Hill.” And consider it again: why would he continue to participate in the investigation through two interviews, which included some quite particular and contentious questions, and still agree to a third meeting? Wouldn't all of this begin to signal to him that he was now on the main stage? Finally, consider Mr. Mazzaccaro's initial response, contemporary to the publication of the article: why would he continue to deny what seems to be undeniable—that the piece was a “Profile” of Mr. Snowden—after the publication of the piece, unless he was defending the integrity of an earlier warrantee? These are the questions we have sought to answer.

This last question is the most critical: Mr. Mazzaccaro contends that he denied that the piece was a “Profile” not because he believed there had been an earlier misrepresentation as described by Mr. Snowden, but because he believed that in the term “Profile,”⁵ Mr. Snowden was making a different kind of claim: namely, that Mr. Mazzaccaro had written something personal about Mr. Snowden, which, Mr. Mazzaccaro says, he had indeed sworn not to do. In other words, Mr. Mazzaccaro seems to have been confused as to the nature of Mr. Snowden's complaint, and this confusion points to what is perhaps the most satisfying explanation of the whole episode.

It appears to the committee that Mr. Mazzaccaro had not, at this point in his still young career, fully considered the complex issues around transparency with one's sources: to what extent do a reporter's casual descriptions of prospective articles need to be accurate? To what extent are they binding? Under what circumstances does one owe a source a clarification or a warning that the nature of the investigation has changed? By contrast, Mr. Mazzaccaro seemed to have a very clear sense of his obligation to honor the more cut-and-dried distinctions between background and on-the-record conversation. He demonstrates a good degree of scruple in the latter regard;⁶ thus, one suspects the misunderstanding with Mr. Snowden arose neither from an intent to deceive, nor from a carelessness in the discharge of his duties, but from a certain naiveté⁷ about the

⁴ And so, presumably, did Mr. Snowden—or such is Mr. Mazzaccaro's contention: that Mr. Snowden's centrality to the story was implicit in the extent and tenor of their engagement.

⁵ The term originated in the early days of *The New Yorker* magazine. *The New Yorker* profile—a story type that magazine continues to this day—was a rather light biographical sketch of an individual. Over time, the pieces, like the magazine itself, became less airy and much longer, but continued to be a form of biography. Its usage by Mr. Snowden is inexact: Mr. Mazzaccaro's piece focuses too specifically on Mr. Snowden's business dealings to be really considered a profile, but his point is that the piece is focused entirely on him and his business. In this Mr. Snowden is correct.

⁶ In fact, Mr. Snowden alleges that an off-the-record comment made in the course of their final interview was published in Mr. Mazzaccaro's article, but this appears not to be the case. In the same letter that Mr. Mazzaccaro writes to rebut, somewhat quixotically, the charge that he has written a Profile of Mr. Snowden, he notes in his own defense that he has honored all agreements they'd made to keep certain statements on background. Mr. Snowden's response to this letter acknowledges Mr. Mazzaccaro point, and impugns him, rather, on the alleged breach of their agreement on the scope of the piece.

⁷ This is not an attempt to present Mr. Mazzaccaro as unprofessional. The truth is that journalistic ethics have been a moving target over the past thousand years and particularly over the past five. It is also true

dangerous ground he was treading, and, consequently, a deafness to the seriousness with which Mr. Snowden was probing Mr. Mazzaccaro's preliminary descriptions of his prospective article. Mr. Mazzaccaro likely believed those descriptions to be casual and not particularly consequential to the final outcome of the piece, while Mr. Snowden, without a doubt, believed them to be prescriptive and binding. Mr. Mazzaccaro seems to have been surprised by the notion that his initial conversations about the piece—that he was examining the state of the lower Hill's business district—was a critical piece of information to his ultimate subject, Mr. Snowden, and that it was his responsibility to manage the impression his words created when the piece turned out, instead, to be an in-depth look at a single individual and his business.⁸

Obviously, this is a speculative reconciliation of divergent testimony; it represents an interpretation of the evidence that seems at once most plausible and also generous to the individuals involved.⁹ That said, we can still look at the episode as a probable failure of some degree on the part of the *Local*. It is the reporter's responsibility to identify himself and, if he chooses to describe what he is reporting on (usually the case), to be accurate about it, particularly when the reporter knows the subject to be averse to media attention and when the subject's reputation may be materially important to his business or livelihood. Additionally, if the subject or source is participating over time, and if the nature of the piece fundamentally changes, the subject or source should, in most cases, be informed of this change.

That said, transparency issues are among the most difficult to adjudicate in journalism precisely because both sources and reporters always have their own private agenda, and each is never fully revealed to the other. It seems unlikely that Mr. Snowden would have consented to an interview if Mr. Mazzaccaro had not described the nature of his interest in a way that served to assuage Mr. Snowden's general wariness, but Mr. Snowden had his own motives for participating in the story. At the time, an investigation of his business practices was under way at the Philadelphia *Inquirer*. He thought it might not be a bad thing to have his work in the "Lower Hill" business district, which he is proud of, examined (sympathetically, he imagined) by the *Local*. It was a chance to get his own word out about the fine preservation work he had done on Germantown Avenue before

that the scruples of journalists evolve over the course of their professional lives, generally towards greater self-restriction. This may be the result of greater maturity, an increasing weariness of conflict, or a stinging rebuke in one's early career; or it may simply reflect that the industry has been tightening its standards in general over the course of time during which committee members have been observing the habits of professional journalists.

⁸ As noted above, many issues of journalistic ethics are moving targets or lack consensus, or, even where there is consensus in policy statements, there remains divergence in practice. The general principles that most papers seem to accord with are these: a reporter must identify himself as a reporter; a reporter need not make any specific representations about the prospective article, but if representations are made they must be accurate; if a source or subject is participating because of some assurance the reporter has given, clarify up front exactly what kind of assurance is being granted. From these principles, it does seem to follow that if the nature of the piece changes and if that change affects the subject's interests, the reporter is obliged to inform the subject of the shift.

⁹ The presumption of malevolence, which has characterized the outlook of so many combatants on both sides of the current dispute, leads much more frequently to factual and interpretive error than does its inverse, which tends to be far more dispassionate.

the *Inquirer* came out with its indictment of Mr. Snowden's use of preservation easements. So while Mr. Mazzacaro had reason to sell Mr. Snowden rather softly on his article, Mr. Snowden also had his own reasons for hearing something even softer.

It is also appropriate to point out here that opinion varies widely on the responsibility of reporters to their sources, especially on these issues of transparency. We have embraced a mainstream and rigorous standard, as that type of ethic seems appropriate to community newspapers. The general principle news organizations espouse is that fairness proscribes deception. Newspapers acknowledge that reporters hold the high cards in an interaction with a source—the reporter alone knows what he¹⁰ is really up to—and that this inequity puts a burden on the reporter to be mindful of the legitimate interests of the source. A consequence of this is that a reporter must carefully guard his words in making statements about the nature of his investigation or the article he hopes to produce. The source, who will not have access to the inside of the reporter's head throughout the investigation, can hardly be blamed for attaching importance to these initial characterizations.

Additionally, it is widely held that a source's general relationship to the media affects how much care a reporter must take in dealing with that source.¹¹ In Mr. Snowden's case, we see a mixed bag, but one that is predominantly exculpatory for Mr. Mazzacaro. Mr. Snowden's position as managing partner of Bowman Properties puts him in the public eye, but his general avoidance of publicity takes him out of it. He is the son of a lifelong journalist (from which we can assume a certain level of savvy), yet it was not unreasonable for Mr. Snowden to presume that he would receive easier treatment in his neighborhood newspaper than he would in the *Inquirer* or any outside publication. Still, this is a presumption that Mr. Snowden made as he sought a benefit for Bowman Properties.

A final note on the notion of harm: it would be disingenuous for us to fail to note that none of this would likely have risen to its current level of conflict had Mr. Mazzacaro published a positive portrayal of Mr. Snowden and his work in the neighborhood. Indeed, after spending hours with Mr. Mazzacaro and after answering some contentious questions, Mr. Snowden still consented to have his photo taken for the article—an action that would signal to even a naïve subject (which Mr. Snowden is not) that his role in the article was far from tangential, and was, in all likelihood, central.¹² Thus, in assessing whether harm was caused to Mr. Snowden by Mr. Mazzacaro's verbal omissions or blithe commissions, it is impossible to separate this issue from Mr. Snowden's more overarching sense that the article, in its content, was unfair.

¹⁰ A note about gender neutral language: the presumption here is that, in essence, we are still discussing Mr. Mazzacaro, and thus, the masculine pronoun continues to be used.

¹¹ A public person, one who is adept at dealing with the media (especially one who expects to derive benefit from the relationship), or one who is being investigated for criminality has less right to demand that the reporter be looking after his privacy.

¹² Mr. Snowden contends that he indeed continued to think, even as the photo was shot, that he would be one of many landlords featured in Mr. Mazzacaro's piece. Be that as it may, the scope of his involvement was now necessarily large, even if still ensemble, and so any claim that he might make to deprivation of privacy becomes relatively minor.

Fairness

Mr. Snowden alleges a variety of complaints related to the fairness of the 2001 article. We want to highlight two: one of them seems to have more import than the other, although both allow for a fruitful consideration of best practices in journalism.

The first is the area of unattributed quotation. Like many areas of journalistic ethics, the rules governing the use of unattributed quotation are not a fixed target, either in time or across different types of publications. Without getting into a prolonged conversation, we can say at least that the trend is towards more restrictive use of the unattributed quote. It is important to note this, because more than five years have elapsed since the alleged infraction, and over that time the whole area of newspaper sourcing has fallen under great scrutiny. We should also note that the stated policies of most reputable newspapers regarding the use of unattributed quotation are far from indicative of the actual practice at those newspapers. That is to say, most newspaper ethics policies allow unattributed quotation only in cases where a matter of great public import is at stake: national security issues, criminal activity, political corruption, etc.¹³ But in point of fact, on any given Sunday, you can find a bushel basket of such quotations used to support the most mundane narratives (this is particularly true of the reportage in the environs of Washington, D.C. and Hollywood, CA).

A particularly egregious use of the unattributed quotation is that which allows a person's critics to denigrate his character from behind the shield of anonymity. Newspapers tend to do a better job of avoiding this.

Bearing this latter point in mind, there is one use of unattributed quotation or characterization in the 2001 article on Mr. Snowden that we find to be frivolous, and we would hope that the *Local* would make a practice of avoiding this type of quotation in the future, especially when the quote serves no factual purpose other than to record the source's critique of another person's character. In the 2001 piece, Mr. Snowden is twice compared to a spoiled child—once indirectly and once in a quote. Neither case is attributed to a named source. Subsequently, there are named sources who describe conflicts or disagreements they have had with Mr. Snowden, but these named sources refrain from the kind of denigration that the anonymous source felt free to indulge in. Reporters would be well advised to let the facts speak for themselves in such circumstances. Report what happened and let the reader decide how to judge the character of the subject.

As we suggest above, close scrutiny of virtually any newspaper¹⁴ would yield a treasure trove of inappropriate uses of unattributed sourcing. So while we cannot expect that the

¹³ It is valuable to understand that the rationale here is not simply one of trying to limit the number of unattributed quotations: if a charge leveled by an anonymous source is of a serious or criminal nature, the paper exposes itself to legal ramifications, and, presumably, it will act with corresponding rectitude in deciding whether to publish the quote; on the other hand, if a charge is of a more frivolous nature, the newspaper has no incentive to vet the information carefully, and thus, can find itself being used as a shield that enables one person to smear another with impunity.

¹⁴ A recent story in the *New York Times* covering the reaction to John Bolton's departure from the UN made use of unattributed quotation that denigrated Mr. Bolton. This would seem a particularly acute point

Local will always live up to a standard that even the *Times* or the *Post* cannot seem to achieve, it is still appropriate to take this opportunity to remind the *Local* of its duty to be cautious in the use of unattributed quotation or characterization, and to avoid it wherever possible.

The more important point of fairness in the 2001 piece involves an anonymously sourced accusation of fact; namely, the suggestion is raised that businesses are closing and remaining vacant because of increases in rent by, particularly, Bowman Properties. It is an important assertion to the narrative structure of the piece, which starts out with a scene of Mr. Snowden agitating for the CHCA to accept a high dollar rent from a national chain, rather than a lower rent from a local small businesswoman. The reporter notes that Mr. Snowden is often compared unfavorably, by unnamed sources, to prior landlords who kept rents low for small businesses, and is represented as a new breed of landlord who wants to jack up rents and gentrify the neighborhood to the point of ossification. But the cautious reader is left to wonder whether this is really true, and the credulous simply to accept the accusation at face value.

In Part II of the Snowden article, the suggestion is made again that the vital businesses of Germantown Avenue have died as Bowman acquired properties and that the properties remain vacant because of new, prohibitive rents. At the same time, there is the suggestion that Bowman doesn't care about the bottom line, because they have sufficient money to take indefinite losses. These two assertions seem at odds, but again, we never find out whether the Bowman rents are higher or not.

On week three, the final part is published. Towards the end of the piece, Snowden is quoted as saying that his rents are average for the neighborhood. The reporter does not challenge the assertion. The reporter also notes that, for the most part, higher rents are being charged by landlords who have brought in national chains, and that Bowman only has one national chain. The lack of a finding on this fact, and the final implication that, in fact, Bowman is not a rent gouger, is almost akin to removing the keystone from the narrative, and would seem to require a significant reconsideration of the structure of the piece.

In a sense, the reporter was damned by his own success: the narrative structure of the piece—a familiar tale of the predatory rich landowner who drives out the small businesses and supplants them with the bland, the harmful, and the lucrative—is complex and effective. But it is also suggestive of certain factual points (the rents, and the problems they've caused) that are left in doubt and seem likely not to be true.¹⁵ In the

of departure from the *Times*' policy, because there are so many people who have been *delighted* to denigrate Mr. Bolton's personality with full attribution.

¹⁵ A more plodding, newspaperly presentation, in which accusations were followed, in series, by Snowden rebuttal, would not have risked creating an over-arching characterization that, ultimately, could not be entirely supported by the facts. This is an age-old conflict in journalism, especially magazine journalism, in which the reporter's aspirations as a writer threaten to outstrip his ability to gather and integrate facts. Consider the great Joseph Mitchell—widely considered on a short list of the finest journalists of the twentieth century—whose collected works includes in the introduction a note that some of the stories originally published as fiction are factual and some originally published as fact are fiction. “I wanted these

end, whatever personal defects Mr. Snowden might have, they do not seem to be those of Mr. Potter.¹⁶ Thus, Mr. Snowden appears to have been miscast.

The problem, we hasten to point out then, is not that a story was done about Mr. Snowden or Bowman Properties (Mr. Snowden's congenital reticence notwithstanding), but rather, that not *enough* of a story was done. The controversial nature of the piece should have provided ample incentive to make sure it was effectively bulletproofed against criticism, but in at least this one respect, the range and impact of the rents, such bulletproofing was not done. Did the rents really go up? Was this a Bowman propensity, or was it driven by other landlords on Germantown Avenue (those who have brought in the national chains, for instance)? Where *do* the Bowman rates really sit in the range of Germantown Avenue rents? To what extent have older landlords—even those lionized by Bowman critics—made rent increases inevitable by enriching themselves with large capital gains when they sold their properties? In other words, to what extent did the rise in value of real property make rent increases—and thus, the demise of many small retailers—inevitable? Or were these businesses victims of a national trend in which main street enterprises were undermined by the emergence of malls, national retailers, and big box stores? Were they merely representative of a generational turnover in Chestnut Hill? The reporter gives us a heard-on-the-street theory, but never confirms it by finding out what the actual rents are or by putting any of the discussed business failures into relief against a broader notion of why the changes on Germantown Avenue are taking place. And in the absence of a named source, we have no way to know whether the views Mr. Mazzaccaro is citing as criticism of Mr. Snowden belong to people who are credible and objective on such matters.

Because these questions—crucial to the logic of the piece—are never answered, and because the contentions of Bowman critics are taken at face value, the story seems, ultimately, to be about something other than its own narrative, something more akin to semiotics than to argument or journalism; what it seems to be about is the Under the Blue Moon restaurant.

The Roots of the Conflict, pre 2001

Before moving on, we would be remiss, having dissected Mr. Mazzaccaro's work so minutely, if we did not give him his due. Any reader of the 2001 article will see the repeated efforts at an equitable presentation. He follows negative points with positive; he gives Mr. Snowden a chance to respond to complaints about his vacancies and other common neighborhood grievances. Mr. Mazzaccaro took it as his role to close the circuit

stories to be truthful rather than factual," Mitchell wrote, "but they are solidly based on facts." This is the dirty secret of journalism: it pretends to be all about adherence to a simple rule set, but in fact, such adherence becomes practically impossible—especially in its highest forms—because the aspirations of journalism are not merely encyclopedic. Journalism wants to draw a truthful portrait, and portraits are not strictly "factual." They need to be judged on how truly evocative they are of the subject. Indeed, great journalism—like great portraiture—will often please both the subject and his critics: he will see what he loves about himself, and his critics will see what they hate.

¹⁶ The old curmudgeon from "It's a Wonderful Life." In the 2001 article, Mr. Mazzaccaro suggests that Mr. Snowden's appearance doesn't fit his Potter-esque reputation.

between the neighborhood grumblings about Bowman Properties and the company itself; this he did.

We must make one other indisputable point on Mr. Mazzaccaro's behalf: the discomfort with Bowman's place in the community and, in certain quarters, animus against it, was indeed widespread and was indeed of interest to the community. Given that we have found merit in Mr. Snowden's claim that some of the neighborhood innuendo repeated in the 2001 article was inaccurate, it seems fair to ask: why *were* such negative attitudes so pervasive?

The short answer, of course, is the Under the Blue Moon restaurant. Before Bowman's acquisition of the property, it was a beloved local restaurant; afterwards, for years, and to this day, it is a vacant store front. The nuance of that story is too long and fraught for even this criminally verbose¹⁷ report to plumb, but it goes something like this: the old restaurateurs sold to Mr. Snowden, who found a new restaurant tenant; neighbors on the block opposed Mr. Snowden's plans for renovations; as a result of the conflict, Mr. Snowden was unable to quickly gain the necessary zoning variances for his changes, and he lost his new tenant to a location in another town. In the fallout from that skirmish, Mr. Snowden decided to board up the windows of the former restaurant and let it stand as an object lesson on the possible negative futures confronting Germantown Avenue. He aimed this physical lecture at those who reflexively opposed even what, in Mr. Snowden's view, were very modest and positive developments in the neighborhood; but many in the community took it as something else entirely: a warning that he was not to be opposed. This episode of collective punishment—in which Mr. Snowden took out his frustration with certain neighbors of the restaurant on all those members of the community who had enjoyed the Blue Moon restaurant and its presence on Germantown Avenue—did immeasurable harm to the public image of Bowman Properties.

Mr. Snowden pointed his jackhammer at the fussiness and shortsightedness of the community, but the crack opened somewhere else entirely. Such dramatic acts as boarding up the windows of the Blue Moon caused the very ground to shift; the neighborhood roiled along the fault lines of its tectonic plates: its ancient factions. There, along those fissures, lie conflicts and disputes and factionalism as old as the buildings themselves. There, sitting on the shelves of shuttered minds up and down the Avenue, are prefabricated arguments worn from repetition, a litany recited like the saints, like the family tree of harms: begat, begat, begat. Just one small catalyst, a dimly ringing bell, is required for the somnolent, bitter butler of tribal identity to rouse himself, bring down those dusty tomes and present them for yet another recitation. "The old guard . . . the secrecy . . . the bigotry and control . . . the power . . . the money" or "The immigrants . . . the ignorance . . . the vulgarity . . . the whining lack of politesse . . . the popery."

At this late date, the neighborhood still accounts for itself in categories: the old guard WASPs, the Irish Catholics, the Italians, et al. Mr. Snowden's bluntness or his occasional bravura of pique becomes the catalyst that sends them all running to their corners.

¹⁷ Finding: This committee talks too much. Recommendation: That the committee be dissolved after the publication of this report.

After the Blue Moon incident, sections of the community began to look with suspicion on everything that Bowman Properties did. Thus, after Bowman had cash flow problems in the late 90s, the story that was both whispered and reported was that Bowman was a “tax scofflaw.” But the story might have been reported quite differently: in spite of mounting tax bills and a looming Sheriff’s sale, Bowman refused to raise rents or cut service to its tenants. Both of these appear to be accurate,¹⁸ but only the negative view was published. Mr. Snowden’s public comportment after the Blue Moon affair (windows, boards) had turned public opinion against him, and he had not invested the time, energy or money in a public relations campaign that might have restored it.

In his own mind, and in the minds of many of his compatriots, Mr. Snowden remained the most reputable landlord in the neighborhood. But he did not seem to recognize the drift in his reputation more broadly. Thus, he could not understand why so many people in various neighborhood organizations seemed incapable of understanding him when he spoke of the dangers threatening the neighborhood: the difficulty in getting the various associations to focus on a cogent development plan, the difficulty in getting even small projects approved, the bad reputation that such contentiousness has gained the neighborhood among outside business people, the ever-present threat posed by more profit-oriented real estate companies, and the seeming inability of CHCA to effectively manage these threats.

What he himself did not appear to understand was that in the aftermath of Under the Blue Moon and with Bowman’s acquisitions of an increasing number of properties, some of them vacant, some of them becoming so, large parts of the neighborhood began to see his warnings as empty because they felt that a great threat had already arrived, and that it was Bowman Properties.

A more effective (and more traditional) strategy would be to wait for that commercial predator to arrive on the scene, and then style oneself as the white knight riding to the rescue. One can sympathize with Mr. Snowden’s apparent unwillingness to sing the heldentenor up and down Germantown Avenue, but one can also lament the fact that he has been unable to find a quiet way—one in keeping with his own character—to play the same role, or to find a person who can play it on his behalf.

Enculturation of the conflict, 2001 to 2005

Mr. Snowden took a characteristically extreme attitude in the wake of the 2001 article. The CHCA made a characteristically ineffectual response. Mr. Snowden demanded that the reporter be terminated. He demanded a front-page, above-the-fold apology

¹⁸ Mr. Snowden’s claims here have not been verified to journalistic standards, but our point is somewhat orthogonal to the actual claims. That is: good news is reported of the beloved, and bad news of the reviled, even if the news is the same.

(something nearly unheard of in the annals of journalistic malpractice and subsequent recompense).¹⁹

The CHCA management heard his complaint, expressed their sympathy, and then hoped it would all just go away. Usually such things do. Nevertheless, the CHCA should have investigated Mr. Snowden's claims at the time, and settled upon some acceptable remedy—a “we regret the error” for publishing the misleading claims about Bowman rents, and perhaps some sort of statement regarding Mr. Snowden's misapprehension of the nature of the article.²⁰ A clarification of policy might also have been issued, in order to encourage public confidence in the *Local's* practices around transparency and anonymous sourcing. While these responses would have left Mr. Snowden unsatisfied, they would have helped deflate his growing sense of alienation from the CHCA and the *Local*.

For his own part, Mr. Snowden refused to use the *Local* Forum to voice his own corrective to the 2001 articles, or to turn the problem over to a public relations professional. Such a person, having experience with similar kinds of disputes and the terms on which they are resolved, would likely have been successful in getting some kind of action from the CHCA. The question is whether Mr. Snowden could have brought himself to accept a moderate, negotiated solution. The answer lies hidden behind a sometimes ineffectual CHCA and Mr. Snowden's own predilection for the hard line.

What we do know is that Mr. Snowden began to respond to the *Local's* queries with one-liners highlighting the *Local's* lack of rectitude and refusing further comment. New generations of *Local* staffers,²¹ in trying to obtain comments from Bowman Properties, became initiated into the understanding that the company was difficult to deal with. The most alarming case of this enculturation of the conflict came of January 2004.

The Sheriff's Sale That Wasn't

In 2003, Bowman Properties faced a dispute with a lender. The lender brought suit against Bowman in September of 2003 and the dispute was settled later that month. Nevertheless, for reasons that remain mysterious, several of Bowman's properties ended

¹⁹ Front-page apologies (let alone above-the-fold) are rare and tend to result from either a) an entirely fabricated story; or b) an article or image that was deeply and broadly offensive to the readership at large (e.g., religious or racial insults). Front-page apologies to an individual who felt unfairly treated by a portrayal based remotely in fact are nearly unheard of. The harm has to be immense. Consider the following quote from Reuters: “*Italian newspapers offered a rare front-page apology Wednesday for accusing an immigrant from Tunisia recently freed from prison of the gruesome murder of his wife, son, mother-in-law and a neighbor. . . . He was on a trip to his homeland at the time.*”

²⁰ Immediately after the article was published, there might have been some hope of getting to a hard-and-fast answer to the question of whether Mr. Mazzaccaro really deceived Mr. Snowden in his initial description of his investigation. Now, gathering testimony based on six-year-old memories so divergent and variable that both parties have had a hard time remembering even the number of interviews that took place, a crisp conclusion is impossible.

²¹ Mr. Snowden has had the impression that the *Local* and CHCA have carried out a long-standing campaign to damage him and his business, but we hope that, by pointing out the level of turnover at these institutions, we can disabuse him of any notion of actual conspiracy.

up on a January 6, 2004 Sheriff's sale list; they were removed from the sale before the bidding commenced. On the 15th of that month, the *Local* published an article that noted the listing and removal from the sale. The reporter failed to solicit comment from Bowman, and so did not know that the dispute with the lender had been settled several months earlier. Lacking this information, the reporter presented a variety of reasons why properties might show up on a Sheriff's sale listing and then be removed. These speculations were universally less flattering to Bowman Properties than were the actual facts of the matter, as represented by Bowman.

The reporter wrote: "Since Snowden has repeatedly vowed never to talk to the *Local* because of his problems with past coverage, he was unavailable for comment." This is a terribly embarrassing statement for a newspaper to have published. The rest of us may draw whatever conclusion we want about the advisability or rationality of a public-facing company like Bowman Properties taking such a taciturn approach to the media, but the media has its own responsibilities. If the *Local* is going to keep reporting on Bowman, it must keep soliciting comment. To its credit, the current *Local* management seems not to dispute this at all.

Our investigation presents us with another unanswerable question: if comment had been solicited, would Bowman have shaken off its own resentment towards the *Local* and responded? The answer is far from certain.

Of course, if Bowman had had a professional spokesperson, one who would have been in regular contact with the reporters at the *Local*, it is doubtful that this article would have been written at all. If the details had been made available, the absence of news value would have been apparent, and the reporter would in all likelihood have moved on to other things.²²

Instead, the dispute went directly to the lawyers.²³ Several rounds of correspondence were exchanged between a CHCA attorney and Mr. Snowden's attorney. In the course of those exchanges, Mr. Snowden provided a letter from his lender stipulating that their dispute had indeed been settled in September 2003. The CHCA attorney then solicited additional information to be used in publishing a clarification to the original Sheriff's sale piece. It remains unclear whether this information was provided. No further article was published.

²² There are two possibilities, actually. One is that Mr. Snowden's indication that a routine dispute was settled in September is really all there is to the story, in which case, the reporter would have ended up with something decidedly lackluster: "Court records from last September show that Bowman Properties had a brief dispute with a lender. After several days the dispute was settled." Not very publishable.

On the other hand, absent further documentary evidence, we must admit the possibility that there were complicating factors to the resolution of the dispute—and perhaps a reason other than error on the part of the Sheriff's department for the inclusion of the properties on the January 6 list. Nevertheless, the reporter didn't get any of this hypothetical information, so whatever the case, it seems that a decent spokesperson could easily have spun this story right out of the paper.

²³ Mr. Snowden *did* bring in a media relations firm to assist his attorney in resolving this dispute. Yet sides appear to have taken rather extreme positions and no resolution was forthcoming.

One indictment of the *Local* that rises above the landscape: any other aspect of this dispute notwithstanding, the paper should immediately and unilaterally have published a statement of regret for failing to attempt to contact Bowman Properties prior to the publication of the article.

The Wilmsen Obituary

The January 15, 2004 issue of the *Local* presented the perfect storm. Not only did the *Local* decide to publish a rather thinly reported piece about Bowman's Sheriff's sale listings, and not only did it do so without soliciting comment from Bowman, but it also decided to run the story in the same issue with Virginia Wilmsen's obituary. Mrs. Wilmsen was a founding partner of Bowman Properties and Mr. Snowden's grandmother.

Reflecting on the apparent bad taste of the juxtaposition, Ms. Worrall, the editor of the *Local* at the time, decided to run the obituary on page one and move the Sheriff's sale piece to page two. Nevertheless, the pull for the Sheriff's sale piece remained next to the obituary, and one has to wonder at the decision to include the article at all. Whatever news value the Sheriff's sale story held had already expired. Holding the piece until the following week would have both eliminated the tasteless juxtaposition with Mrs. Wilmsen's obituary and also given the reporter a chance to appropriately solicit comment—and thus determine if there was a real story to report and what that story was. As it turned out, the untested speculation about the state of Bowman's finances, so closely juxtaposed to the obituary of its founder, seems wanton and, to the eyes of an already aggrieved party, calculated to offend.

The Perks of Ownership 2005-2006

As 2004 and 2005 progressed, certain factions at CHCA became convinced—partly from their experience with Mr. Snowden—that the CHCA's liability for the behavior of a newspaper it did not control editorially was too great to bear. Rather than addressing these issues with an assessment of best practices and promulgation of a policy statement to summarize these practices (and formulation of an appropriate process for redress of grievances), they decided that the wings of the paper needed to be clipped: that it should shy away from controversial material and serve more as a community association newsletter than as a newspaper.²⁴

At the same time, in an attempt to resolve Mr. Snowden's dispute, a member of the publisher's committee attempted to bring Mr. Snowden onto that committee. The *Local* staff, some of whom may have known little of the history of the conflict but who saw the incommunicativeness and hostility of Bowman as proof of prior criticism, felt that this was an attempt to sell them out. As time passed, Mr. Snowden also cast about more widely in his own sphere to try to bring pressure to bear for the resolution of his own disputes. The *Local* staff and its partisans imagined an alliance between the CHCA regime and Mr. Snowden that was really nothing more than a temporary alignment. Nevertheless, during this period of time, the paper was so politically embattled as to

²⁴ During this time, there were also some conversations, of indeterminate seriousness, about selling the paper.

make an expression of regret for its poor comportment in January of 2004 a near impossibility. The paper could not undertake an honest critique of its past practices, because any such finding would serve as ammunition for those who wanted to kill its editorial independence and authenticity as a news gathering organization.²⁵

In the fall of 2005, the editor of the *Local* and other staff members quit, claiming interference from ownership; subsequently, there were archival purges, and a moment of editorial ignominy that has rarely been seen in American publishing.²⁶

Purges are inherently idiosyncratic, and this one was no exception. Among the array of articles deleted from the *Local*'s online archive was the obituary of Virginia Wilmsen.²⁷ This deletion was taken as yet another affront by Mr. Snowden, even though it appears to have been perpetrated by what might loosely be described as the enemy of his enemy.

Mr. Snowden's critics still conflate his own attempts to resolve his grievances with the CHCA's efforts to shorten the leash on the *Local*. They still promote the notion that he has been surreptitiously trying to bring about a silent revolution and thus capture the paper and its ownership. The claims of secrecy or that "he won't air his claims publicly" seem to be rather off the mark. In fact, he first went to the paper with his grievances, then to the CHCA, then to the CHCA a second time, and then to a variety of volunteer "mediators" in the community. His approach does not appear at all to have been inappropriate or out of channel. Until September of 2006, that is. At that point, Mr. Snowden, frustrated by the years of fruitless meetings, took his appeal to the wider community—not with a cogent argument, but with a slap across the face. In his latest, and most notorious act of collective punishment, Mr. Snowden decided the only way to bring the CHCA to make a real and effectual investigation of his claims was to create an offense to its broader membership and the neighborhood in general. It is unclear what finally precipitated his broad assault, but on the morning of September 16, 2006, hours before a community festival commenced, Mr. Snowden did what the *Local*, in all its multifoliate ineptitude, had never done: he calculated to offend.

To be fair to Mr. Snowden, he certainly *believed* he had been the target of a malicious campaign on the part of the *Local*. Nevertheless, he did not direct his counter-offensive at the newspaper; he took his shot at the entire neighborhood. And then all hell broke loose. Mr. Snowden's naked use of economic power cracked the ground along the ancient fault lines in the community, and the foot soldiers went running to their reveille calls. The stories and accusations that began to circulate on both sides ranged from the paranoid grandiose to the compulsively trifling.

In the *Local* Forum, Mr. Snowden was savaged. This was predictable and unavoidable. But in such circumstances, it is more important than ever for the *Local* to stay above the

²⁵ The fear lingers. No small part of the opposition to the existence of this committee grows out of the notion that findings will be counted as points for one side or the other in this political dispute.

²⁶ "For the Record . . . the Truth" - January 12, 2006.

²⁷ Mr. Mazzaccaro restored the obituary to its place on the web archive within days of its absence being pointed out to him.

fray. So if Mr. Snowden was going to be pilloried week after week, it seems to make sense that, eventually, a viewpoint would have been solicited to rebut, not the indictment of the signs, which are unredeemable, but the characterization of Mr. Snowden as the root of all neighborhood evils and the sole source of conflict. There is a second side to the story of Mr. Snowden as an actor in the neighborhood, even if not to the signs as an act.

The argument in response might be that, if Mr. Snowden thinks his story is not being represented, he is free to write it himself. However, this begs a larger question: does the editor of the *Local* have a responsibility to strive for broad representation of viewpoint even when those viewpoints might not readily volunteer themselves?²⁸ We would think that in certain cases the answer is yes, and that one of those cases is the circumstance of the hour: when the paper is airing repeated attacks on a person who claims that the paper treats him unfairly. One should never want to validate, even by appearance, one's accuser's claims. This last truism is something both sides would do well to take to heart.

Epilogue

The committee is well aware that in the time it has taken to produce this report, the war has continued, and the front has moved on, and it now centers on 8431 Germantown Avenue, where a whole new brood of disputes gestate. Mr. Snowden's provocative acquisition has put the cause of harmony in the neighborhood, and certainly the efforts of this committee, on a precarious footing. Nevertheless, we are hopeful that the CHCA and the *Local* will embrace the findings of this report on their own merits and will express appropriate regrets and make an appropriate set of policy statements for the future. But then the ball falls squarely in Mr. Snowden's court.

Having now gotten a thorough investigation of his grievances and having gotten his building, Mr. Snowden's next steps are critical: can he dispel the shadows that lurk around him and his portfolio? To do so, he must rise to the occasion and answer the old questions: Can he show the kind of transparency and leadership that the proper stewardship of his assets—so valuable to the wider community—demands? Can he lay out his aspirations for the community, his own role in it, and the stretch of Germantown Avenue in which he has acquired such a great stake? Can he tell us what his plans are for yet another building, when a dozen-odd earlier purchases still sit behind vacant storefronts? Will he be able to show—and we mean publicly demonstrate—his fealty not just to buildings, but to the human beings who make them worth investing in?

One can only hope that at some point, the players in this new form of neighborhood sport will tire of their play, shake off their reflexive animosities, stop nursing their long scarred-over wounds, and start running their businesses and associations to the benefit of

²⁸ Indeed, who would agree to the notion that the most valuable opinions are those of people who love attention? Alas, a moment's reflection rebuts our point: most people hold exactly such a view. Thus, the public discourse has long focused on the rantings of such luminary minds as Jane Fonda, Charlton Heston, and Madonna. More recently, one might have witnessed Charlie Rose, our most sober and cerebral talk show host, probing Hilary Swank for answers to the problem of education in America. Ms. Swank is a formidable actress, but her discourse on public policy and education was only slightly less enervating than Mr. Rose's abject oblivion: Ms. Swank is not really an educator, Charlie; she just plays one in the theatre.

the people who live in the community, without whom Bowman Properties and the CHCA will all come to nothing. But that kind of moral discipline—the ability to winnow the real and human concerns of life from the fantasy worlds and the illusory heroism and the grand conspiracies that flourish here—would require an attentiveness to one’s daily bread that is widely lacking, not just among the old guard, but from virtually every class of modern Hiller. One has to imagine that if the antics and scrapping continue unabated, the vast majority of our neighbors, who care little about the details of this dispute, will begin to see a vision suffused with a certain irony: Bowman Properties and the CHCA merged into an undistinguished mass of deluded self-interest.

We believe that most of the community wants to move on. We believe that even the principals to this dispute do not want to spend their remaining days publicly wrestling—while the rust sets upon the neighborhood—over things that the rest of the world could not possibly care about. Two paths lie before them: on the one hand, achievement, beneficence and community pride; on the other, a sucking vortex of conflict and shame.