

2. How would you categorize podcasts such as *This American Life*? Are they journalism, entertainment, some new genre?
3. How do you think Taberski's background on Comedy Central influenced the narrative choices he made?

Macro Issues

1. The *New York Times* called the show the "morally suspect podcast." How do you evaluate the critic's characterization?
2. Can celebrities such as Simmons have privacy? Can public figures such as Supreme Court Chief Justice John Roberts have privacy? If your answers are different for different categories of people, explain.
3. Should iTunes or programs such as TMZ be responsible ethically for content such as that provided in the *Missing Richard Simmons* podcast? How should that responsibility be exercised?

CASE 3-F

CHILDREN AND FRAMING: THE USE OF CHILDREN'S IMAGES IN AN ANTI-SAME-SEX MARRIAGE AD

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The brief ballot measure read, "Only marriage between a man and a woman is valid or recognizable in California" (voterguide.sos.ca.gov, 2008), but it was packed with potential for conflict. So when the parents of some San Francisco first graders recognized their sons' and daughters' faces in an advertisement promoting California's controversial 2008 Proposition 8, which successfully sought to outlaw marriage for same-sex couples in the state (protectmarriage.com, 2008), they were shocked.

The ad picked up two scenes from a website news video clip originally produced by the San Francisco *Chronicle* for a news story that described 18 students attending their lesbian teacher Erin Carder's wedding (sfgate.com, 2008). The newspaper story was a feature piece that took no position on Proposition 8. The story included an account of the wedding, which was held on Oct. 10, 2008. In the newspaper piece, and on the 80-second accompanying video, the children's participation was described as "tossed rose petals and blow bubbles . . . giggling and

squealing as they mobbed their teacher with hugs" (sfgate.com, 2008). The story noted that it was a parent who suggested the trip, and because every student needed parental permission to attend, two students did not accompany their classmates to the wedding.

However, the central message of the advertisement was "children will be taught gay marriage unless we vote Yes on Proposition 8," using two scenes with the children's images. The first showed the children in a group, and their faces are somewhat difficult to distinguish. The second showed a single child looking into the camera. The ad did not include the scenes of the children hugging their teacher that were part of the original news story. In addition, the creators of the ad altered the color tones in the scenes with children to be somewhat darker than the original news story as posted on the *Chronicle* website. The ad featuring the video clip of the wedding was one of several similar ads run in support of Proposition 8.

After viewing the ad, four of the parents of the children involved wrote a letter to the Yes-on-Proposition-8 campaign, demanding that the campaign stop running the ad. Their request was denied. The *Chronicle* did not question the use of the copyrighted material in the ad, nor did it make a request that the ad be discontinued.

Micro Issues

1. How would you evaluate the truthfulness and accuracy of the video accompanying the political advertisement?
2. Three days after the ad began airing, law professor Lawrence Lessig said in an NPR interview that the law "should not stop the ability of people to use material that has been publicly distributed." Evaluate this statement using ethical theory.
3. Do children constitute a vulnerable audience when it comes to privacy?

Midrange Issues

1. All advertisements, by virtue of their brevity, engage in selective use of facts. Evaluate whether this ad is within that professional mainstream in an ethical sense.
2. What should the *Chronicle* do about the use of news material for the purpose of political persuasion, regardless of the specific issue?

Macro Issues

1. How would you evaluate the statement that this ad constitutes protected political speech?
2. It has been argued that the children do not have the ability to reason about the politics of same-sex marriage in this wedding, so they were not expressing consent to the same-sex marriage but only expressing affection for their teacher. Is their participation in the wedding a private matter without political meaning or not? Justify your answer.