

- fund drives with traditional advertising placed in newspapers, magazines, or on television and commercial radio?
3. One ethically based justification of paid advertising is that many advertisers dilute the influence of any single advertiser. Evaluate this claim ethically. Do you believe the same evaluation applies to public broadcasting sponsors?
 4. In an age when media finances are difficult, are firewalls a luxury that can no longer be afforded?

CASE 7-F

NEWS NOW, FACTS LATER

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Supreme Court decisions are always eagerly awaited, but none more so than the court's summer 2012 ruling on the constitutionality of the Patient Protection and Affordable Care Act. The facts of this case are taken from Tom Goldstein, publisher, of SCOTUSblog, a website that covers the US Supreme Court and is sponsored by Bloomberg Law. The blog post is used with permission of the author.

News organizations prepared for the release of the court's decision in a variety of ways. CNN worked for weeks on ways to make certain that the decision, as reported by CNN, reached as many Americans as possible through as many portals as the network has access to. It had spent a great deal of time thinking through its internet strategy with an emphasis on getting the story first. Fox News made a similar effort, although its internet strategy is not as well honed. Megyn Kelly, a former lawyer turned television personality, was assigned to the story for Fox. CNN was using an established team including a producer and on-air reporter.

The Supreme Court also had been active on the internet front. The court's technical staff was prepared to load the eagerly anticipated opinion on to the court's website where it will be accessible to everyone from average Americans to the White House. Before 2012, the court routinely emailed copies of opinions to parties involved in litigation, but in 2012 began to rely only on the website. One week before the opinion was handed down, the court denied a request from SCOTUSblog to email the decision to that organization. In practical terms, what this

meant was that the only people with access to the decision itself would be those in the courtroom when the decision was announced and those accessing the website. The court made every effort to ensure that the website itself would remain in working order on this important day.

But, in the face of unprecedented demand for information, the court's site crashed. That meant that the entire country relied on the news media for the story with no way to independently confirm news accounts.

The first reports of the decision, as carried by CNN and Fox, were that the Supreme Court had ruled the act unconstitutional. Those accounts were broadcast about seven minutes after the decision was handed down. In the case of CNN, the initial account of the ruling was broadcast even while its onsite producer was on a conference call with network executives. The CNN social media team published tweets and RSS feeds stating unequivocally that the Supreme Court has struck down the act.

Fox, just a few seconds later, published a banner on the network saying "Supreme Court finds health care individual mandate unconstitutional." Bill Hammer, one of the network's most experienced journalists, was assigned to lead the coverage. A few seconds before 10:08, he stated on air that the individual health care insurance mandate has been overturned. Fox commentators begin to discuss the impact of the ruling on the 2012 presidential election.

President Barack Obama saw both reports. He also has access to the SCOTUSblog conference call on speaker phone and SCOTUSblog on his computer. NPR picked up the CNN and Fox reports, saying the law had been struck down, as did the *Huffington Post*. The *Huffington Post*'s social media team also ran with the story, neglecting to note the source of its information.

Tom Goldstein, SCOTUSblog publisher, is in charge of the coverage for the website, which is highly respected within the DC Beltway, including the journalistic community, for its Supreme Court coverage but little known to the average American. Goldstein, who was in the Supreme Court chambers when the decision was handed down, filed an initial post that merely said the Supreme Court had produced the decision.

About 90 seconds later, Goldstein had skimmed the decision. He does this by reading the first sentence of every paragraph in the opinion, and then he confers with colleague Lyle Denniston, who has written the majority of the blog's coverage, and Denniston and Goldstein agree: The court has upheld the act based on the tax clause of the US Constitution. SCOTUSblog then reported that the law has been upheld.

That information is picked up by the NPR News Blog, which attributes it to the website. At about 10:20 a.m.—less than 20 minutes after journalists received the decision—CBS also accurately reports that the law had been upheld.

At the White House, the president's advisers, after conferring with Goldstein about the focus of the ruling, conclude they need to tell the president that his signature legislative act has been ruled constitutional.

Soon after SCOTUSblog publishes its version of events, CNN and Fox have the unenviable job of walking back their initial reports. Because it had put such effort into social media as part of the reporting process, the false reports broadcast by CNN reached many more people than had the Fox News coverage. CNN's seamless news network had, in this instance, become a serious disadvantage.

Goldstein, in his own blog about the events, said that CNN and Fox made three mistakes: first, they treated a complex decision as a breaking news story, even though the law itself would not have taken effect until 2014; second, the networks did not put "sufficiently sound procedures in place" to deal with what many believed was going to be a complicated decision; and third, the networks appear to have failed to look at the consensus view of the wire reports, which, in this instance, were accurate.

Micro Issues

1. Should this have been considered a breaking news story?
2. What should the journalists with access to the opinion have told their editor?
3. What should the editors have asked the journalists who were reporting the story?

Midrange Issues

1. What sort of stories should CNN and Fox have broadcast once they discovered that their initial reports were incorrect?
2. Is this the sort of story that general assignment reporters should not be assigned to? In other words, should only journalists with serious expertise be assigned to report stories such as this?
3. Evaluate Goldstein's statement that all journalists should have put more faith in the accuracy of the wires on this story? How would—or would you—distinguish this from pack journalism?
4. If you were a manager, how would you—or would you—discipline the on-scene reporters whose initial reports were inaccurate?

Macro Issues

1. Fox News leans to the political right. Many said they believed the initial reports because they coincided with Fox's political ideology. Critique this statement.
2. Less than two months after the event, the head of CNN resigned. Is a mistake of this sort a resigning offense?
3. How do you think the website crash of the Supreme Court itself influenced these events, if at all? Do you think the Supreme Court itself bears some responsibility for the inaccurate reporting?
4. Contrast the conflicting values of speed, profit, and accuracy in this case. Using ethical theory, construct a policy for your local television station on the reporting of breaking news that accounts for all three—speed, profit, and accuracy.

CASE 7-G

CROSSING THE LINE? THE *LOS ANGELES TIMES* AND THE STAPLES AFFAIR

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The *Los Angeles Times*, in a "special report" on Dec. 20, 1999, called attention to an event its editors perceived as a breach of journalism ethics. The multistory report was entitled "Crossing the Line." What made this report extraordinary is that it was the *Times* itself that had crossed the line that triggered this journalistic exposé.

A few weeks earlier, the Staples Center, a \$400 million sports and entertainment arena in downtown Los Angeles, had opened to great fanfare. Most observers shared the hope that the facility, which would house two basketball franchises and one hockey team, would spark a revitalization of downtown. Staples Inc. had won the naming rights to the arena by paying \$116 million.

Tim Lieweke, president of the Staples Center, left with \$284 million more to raise, had initiated talks with McDonald's, Anheuser-Busch, United Airlines, Bank of America, and others to become "founding partners." He was eager to have the *Los Angeles Times* as a founding partner because of previous joint successes and because he thought the paper could contribute value beyond cash.

The Staples arena already had a promotional arrangement with the *Los Angeles Times* in exchange for cash payments from the *Times* and