

TRUTH VS. MINIMIZING HARM

May 13: Orangeburg Massacre



Chances are you recognize the event portrayed in this picture by John Filo of the Associated Press. This is from the Kent State shooting, sometimes called the Kent State Massacre. It took place on May 4, 1970. Four students were killed and nine others were wounded when members of the Ohio National Guard fired at students protesting the Vietnam War. Their deaths were immortalized in a Crosby, Stills, Nash & Young song, "[Ohio](#)." The event is one of the most notorious examples of authorities abusing and killing college students. But it was not the first.

Two years before Kent State, authorities fired shots and killed students on a college campus in South Carolina, at the Orangeburg Massacre. It is an event unfamiliar to most Americans. We know about it at all mostly because of a reporter who broke the rules.

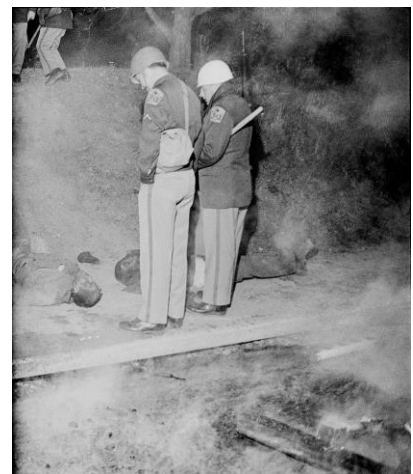
The event took place in Orangeburg, S.C., on the campus of South Carolina State College. Today the school is referred to as a "historically black university" – because for most of its existence, it was the only college an African American could attend.

South Carolina has a segregationist past. In 1948, it was one of four states carried by white supremacist presidential candidate Strom Thurmond. Although the U.S. Supreme Court outlawed segregated public schools in 1954, South Carolina schools were still separated in 1968. And although Congress banned segregation in public facilities such as stores and restaurants in the 1964 Civil Rights Act, many South Carolina businesses were ignoring the law in 1968.

Such was the case in Orangeburg, a small city and "a fountainhead of white ultraconservatism," according to "The Orangeburg Massacre." The city had only two outlets for night life appealing to students: the drive-in movie theater and the bowling alley. Neither one admitted blacks.

In February 1968, some South Carolina State College students pushed back against the whites-only bowling alley in Orangeburg. Their protests resulted in their arrests, which resulted in more protests, which resulted in the National Guard and State Police being called in. To bolster their spirits and release frustration, the students held a bonfire rally on Thursday night, Feb. 8.

When a piece of a wood railing fell from a second-story balcony of a house and struck a police officer, the police presumed the worst. "Shealy's been shot," one said, and the rest responded with a hail of bullets. Three students were dead and 27 were wounded. (See picture at right, from the Orangeburg Times and Democrat.)



The Associated Press story from that night reported the police version of events, that there had been “a heavy exchange of gunfire.” The students disputed that account. They said they had no weapons and no student had fired a shot. The police insisted they had.



Reporter Jack Nelson (left) wondered if the police were truthful. An Alabama native with a distinctive Southern drawl, Nelson had won a Pulitzer Prize reporting for what is now the Atlanta Journal Constitution. The Los Angeles Times had hired him in 1965 to be its first Southern bureau reporter covering the civil rights movement. Nelson knew that most police at the time were white supremacists. He also knew that Jim Crow “justice” meant all-white juries would convict blacks and exonerate whites.

Nelson had made his mark as a reporter by finding records that were more reliable than memories and interviews. Hospital records could help him find the truth of what happened that night. But how could he get them? Medical records were private, not public. He had no right to see them. Even if he asked nicely, the hospital would say no.

Civil rights atrocities sometimes drew FBI agents to the South. At the time, agents (all were males) had to wear a two-piece suit with a nice fedora. Each carried a pistol in a shoulder holster underneath the jacket. The holster produced a slight bulge on the left breast pocket.

Nelson stuffed some reporter’s notebooks into the left-hand pocket of his suit jacket. He put on his fedora and walked into the black hospital where the students had been taken. (Orangeburg had separate hospitals for blacks and whites.)

“Nelson, Atlanta bureau,” he announced. He said he wanted to see the medical records from the night of the shooting on campus.

The nurse looked at Nelson and presumed he was an FBI agent. She said he could not take the records but he could look at them.

Nelson found evidence supporting the students’ claims. If they had been firing weapons, as police asserted, the students would have been facing the police and would have been shot in the front. Instead, the medical records showed the students had been shot in the back, while fleeing police. Many of the wounded had been shot in the soles of their feet because they had been crawling, trying to get away from the fusillade of bullets fired over their heads.

Eventually, some of the police officers were put on trial in the episode. South Carolina juries acquitted every one. But the truth of the Orangeburg Massacre is known today because of Nelson’s reporting, and because of the [book](#) on the subject he wrote with Jack Bass.

Put yourself in Jack Nelson’s shoes before he knows what the records say. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

May 18: New Year's Baby

Like many local news organizations, the Gainesville Sun writes on Jan. 1 a story about the first baby of the born in a local hospital in the new year. Gainesville has two hospitals that deliver babies: UF Health (Shands) and North Florida Regional Medical Center. Medical records are private, not public information, so journalists depend on the hospitals and the new mother to cooperate. Most do, for the first-baby story is usually a happy one. And it's a must-do story for the Sun (or any other local news outlet), because New Year's Day is a slow news day, and the first-baby story is a tradition. In other words, ignoring the story is not an option.



On Jan. 1, 2009, the first baby born in Gainesville arrived at Shands. She was Ariana Yerlin Lopez. Her mother was Reyna Lopez from the North Florida county of Suwanee, which is almost in Georgia and outside the Sun's coverage area. She consented to being interviewed, so a reporter and a photographer went to Shands. The [story](#), accompanied by the picture shown here, was headlined, "Uncertain future tempers joy for mom of first baby in 2009."

Through a friend who translated for her, the mother said that three years earlier, she left her three older children (then ages 2, 9 and 10) behind in Mexico and entered the United States illegally. She wanted to deliver Ariana here because babies born in the United States are automatically citizens, not an illegal immigrant. Reyna said she hoped eventually to return to Mexico to rejoin her family. She also said that, as an illegal immigrant, she knew she could be deported at any time. Were that to happen, she would leave her baby behind in the United States to be raised by someone else. "She's trying not to think about that at the moment," the friend said.

On first blush, there may appear to be no dilemma here. The mother was willing to talk and discussed her legal status.

But did she understand the potential consequences of what she said?

She may have spoken in the warm haze of a powerful epidural given to ease the pain of childbirth. Any woman who's just given birth knows the incredible mix of emotions and neurochemicals can result in a judgment-altering mirth.

Further, as a journalist, you know that Reyna may be a bit naïve or perhaps complacent after three years without deportation. Yes, in recent years, immigration agents have been focusing their attention on workplace raids rather than individual homes. However, featuring an illegal immigrant as the first baby of the year in a news story makes her case so public that immigration authorities might feel compelled to act. It's a bit like waving the proverbial red flag before a bull.

Moreover, Florida state government is hostile toward illegal immigrants. Some states have passed laws that allow police to ask any person on the street to immediately provide papers documenting legal status or face arrest. Congress has been unable for years to agree on what to do about illegal immigrants other than vilify them. So this new mom could be a cause célèbre for those who argue that tougher enforcement is needed. After all, here's a mother who would rather leave her newborn behind than take the baby with her to Mexico if she were deported. That sounds like a "bad mom" to some people. So her story may attract more attention than she realizes.

The [SPJ Code of Ethics](#) requires that journalists both minimize harm *and* tell the truth. You can't do both here. Which takes priority?

The minimize harm side says you have to consider whether telling the whole story about this new mom could put her in legal jeopardy. You have to consider whether the warm glow of childbirth has clouded her judgment.

On the other hand, if you hide her illegal status, the public is deprived of a chance to learn more about illegal immigration and its complexity. Reyna Lopez seems to be a willing participant in a story that illustrates how illegal immigrants live in the shadows, risking deportation for a chance at the American dream. She puts a name and a face on a social issue.

Put yourself in the reporter's shoes. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

May 19: The Sassy Judge



Like most news organizations, the Cleveland Plain Dealer allows readers to post online comments at the end of stories and photos. Registration is required, though readers are allowed to use meaningless screen names such as "catman220."

In mid-March 2010, an online comment by "lawmiss" caught the eye of reporter James Ewinger. Journalists know they're often the targets of comments accusing them of bias and distortion, and usually ignore them. But this comment troubled Ewinger because it alluded to the mental state of one of his relatives.

Such information wasn't public knowledge. That reality suggested someone familiar with the relative's mental history was spilling private information. The Plain Dealer removed the comment from its website.

Ewinger and his editors were curious about the true identity of "lawmiss." The newspaper specifies in its terms of service that it can regulate and ban commenters. (Those terms of service are the boilerplate legalese you see when you first register for something or download software and click "agree" without reading any of it.)

However, the online ethos presumes that anonymity once granted will be preserved. That's especially true in the disorderly world of online comments. Anonymity encourages people to speak up without fear of recrimination.

Sometimes anonymity can produce genuine insight, such as whistleblowers challenging scientific [discoveries](#). Sometimes anonymity unleashes brutal malevolence trashing everything, even [brides](#). (Saturday Night Live [parodied](#) these trolls on Oct. 2, 2011.) Moreover, comments that make personal attacks can change how readers interpret news, according to a 2013 [study](#).

Whether used for good or for evil, anonymity greatly increases the number of comments. More comments produce more interaction with readers, and thus greater interest in the publication. More comments results in more readers, which draws more advertising revenue to pay for staff salaries. Unmasking an anonymous commenter would have a chilling effect.

The Plain Dealer editor, Susan Goldberg, wrote about the pros and cons of online anonymity in a [column](#) a year earlier, on May 10, 2009. She said the paper must allow anonymous comments. "I believe insisting on real names would bring online conversations to a halt," she wrote.

Therefore, online custom and the Plain Dealer's policy dictated that the newspaper in March 2010 should ignore "lawmiss" or, at most, bar that screen name from further comments.

But "lawmiss" had attacked a Plain Dealer reporter. Indignant, editors logged onto the company's business system to look up the registration information, which contained an AOL e-mail address. Eventually, they determined the e-mail address belonged to Shirley Saffold, an elected Cleveland judge who presided over the case involving the reporter's relative.

Saffold was no fan of the Plain Dealer, which had written several stories about her that she disliked. One of those stories came in 1996, when the newspaper reported that Saffold, in court, [told](#) a woman who pleaded guilty to credit card fraud that the defendant could easily find a better man by dressing provocatively and uncrossing her legs. Saffold also was the target of a 2003 Plain Dealer [investigation](#) that found she had funneled cases to a friendly lawyer and let him charge taxpayers for \$57,300 in questionable fees.

Just a few days earlier, on March 16, 2010, Saffold had [ruled](#) that a Plain Dealer reporter should be arrested until he revealed the source of a story involving a psychological report on a defendant charged with mass murder. However, the judge did not make the same demand of a Cleveland television station that had aired a story about the same psychological report. Further, Saffold barred a Plain Dealer photographer from her courtroom in a hearing on her arrest order, but allowed others to take pictures.

Thus, the Plain Dealer thought Saffold was using her position to pay back the paper for its unflattering coverage of her.

Once the newspaper's editors knew "lawmiss" was Saffold, they searched through her posts to discover what else she had to say. She had written other complaints about the Plain Dealer and intemperate remarks about public officials such as, "He ought to be sentenced to the max sentence under the law, and booted out of office, so he can go solicit prostitutes and get his wee-wee serviced as he sees fit."

But the comments that truly mattered were ones that "lawmiss" made about cases pending before her. She criticized a lawyer appearing before her in the mass-murder case and expressed opinions about two other pending cases. Bar association ethics codes prohibit judges from expressing an opinion about pending cases. If someone were to file a complaint to a judicial standards board, she could be disciplined in some way, perhaps by a formal censure. (However, she could not be fired. As an elected official, she has no boss but the voters at the next election.)

On March 22, 2010, Editor Susan Goldberg [decided](#) the Plain Dealer should do something it had never done: unmask the identity of a commenter by writing a [story](#) linking "lawmiss" to Saffold. The paper reported its findings and reasoning in a front-page story. Reader reaction was what you might expect: outrage at the judge's behavior and outrage at the paper for unmasking her.

Her decision caught the attention of top management, which told Goldberg that her staff never should have had access to the website registration system. Registration information was an internal business record and private. The computer techs did not know that the required firewall hadn't been erected. They immediately changed the computer system so that the newsroom would never again have access to registration data. Thus, the Plain Dealer newsroom only learned the identity of "lawmiss" because of a slip in internal computer security.

Note there are two discrete decision points, either of which could form your dilemma. One is whether the newsroom should have even tried to learn the identity of a commenter. The other is whether editors, having learned the true identity of "lawmiss," should have publicly unmasked her.

Whichever path you choose, put yourself in the shoes Editor Susan Goldberg. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

May 20: The Social Media "Friend"



In 2006, Megan Meier, 13, wanted a MySpace account in the worst way. (At the time, MySpace was far more popular among her age group than was Facebook.) Her protective parents, ensconced in a safe, small town at the outskirts of the St. Louis metropolitan area, were worried about the sketchy nature of online social networks. But Megan was persistent. So her parents agreed that she could create a MySpace account under the condition that they knew her password and could monitor her account.

Megan had long struggled with her weight and self-esteem. But she had friends, and among the closest was a same-aged girl in the neighborhood, Sarah Drew. Sometimes Megan would get depressed, convinced that no decent boy would ever find her attractive. Yet she was also considerate of others. As the New Yorker [reported](#) on Jan. 21, 2008, she was the “self-appointed guardian of a blind boy at her school, leading him through the hallways between classes.”

Seventh grade had been tough for Megan. So for eighth grade, Megan’s parents sent her to a Catholic school where she would have smaller classes and school uniforms might help her fit in. The change seemed good for Megan. And now she really wanted the MySpace account because all the other eighth-graders had one, too. She opened hers on Sept. 13, 2006.

On her profile, she identified herself as a fan of hip-hop music and shopping. She liked her new school (“ya theres really hott guys at my school they are fine!!!”) and said she would attend a Catholic high school next year. She described her name as an acrostic: “M is for Modern, E is for Enthusiastic, G is for Goofy, A is for Alluring and N is for Neglected.”

Shortly after she joined MySpace, Josh Evans befriended her. Josh was 16 and had an attractive picture. More important, he seemed to understand Megan. He took on the role of the underdog, as did she, and he liked some of the same things. He said he preferred a girl with long, brown hair, which Megan just happened to have. And when asked about weight, he said: “Don’t really matter.” Although Megan had lost a few pounds and was hardly overweight, Josh’s response was pitch-perfect. Megan became enraptured with her virtual boyfriend.

After a month, however, Josh’s conversation began to take a different tone. He said he wasn’t sure he wanted to be friends with Megan “because I’ve heard that you are not very nice to your friends.” Megan denied saying hurtful things and wondered how Josh would know what she said to her friends or why he was taking the tone he was.

Megan’s 14th birthday was coming, and her parents had planned a party. On Oct. 16, Megan distributed party invitations at school. When she came home, she logged onto the computer in the family room. Megan was soon in tears. She had messages calling her a “slut” and “fat.” She fired back in kind.

When Megan’s mother, Tina Meier, came home and looked at the vulgarities her daughter was hurling, she told her to stop and get off the computer. “You’re supposed to be my mom!” Megan yelled. “You’re supposed to be on my side!” Megan stormed off to her room.

As Megan’s parents prepared dinner, they realized the house seemed too quiet. They bolted upstairs to Megan’s room. They found her in her closet. She had used a cloth belt. An ambulance was called, but it was too late. She died the next day.

When Megan’s dad checked Megan’s MySpace, he found this message from Josh Evans:

“You’re a shitty person, and the world would be a better place without you in it.”

Efforts to contact Josh Evans were unsuccessful, and he disappeared from MySpace. But a month later, a neighbor told Megan's parents that they had heard that "Josh Evans" was the creation of Lori Drew – the mother of Megan's neighborhood friend, Sarah Drew.

A police investigation determined that Lori Drew had directed an 18-year-old who worked for her to create Josh Evans. Her purpose was to have "Josh" converse with Megan and determine whether she was insulting daughter Sarah. In particular, Lori Drew wanted to know whether Megan was calling Sarah what she considered to be the worst slur imaginable: "lesbian." When Lori Drew failed to get evidence to support her suspicion, she tried to end the online relationship by having Megan get mad at "Josh." But she never intended to hurt Megan, Lori Drew said.

The police asked Megan's parents to say nothing while they investigated. But after a year, a prosecutor determined that although Lori Drew used poor judgment and that her actions were reprehensible, being a jerk wasn't a crime. So no charges were filed.

Released of her obligation to stay quiet, Megan's mother responded by contacting a columnist for the local newspaper, Steve Pokin. After interviewing both the Meiers and the Drews, Pokin [wrote](#) about the case on Nov. 11, 2007.

When Pokin interviewed Lori Drew, she asked that her name not be used in order to protect her daughter. The mother's fear was reasonable, for once word had gotten out in the neighborhood, the Drews became the victims of retaliation (including from the Meiers) and had sometimes called police for protection.

Pokin agreed with the request. In his story, he wrote that his newspaper had "decided not to name the family out of consideration for their teenage daughter."

Put yourself in the shoes of reporter Steve Pokin. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

May 21: Edward Snowden Leaks



[Barton Gellman](#), a highly regarded national security reporter for the Washington Post, received a message in January 2014 from a documentary filmmaker, Laura Poitras. She wanted help affirming the identity of a source who promised her a major scoop involving government surveillance.

The source had contacted Poitras because she had documented government surveillance in Iraq and elsewhere. She was also aligned with a lawyer and columnist for the Guardian newspaper of London, Glenn Greenwald. Greenwald was based in Brazil and wrote hard-hitting columns. The source did not contact the New York Times because it had withheld publication on another

national security story when the U.S. government said lives would be at risk. The source wanted Poitras and Greenwald to have the story because he wanted it public, and he [believed](#) they would not flinch if pressured by the U.S. government.

The source said he had electronic copies of documents that would show the U.S. government was spying on civilians on ways that were publicly unknown and legally questionable. The documents were so toxic, the source said, that if the U.S. government knew he was trying to release them, his life might be at risk. The same went for any journalist who received the information. So Poitras wanted to make sure the source was legitimate.

A few weeks later, Poitras and Gellman met in New York. Using encrypted communication through secure laptops, Gellman contacted her source, which became his source, too. The source gave himself a code name, in NSA style, of [Verax](#), or truth-teller in Latin.

In May 2013, Verax offered to would meet Gellman and Poitras in Hong Kong. Gellman worried about meeting a source with dangerous information in China. So Poitras contacted Greenwald, the Guardian columnist, who agreed to fly with her to Hong Kong. (Ironically, Verax had contacted Greenwald first, but Greenwald thought his email claims were bogus and ignored his missives, prompting Verax to contact Poitras instead.)

While in the airplane, Poitras showed him some of the documents that Verax had given her. Greenwald found the scope and magnitude of the spying [breathtaking](#). For example, the U.S. government had long denied that it was collecting large numbers of phone records from ordinary Americans. The documents [proved](#) otherwise – that the U.S. government had forced Verizon in secret to hand over all its customer phone records.

Using a [Rubik's Cube](#) as an identifying symbol, Verax met the pair on a Hong Kong bench. They went to a hotel room and spent days going through the material. The Verizon document was the basis of the first story, done while they were in the hotel still sifting through files.

Although Gellman was not present in the hotel room, Poitras gave him some of the documents Verax had stolen. The next day, June 7, 2013, Gellman and Poitras shared a byline on his first story for the Washington Post from the stolen materials. The story was about a program called [Prism](#). It described how the NSA was broadly extracting material – text, video, photos, connection logs, etc. – from the central computer servers of nine leading U.S. Internet companies, such as Facebook and Google.

The revelation was unprecedented. It sparked an intense, international discussion about government surveillance.

Gellman said he withheld some of the information he obtained that showed how the NSA had extracted valuable information about potential terrorist activity. What he chose to reveal, he said, was the nature and scope of government spying on ordinary Americans.

Two days later, Verax revealed his true identity: a 29-year-old computer expert named Edward Snowden. Snowden had worked for the CIA (Central Intelligence Agency) and Defense Department. He was now a contractor working at the NSA (National Security Agency). What he had seen at the NSA was so troubling that he believed he had to steal highly classified documents from computer servers and make them public – to become a whistleblower.



Today, Snowden is in hiding in Russia, trying to avoid capture by agents of the U.S. government, which has charged him with criminal espionage. So for Snowden, the theft is a legal matter.

For journalists, publication of stolen material is not a crime, but is an ethical matter: Does public interest outweigh the harm of revealing classified information that has alerted the whole world to the techniques used to spy on potential terrorists?

Gellman has continued to [report](#) on the Snowden documents (as have Poitras and Greenwald). He has revealed, for example, that the NSA has secretly tapped into Google and Yahoo data centers to scoop up millions of records on everyday Americans, including personal contact lists.

Unlike Poitras and Greenwald, who are independent journalists (and Greenwald has [cut](#) ties with the Guardian), Gellman works for a news organization and works out of a newsroom. The choices he makes are not for him alone. Whatever he does reflects on the Post and its reputation.

What if you were given access to stolen, classified documents that contradict government claims that it does not collect cellphone and computer information on ordinary Americans. Would you publish the details of this stolen material? Why or why not? Is this situation different from the “[Sony hacks](#),” in which private emails and descriptions for upcoming products movies were stolen and published online? What about Sony’s knowledge of its employees’ [medical](#) records? Does public interest justify publishing stolen information?

Put yourself in the shoes of reporter Barton Gellman and the Snowden leaks. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

DISCLOSURE VS. DETACHMENT

May 22: The Soldier’s Dad



While covering the Middle East from Jerusalem for the New York Times (he has since become the deputy national editor), [Ethan Bronner](#) had a son who joined the Israeli military at age 20. The son, unsure of what to do with his life, decided in late December 2009 to enlist in the Israeli Defense Forces for about a year of special training and six months of active duty. Because his son is an adult who can make his own choices, Bronner did not see a conflict of interest.

The connection came to light when a website dedicated to Palestinian causes, the Electronic Intifada, [revealed](#) it on Jan. 25, 2010. When the connection was revealed, people complained to the Times' public editor, Clark Hoyt, who [wrote](#) about the issue on Feb. 6, 2010.

Bill Keller, who was the Times chief editor in 2010, said firmly that Bronner should be judged not by appearances but by his work. "Ethan has proved himself to be the most scrupulous of reporters," Keller said. Bronner said he wanted to be judged only on his reporting, which by all accounts was without bias. Yet he acknowledged his son's military service could raise eyebrows.

"I knew that if word of this got out it could cause a problem," Bronner said, according to the January/February 2012 [edition](#) of Columbia Journalism Review. "But I felt that I had no right to tell my adult son what to do. He had to make his own life decisions and I knew it wouldn't affect how I would cover the Israeli army."

Thus, the Bronner case raises two difficult questions in journalism ethics. First, should decisions be based on an *actual* conflict or the *appearance* of a conflict? Second, when it comes to personal entanglements, which is better: avoidance or disclosure?

Complicating those questions is the reality that reporting from Jerusalem is unlike any other beat. Feelings about Israel and Palestinians are so intense that numerous websites are devoted to fly-specking every word and every picture by every reporter for even a hint of bias in what's said or left unsaid, as Bronner himself [noted](#) in a Jan. 24, 2009, Gaza Notebook for the Times' Week in Review section. No other location in the world comes close to the level of inspection given coverage of the Middle East.

Moreover, the New York Times isn't just another newspaper. It is one of the most important newspapers in the world. And its owners, the Sulzbergers, are Jewish. For decades, Times coverage of anything Jewish has been examined for any hint of favoritism or for going too far the other way. (For example, the Times [downplayed](#) reporting on the Holocaust to avoid being seen as a Jewish newspaper and for decades refused to let any Jewish staffer report from Israel.) Thus, the New York Times Jerusalem reporter may hold the most scrutinized reporting position on earth.

Bronner is Jewish. Does that preclude him from reporting in the Middle East? Some people presume so - on both sides of the equation. He has been accused of being a self-loathing Jew who is biased against Israel. He has been accused of being a Zionist apologist who is biased in favor of Israel. Yet there is no evidence that his work carries a tilt.

Further complicating the situation is that Bronner is an acknowledged expert on the Middle East. "I have written about the Arab-Israeli conflict on and off for more than a quarter-century," he wrote in 2009. He has written for several news organizations and has a vast array of sources. No one knows Israel and the Middle East better than Ethan Bronner.

As you consider this case, carefully define "conflict of interest" and avoid absolutist positions. It's easy to declare that you would "never" let a journalist cover something involving a family member.

But is that realistic? If your spouse is in the military, can you still photograph disabled veterans? If your mother is a nurse, can you write about health-care reform? If you're Muslim or a Christian, can you cover a Gainesville pastor who burns the Quran?

Conversely, be careful not to dismiss out of hand the potential for a subconscious conflict. If war were to break out, what dad wouldn't be concerned about his soldier-son? Sure, you can do your best to practice neutrality and avoid favoritism. But can you be aware of unconscious skewing? Might a journalist in such a situation pull his punches, so to speak, without realizing it?

Put yourself in the shoes of Editor Bill Keller. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

MODERN BUSINESS REALITIES

May 25: Online Arrest Mugs



As newspaper audiences move online, news organizations have struggled to find ways to drive page views, which in turn draw hard-to-find advertising revenue that, in turn, pays the salaries of journalists. Many news organizations such as the Gainesville Sun have discovered that publishing pictures of people arrested is an online click magnet. (For the Gainesville Sun, [Mugshots Gainesville](#) can draw 1 million hits a month.) For some news organizations, the mug shots account for up to half of the unique users who come to their websites.

Some have questioned the morality of publishing pictures of people who are only arrested and not yet charged in court. Although police tend to use “arrest” and “charge” interchangeably, those are not the same thing. A police officer can make an *arrest* but cannot file *charges*. Each arrest is quickly evaluated by a prosecutor, who determines whether to file charges. (Further “charge” does not mean “guilt,” for a jury may determine that the person is not guilty.)

Most arrests result in charges being filed in court. But not all arrests do. The standard for a police arrest is merely “probable cause.” That’s a lower standard than the one used by prosecutors: whether the evidence is sufficient to show “guilt beyond a reasonable doubt.”

Further, sometimes arrests are made based on assertions that are later shown to be untrue or which the complainant may withdraw. Thus, publishing mug shots lumps the “arrested” with the “charged,” and may include people who were falsely accused.

Other people are concerned about lumping pictures of people arrested for minor items (such as failure to appear in court) with more serious allegations (such as violent crime or abuse). The mug shots don't distinguish between the inconsequential and the serious.

So why don't news organizations pick and choose among the arrest mugs? Why not wait until someone is charged and use only serious crimes? The reason is that this would require work that would have to be done by hand, checking through courthouse records long before they could ever go online. And the newsroom doesn't have spare bodies around to do that work.

For example, the Gainesville Sun has only seven full-time reporters due to declining ad revenues. It publishes about 50 arrest mugs a day. Sifting through those arrests every day to determine which ones are being charged with serious offenses would take the full-time devotion of one of those seven reporters – which effectively means it would have only six reporters.

Or consider the Tampa Bay Times, which has cut its staff in half. The Tampa Bay Times gets about 400 [arrest mugs](#) a day. Sifting through those would take a large crew of reporters. (And no, you cannot use your unpaid interns to do that work – that would be [illegal](#).)

Thus, picking and choosing mug shots is impractical. These online arrest mugs are all or nothing. There's no middle ground here.

The pictures come electronically from the police and can be automatically routed to the news organization's website. Publishing arrest mugs offers “click bait” with no staff work.

Unable to spare the people to sift through the mugs, news organizations take refuge in the mantra that they're treating everyone equally by publishing everyone arrested. Most sites also purge the pictures after a set amount of time, usually between 1 and 90 days.

Note these automated mug shot web pages are different from short crime news already published on unusual cases or serious offenses. You might write about a couple of those serious crimes a day, not 400 or even 40.

These mug shot pages are enormously popular with readers for a reason. They offer an easy-to-scan summary of faces of people arrested. (The unfamiliar names are worthless – it's the faces that make these valuable.) Younger women, in particular, like to look at the mugs every day to see if they spot a familiar face from the apartment complex or elsewhere, and thus can be more vigilant.

On the other hand, some are concerned about unfairly tainting people who may have been falsely accused. They worry that arrest mugs turn a news website into a modern-day public stockade that's more voyeuristic than journalistic. They worry that people may misuse the pictures (“say, isn't that the person who came in last week for a job interview?”) to make hiring decisions, etc., without knowing whether the person was wrongly arrested or eventually acquitted.

Pretend a news organization of your choice doesn't have arrest mugs and decide whether to add the feature. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.

May 27: Branded Content



In the United States, private journalism has long been subsidized by advertising. Most magazines don't recoup enough from subscribers to recoup the printing and distribution costs, and newspapers aren't much better.

Advertising revenue has been steadily declining for a decade as advertisers shift from mass media to predictive analytics and as audiences move from print to digital. News organizations have followed, and are gaining even larger audiences.

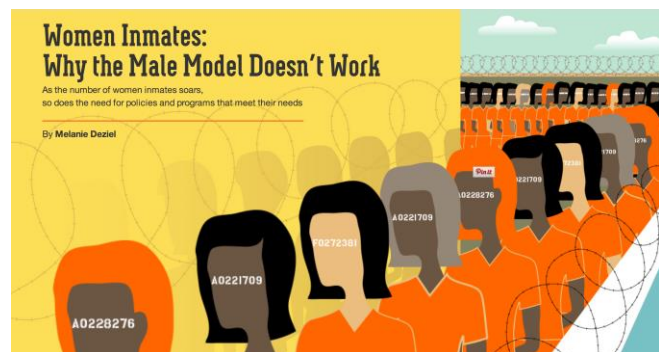
Yet while ads also have shifted to online and mobile, the amounts are significantly smaller. Print dollars net only dimes online – and just pennies in mobile.

For most news organizations, advertising revenue has been cut in half over the past five to 10 years, which is why most newsrooms have been cut in half even as digital audiences have grown. Journalism doesn't have an audience problem. It has a revenue problem.

For some, the solution is click-bait journalism, such as the previous case on arrest mugs. Digital sites that can draw traffic from “eight famous celebrity wardrobe malfunctions,” etc. seek to monetize large audiences. They promise to periodically offer something more substantive, but the model of [BuzzFeed](#) and [Gawker](#) is more fluff than stuff.

For others, the solution is branded content (also called sponsored content or native advertising) that blurs traditional distinctions between news and advertising. This is not the kind of pandering to advertisers that got BuzzFeed in [trouble](#) when it deleted posts critical of an advertiser. Instead, branded content is the use of journalism to tell an advertiser's story.

For example, Netflix paid the New York Times to produce an interactive feature on women in prison that implicitly promoted the Netflix show “Orange is the New Black.” The Times identified the feature as a “paid post.” But the sponsor was not mentioned, and it read and looked like any other news story. (The story has since been de-activated, suggesting the ad feature was for a pre-determined period of time.)



As Neil Macdonald of the Canadian Broadcasting Corporation [wrote](#): “Basically, Netflix paid the Times a lot of money to create an ad, masquerading as an interesting story, rather than a straight sales pitch. Which of course is the idea: producing ads the reader actually wants to read, rather than surf past.”

Proponents say that branded content is not an “advertorial” but a legitimate means of communicating information that interests the public. Branded content is not for, say, an oil company to argue that climate change is a myth. It could, however, be used to describe what scientific studies have to say on the matter. And when done well, branded content can be just as informative as a “regular” feature on a website or mobile device.

On the other hand, the down side is that branded content is indistinguishable from unbranded content. The feature looks like and reads like a news story, not an advertisement. Even if readers see a “paid” or “sponsored” label, they don’t realize the feature was done at the behest of someone or something paying the bill.

Further, however fair and neutral branded content may be done, it’s not going to mention competitors or dismiss the sponsor’s perspective. If Dell is paying BuzzFeed to write stories about [education](#) – a safe topic that can be informative and helpful for both parents and students – the story is unlikely to mention Apple as an education provider or take a skeptical view of technology.

Another concern is how the branded content is produced. Some news organizations, such as the Guardian in London, have staffers dedicated to the task. Others, such as Condé Nast, use the same journalists to produce both regular content and branded content.

However, branded content taps into core strengths of journalism: storytelling and engagement. Whether blended into newsroom duties or separated into a stand-alone unit, branded content lets journalists do what they do best. And it’s a promising way to pay the bill for “real” journalism. The question is whether the price is too high. What do you think?

Identify a news organization that’s considering whether to provide branded content. 1. Identify the dilemma and tell why each side has merit. 2. Identify and weigh two potential alternatives. 3. Make a decision based on either a utilitarian or a consequentialism ethical philosophy.