

Joe Bob stomps the wineheads —28

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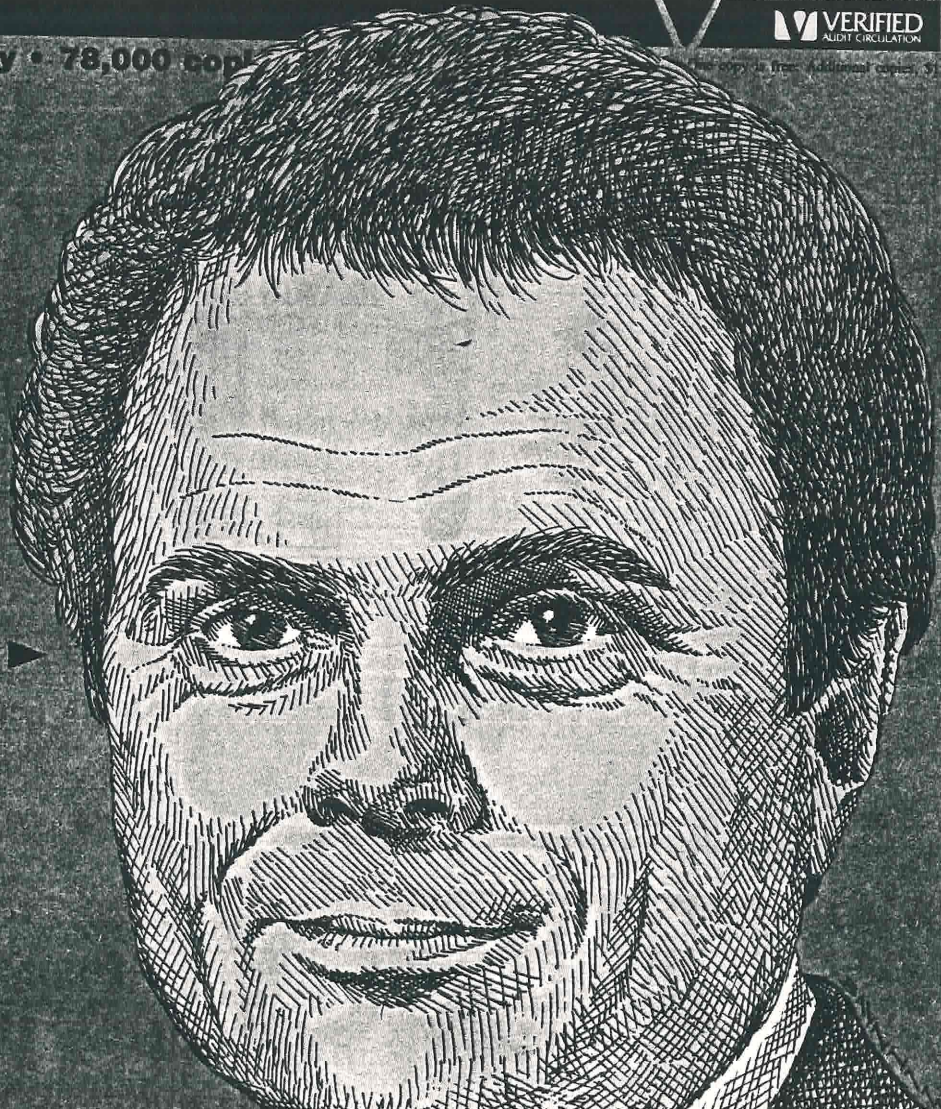
CAPTAIN COURTROOM

Channel 8's Charles
Duncan may be the
most sued man on TV ▶

Bode mops up after the
Burgin fiasco at the *Herald*

Kamikaze Channel 4
shoots off another toe

DENNIS HOLDER
ON MEDIA —10



Bad tidings

What someone doesn't want you to publish is journalism; all else is publicity.

—Paul Fussell

By Dennis Holder

Call him Captain Courtroom, the most sued journalist in Dallas. Channel 8 television reporter Charles Duncan apparently holds that distinction, and he ought to be proud of it. There is no surer sign that a journalist is doing his job than a lawsuit filed by the subject of a story.

Not every suit filed against a newspaper or television station is specious, of course. The media do make mistakes, and those mistakes often cause enormous injury to the reputations and fortunes of their victims. When this happens, a lawsuit is the only recourse, and irresponsible media deserve to pay through the nose.

Quite often, though, suits are filed by villains outraged because they were found out. Or by persons who simply want to harass a news organization and force it to waste money defending a suit. Or by people who believe that media companies are easy targets with deep pockets.

"It's not even necessary to make a mistake to get sued," the Columbia Journalism review lamented in a 1985 survey of libel suits and their chilling effect on journalistic courage. "Many litigants now bring suit simply for being shown in a 'false light.' Editorials, cartoons, even restaurant reviews are coming under increasing fire. The intent of many such suits would seem to be harassment and intimidation."

Which brings us back to Charles Duncan. I certainly can't judge the merits of the nine or so cases in which he has been involved during his career. But I can say unequivocally that he would not be so much in court were it not for the fact that he is one of only two hard-hitting, investigative reporters working in Dallas television (Byron Harris, also of Channel 8, is the other). And television stations, being both more visible and wealthier than print media, are most likely to be sued if they have the guts to dig up the dirt.

Duncan and his station recently lost one suit, when an Austin jury awarded \$1.8 million to a copier firm that had been the subject of a Duncan series. A jury found that four of six broadcasts about Uni-Copy Corp. of Austin placed the company in a "false light" and that two were produced "with malice." Some \$406,000 of the total judgement was assessed against Duncan personally.

WFAA was slapped with \$1.05 million in so-called exemplary damages even though the jury concluded the station did not act with malice. This part of the verdict said, in effect, that the station did nothing wrong but the jury wanted to send a message to the media: Pipe down. It apparently was an example of jurors finding against a television station just because news is sometimes offensive and because the station is perceived as having a lot of money.

In fact, lawyers who defend media companies in libel cases say jurors and—to the extent juries

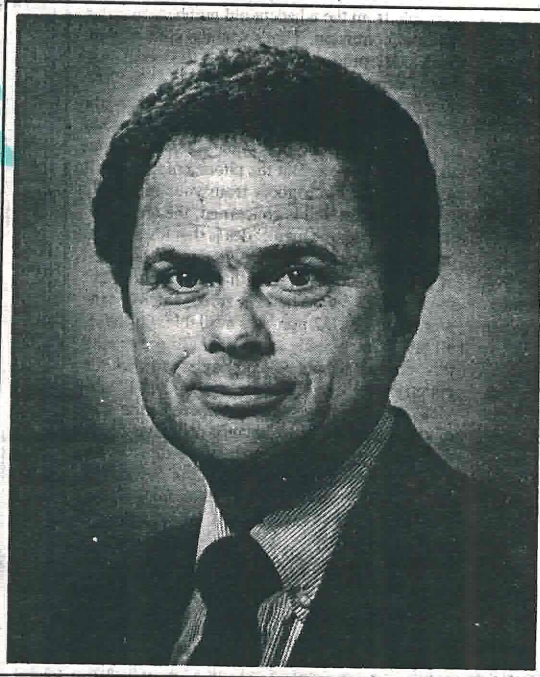
represent the population—the general public increasingly seem to hate the media. They take advantage of libel suits to punish news organizations for the abstract crime of bearing bad news. Currently, some 85 percent of all libel cases tried before juries go against the media companies involved.

But here's the telling point. Only about 20 percent of cases in which juries vote against media stand up when the appeal process is complete.

mad they could sue.

Nobody is offended by the routine reports on what city council did yesterday or what Joe Politician said in a news conference. No one gets mad when the media report on groundbreakings and debutante balls. But it is the tough reporting, the stories that piss somebody off that journalism is really about. Give us more of that.

Sic 'em, Captain Courtroom!



Channel 8 reporter Charles Duncan: Sic 'em

In a telephone chat a few days ago, former *Dallas Times Herald* owner William Dean Singleton complained that the *Herald's* new honchos are undoing all the paper's innovations of the past two years. "When I bought the *Times Herald* in 1986," Singleton said, "it looked just like the *The Dallas Morning News*. It's getting to look that way again."

It's probably overstating the case to claim that the *Times Herald* is beginning to resemble the *Morning News*. I can't imagine our stodgy old Big Gray ever stuffing American and Texas flags into the ears of its banner or running a headline like the recent *Times Herald* biggie, "For Sale: The Heart of Texas." It is true, though, that the city's number two daily has changed significantly since John Buzzetta bought it in June. And many of the changes in editorial product reverse decisions made by Singleton and his hand-picked editor, David Burgin.

For example, the weekend of Sunday, August 7, saw "Datebook," the weekly entertainment guide, move from the Sunday paper back into Friday. Friday, of course, is the day the section used to come out before Burgin started tinkering.

Moving "Datebook" to Sunday may have been an example of what happens when an editor who knows little about this city imports ideas from some place else. In other cities where Burgin worked as editor before he moved to Dallas— notably San Francisco and Orlando, Fla.—he was quite successful with entertainment tabloids added to the Sunday paper. His theory was that readers spend most of their work week savoring the debaucheries of the coming weekend. If the paper gave them a planning guide on Sunday, they would leaf through it all week, conjuring up visions of this or that band or some restaurant's latest sushi taco.

Well, people in California and Florida may schedule their weekends the way travel agents plan tours of 14 countries in 21 hours, but Texans, apparently, are more spontaneous. The Sunday entertainment guide failed miserably in Dallas. The only reason Singleton and his publisher, Art Wible, didn't abandon Burgin's innovation before the latest sale, in fact, was that "Datebook" made the Sunday paper fatter. In trying to make readers believe they get as much for their money buying the *Times Herald* as they receive with the always hefty *Sunday Morning News*, a little extra bulk can be important.

But Buzzetta and his new editor, Roy Bode, concluded the bulk wasn't worth the bullshit. Bode, a longtime Dallas resident, says he is pretty sure most readers here plan their weekends on Friday. And Buzzetta needs to look no

Judges and appeals courts find in the overwhelming majority of cases that the jury ruled, not on the evidence, but on a collective prejudice against the media.

Why the media are so despised by people in general is a question for another time. But one reason may be the tendency among news companies to tell part of a story and never follow up. How many times have you read or viewed reports that so-and-so was arrested for a crime? How many times have you seen a story displayed with similar prominence when charges were dropped? Sometimes. Especially, in big cases. But not often enough. The damning material always seems to get the biggest play.

Ironically, Duncan and Channel 8 may be the victims of such half-the-story reporting in the Austin case. Most of us read about the jury's verdict. But did the story in *The Dallas Morning News*, for example, report that the jury verdict was not final? State District Judge Joe Dibrell is re-evaluating the decision even as this is written. He may conclude that the trial jury erred in its findings. But those of us who read the reports were led to believe that Duncan and Channel 8 were guilty, and that was that.

Whatever the outcome of the copier company case—and odds are about 5 to 1 that it will be overturned—my concern is this: I hope Charles Duncan and other local investigative reporters will not be scared off by lawsuits and judgements. I hope they will go right on making people so

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farther than the numbers to see that advertisers were never sold on the Sunday concept. I'm glad to see "Datebook" back where it belongs, one day behind *Dallas Observer*.

Another change I personally applaud is the disappearance of Dan Jenkins' column from page 1 of the Sunday paper. Burgin hired Jenkins to write the column—reportedly for \$1,500 a week, though that is not confirmed—believing that readers would go for a Big Name famous for Texas books. There was nothing wrong with the idea, but Jenkins kissed off the assignment week after week. His columns were more often offensive than funny.

One of Bode's first editorial decisions was to move the Jenkins column to an inside page. Then the thing disappeared from the paper entirely. Bode says he and Jenkins simultaneously decided that the column had run its course. Maybe Bode also has a bridge to sell you.

Other changes you may have noticed include expanded business coverage and better stock listings. And of course, "Dallas, Inc.," the Monday business tabloid created by previous owners who did not understand that business advertisers hate Mondays, has disappeared. Oh, the name survives atop the Sunday business section, but little else remains.

According to Bode, readers can look forward to additional revamping that will bring, among other things, expanded books reporting. The *Times Herald* used to enjoy a big edge, but the edge was lost in the Burgin shuffle. Now Bode wants it back.

Internally, a top-heavy management structure is being pared to free up money for more reporters' salaries. "It's nice to have editors all over the place," says Bode. "But I'm not going to sacrifice the people who actually do the work so that all the management types can sit looking at each other over drinks at the country club." It's a hard world.

Finally, it is worth noting that Roger Witherspoon no longer is a pariah in the newsroom. Witherspoon, a veteran reporter and editorial writer, currently is regarded as the senior cityside man. And he may soon return to his former position on the editorial board.

If this is Greek to you, here's a little background: Witherspoon was a source when I wrote some while back that Ross Perot had exerted his influence to kill a column written by Laura Miller. He was, by no means, the only source, but he was the one his paper found out about.

In government, people who help uncover wrong-doing or lousy decisions are protected by law. And they are cherished by reporters who know that, without them, much that is wrong would never come to light. But when Witherspoon helped reveal a *Times Herald* decision that was morally and journalistically questionable, Burgin tagged him "disloyal." As punishment, a man with years of experience was yanked from his job writing editorials and sent to the city room trenches to write general assignment stories usually handed to rookies. He also was put on job probation for a year.

"I've made it clear to everybody here that Roger is no longer on the shit list," says Bode. "He is a senior reporter, and I'd like to have him stay with the news staff for a while because we need people with his skills and experience. But if he's interested in going back to the editorial page, there's no doubt that we would welcome his work there, too."

As a footnote to this: Laura Miller's column, the one that was killed when Perot applied the thumb screws, appeared in the *Times Herald* shortly after Bode took over. However, Brad Watson at Channel 8 reported the story first—only three months after a less timid *Times Herald* could have carried the facts.

The week ended Sunday, August 7, was a big one for, uh, precipitous dismissals (can't use the F word) in the local media. John De La Garza was ousted as publisher of the

Dallas Business Journal, apparently because the parent company, American City Business Journals, is losing money and needs scapegoats. Elizabeth Wurtzel, the 21-year-old wunderkind of the *Morning News* "Today" section, lost her job amid questionable allegations of plagiarism. And Channel 4 reporter Ron (you know him as Cameron) Sanders was booted on charges of high crimes and misdemeanors, including insubordination.

The first two of these hardly merit mention. Such things happen all the time in media just as they do in the rest of the highly-political corporate world. But the Sanders case may be one more example of mismanagement in the weird world of the Kamikaze channel.

A letter formally notifying the prize-winning reporter that his services were terminated claimed Sanders had been insubordinate as recently as August 2. That was the day after Walter Williams became the fourth Dallas police officer murdered this year. According to Sanders, a disagreement over coverage of the shooting led to the charge of insubordination.

KDFW General Manager Bill Baker refused to comment except to say that "Sanders was terminated because his performance was not satisfactory." The reporter's version of the incident, though, is worth repeating.

According to Sanders, he was assigned a standard reaction story in the aftermath of the shooting. His job was to find community leaders and ask what they thought about the incident. Though comments from members of City Council obviously are part of such a story, Sanders says he was specifically instructed not to talk to the city's black council members, Diane Ragsdale and Al Lipscomb.

Sanders says he objected to the restriction as unreasonable and journalistically dishonest. After all, Lipscomb and Ragsdale have been among the council's most articulate spokespersons in the continuing controversy over police department conduct and management. And the slain officer was a black man who was gunned down in a predominantly black neighborhood. Surely it made little sense to ignore black council members. Sanders says that, after he objected, he was told to interview only police officers and leave city council to another reporter.

I asked Baker whether any such instructions were given. He wouldn't comment. I asked why such instructions might be issued. He wouldn't comment. "It is our policy that we do not discuss personnel matters," he said. Tell that to County Commissioner John Wiley Price and other minority leaders who already have challenged Channel 4's broadcast license on the grounds of ethnic insensitivity.

As I said, though, insubordination was only one of the charges leveled against Sanders. He was also accused of attempting to usurp management prerogatives. Exactly what this may mean is not clear.

There is room to speculate, however, that it has something to do with Sanders' position in the union. Channel 4 hates so much. As a shop steward, it was Sanders' job to object loud and long when management attempted to brook the terms of its contract with the American Federation of Television and Radio Artists/Screen Actors' Guild. He often wound up insisting that managers could not do something they wanted to do.

At any rate, it's a dead certainty that the union will challenge Channel 4 in the Sanders case. "It's our position that Ron's firing is unwarranted," says AFTRA/SAG's local executive director, Kat Krone. "As a union steward, he doesn't let up on them, and I think they finally got tired of it. We intend to fight the decision as hard as we can."

The outcome of such a fight is by no means sure. It is instructive to remember, though, that the last time AFTRA/SAG went to the mat for a member from Channel 4 was when sports anchor Kevin McCarthy was sacked two years ago. After the dispute wended its way through arbitration, the station was ordered to reinstate McCarthy with back pay. McCarthy had the good sense not to return to the job. But he took the money. ■