School of Journalism

UNIVERSITY OF MISSOURI-COLUMBIA September, 2000

**KKBT-TV AND A CASE OF LIBEL**

A Reporter and Editor's Nightmare

The tone of the sheriff's dispatcher on the police scanner was matter-of-fact, but the message caused the KKBT-TV news team to leave their lunches unfinished. “

Unit 17 reports what appears to be a homicide in the village of Centerville...It looks as if a woman shot her husband at point blank range.”

After a high-speed, 30-minute drive to the small town of Centerville and some hurried questioning at the scene, Trish Lang, a 26-year-old KKBT-TV reporter of modest experience, began a video report from the sidewalk in front of the house where the alleged murder took place. Lang explained how 28-year-old, 5'4" Mary Dawson took a shotgun and repeatedly fired at her 34-year-old, 6'6" husband, Peter. Trish Lang said that sheriff's deputies discovered Peter Dawson's body, his head smashed by shotgun pellets into nearly unidentifiable pieces.

In her report, Lang talked directly to the camera until she began describing the neighborhood. Then, as she noted that it was "middle class," the reporter turned. The camera followed her gaze to two houses next to the Dawson's and almost directly behind Lang. As the description of the neighborhood continued, a woman standing on the porch of the farthest house came into the camera's view. Seemingly curious about the TV crew, the woman left the porch and started forward in what appeared to be an effort to see better what was happening. Noting this, Lang called the woman over, asked her name, and inquired if she lived in the nearby house.

"Yes, I'm Margrette Smithe. I live in that house."

Lang asked Smithe for her reaction to the killing. "I'm not surprised. Those people (pointing to the house of the murder victim) and the people next door, the Pattersons, are heavy into drugs; they use them and deal them. Mary Dawson must have feared for her life, as she often did when Peter was doped up. He would hit Mary; you could hear it at my house. I suspect Mary was trying to defend herself, or she just had enough and killed him."

Showing only mild surprise at these comments, Lang asked if Smithe was sure that there were drugs involved.

"You bet," came the swift reply. Both the Dawsons and the Pattersons use them."

 At that moment, the cameraman saw a figure at the window of the house that Smithe had just identified as the Patterson's. Using his zoom lens, the cameraman faded the picture of Lang and Smithe and zoomed in on the figure in the window. Catching notice of the movement of someone in the window, Lang asked Smithe if the Pattersons lived in the house where the man, presumably Mr. Patterson, was standing at the window.

"Yes," was the neighbor's reply.

Trish Lang's report aired that evening, and the next day the promotion and advertising departments of KKBT-TV used a clip from it in a promo that said, in part: "…KKBT-TV is first with the news. You can rely on KKBT-TV, as the village of Centerville did yesterday when we brought you the first report on a murder that may be tied to drug use."

The next day, two lawsuits were filed against the station, its news team, each of KKBT-TV's executives, its owners, and Margrette Smithe.

One of the suits came from Mary Dawson. Her complaint alleged that she shot her husband in self-defense, that no charges were pending against her for the shooting, and that neither she nor her deceased husband had ever been involved with drugs. An even larger suit was filed by the Pattersons. They asked for $1 million in actual damages and $10 million in punitive damages for libel, invasion of privacy, and infringement of their civil rights.

In subsequent depositions, it was determined that when Lang joined the station, she received a booklet that was given to every reporter and news executive in which KKBT-TV's policies on libel and invasion of privacy were outlined. The booklet warned against airing unsubstantiated charges against one person by another. At great length, the booklet defined and explained the difference between invasion of privacy and libel. It said that invasion of privacy required even more care and caution than libel, as privacy had yet to be clearly defined by either the courts or the state legislature. It also noted the substantial legal distinction between the invasion of a public and a private person's privacy and between public and private places. Most important, the policy statement said that before any questionable material was broadcast, it should be referred to KKBT-TV's news director and, if questions remained, to the station manager.

Other than the booklet, which Lang said was part of an employee information kit given to her on her first day on the job, she had received no further training on these subjects. Moreover, her cameraman did not recall seeing KKBT-TV's booklet on libel or invasion of privacy. He also said that he had never discussed these matters with anyone at the station.

In his deposition, the news director confirmed that no members of the station's news teams except the reporters were briefed on legal matters. He also verified that he had reviewed the footage from the Dawson murder, that he was "taken by its dramatic effect," and that he believed it could be taken as true since one could "assume that as a neighbor of the Pattersons and the Dawsons, Margrette Smithe knew what was happening next door." The news director also admitted that he aired the Lang report without discussing it with the station manager.

In his statement, the station manager also revealed that no one from the station checked with police authorities, the district attorney, or other law enforcement officials to see if the allegations of drug use against either the Dawsons or the Pattersons were part of a public record or could be substantiated.

In its defense, KKBT-TV offered expert testimony by a law professor who said that the man in the window -- who was, indeed, Mark Patterson – was a public person. The professor claimed that at the time of the filming of Lang's story, Patterson chose to thrust himself into the public arena by showing himself through the window when it was obvious that a TV crew was reporting from the sidewalk in front of his home. The professor further contended that Mark Patterson was a public figure by virtue of his position as a school teacher and well-known high school basketball coach in the community.

When he was questioned a second time, the KKBT-TV cameraman acknowledged that a high-power zoom lens was necessary to make Mark Patterson discernible from the street where Lang was conducting her interview with Margrette Smithe. The cameraman said that if he had not used such a lens, the viewer would not have known that it was Patterson in the window.

ASSIGNMENT

KKBT-TV is a station in a lower middle-size market in a town of 75,000. You are KKBT-TV's general manager. Please provide the station's owners the following:

1. A short-term response to the lawsuits and the events. The response should focus on:
	1. What are the options available to the station? (Remember, the actions the station takes will depend on how strong you think the station's position is.)
	2. Your response should also focus on what actions are appropriate vis-a-vis the employees involved in the incident.
	3. Further, your response should assess the damage to the station's reputation. (If it has been damaged, are there steps you can take to diffuse its impact, and what should those steps be?)
	4. What about steps to correct or retract the story? Also, what would a correction or retraction imply in the pending legal proceedings?
	5. Other than station management and the involved employees, who needs to be involved in decisions regarding these matters? And how are the people or organizations who should be involved best communicated with, and on what level?
	6. What other things should be included in a meaningful station manager's short term response? Why should the items you've noted be included, and how would you respond to them?
	7. Next, please provide a long-term response to prevent such a situation from happening again. It should include plans for:
		1. Personnel (training, hiring practices, disciplinary measures, involvement in establishing policies)
		2. Finances (insurance rates, cost of implementing training, legal fees)
		3. Technology (How do increasingly advanced technologies impact on policies?)
		4. Information/communication (Does the decision making procedure meet the needs of the station? What about insurance, legal services, informing employees of policies, and keeping employees up-to-date on changes in the law?)
		5. Timing (When do you implement the policies? How do you keep them current? What part of their workload do employees sacrifice to attend training sessions?)
		6. Station credibility (Is a strategy needed to counter the negative effects of a libel case on the public's image of the station? If so, what should it be?)
		7. Again, what else should be considered? Why are these additional items important, and how should the station respond to them?