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## What if Your Name Was on the List?

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By Michael Hilt and Jeremy Harris Lipschultz

# WHAT IF YOUR NAME WERE ON THE LIST?

**M**ore than 18 months ago the Franklin Community Federal Credit Union story first made headlines and newscasts in Omaha, Nebraska. As the story unfolded, media ethics in the case began to overshadow the crimes.

The former director of the credit union, Larry King, and other employees were indicted for allegedly embezzling more than 38 million dollars.

Stories about King's lavish lifestyle, including parties in Washington, D.C., expensive cars and jewelry, made the local news. Also mentioned, but never substantiated, were rumors of child sexual abuse. Law enforcement agencies investigated the rumors, but these inquiries soon were dropped for what the police called a "lack of evidence."

A legislative committee in Nebraska's Unicameral soon was formed to deter-

mine how the Franklin Credit Union case could have occurred. Part of the committee's duty was to determine the truth behind the child sexual abuse rumors.

The investigation continued for several months, producing many more rumors but no concrete answers. Finally, lobbyist and former state senator John DeCamp took matters into his own hands. He mailed a memo to the state's two largest newspapers, naming the five prominent Omahans, including two members of the media, allegedly under investigation.

No one in the media printed or aired the names. They said they did not regard DeCamp as a reliable source, because he would not name his source for the information, and also because he was defeated for re-election in 1986 under suspicion of child abuse. The media did report the fact that DeCamp had distributed the memo, but it blacked out the names in the memo.



Dore Weaver, University of Nebraska at Omaha Student, 1990

Talk-show host Cathie Fife lost her job when she allowed a caller to name the names in the DeCamp memo.

Shortly after DeCamp's memo was released, state senate candidate Denny Henson claimed people in his district had a right to know the names, and he mailed 10,000 copies of DeCamp's memo. The media again refused to report the names,

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although they did report on the mailing. That brought the media under attack from some who claimed they were participants in a cover-up to protect those named in the memo. The media now had become part of the story.

### Television's Response

With local media withholding the names, the public copied and further circulated the DeCamp memo, even posting it in public places. "I know that there's a lot of feeling out there that the media are part of some massive conspiracy," said Steve Murphy, news director of Omaha's WOWT-TV. "That flies in the face of the nature of a good reporter."

KMTV ND Loren Tobia heard so much criticism that he took to the air in mid-February to defend his station. Tobia says the incident damaged the credibility of all the news operations in the state.

"There are people in this city who, for whatever reason, believe that there is a cover-up, or that powerful people are prohibiting us from releasing the names," Tobia says. "That's just not the case, but that's the perception. Perception to that individual is reality."

Local television news directors said the names of less prominent people also would not have been aired. Media have

been asking the public the question: "How would you feel if your name were on that list?" The news directors were concerned with libel as well as their own credibility.

"I think it's certainly a point well taken that we're all a little more careful because of the prominence of the people who are named," said KETV's ND Kirk Winkler.

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"If you inadvertently libel Joe Sixpack he is not in a position most often to come at you with a phalanx of well-trained lawyers who know exactly how to wind up with your license. Some of these folks are sophisticated enough to do that."

The news directors at the three network affiliates all felt the story would come out. By the end of February, two of the five names—Larry King and *Omaha World-Herald* columnist and former WOWT-TV entertainment reporter Peter Citron—had. Citron was charged with child sexual

abuse crimes not related to the Franklin investigation.

In March, a federal grand jury examining the Franklin case subpoenaed legislative committee records. KMTV aired a story about the subpoena, which named the same people named in the Franklin memo: King, Citron, retired *Omaha World-Herald* publisher Harold W. Andersen, former police chief Robert Wadman and businessman Alan Baer. The other media outlets reported on the subpoena, but only KMTV identified the five, being careful to emphasize that it did not mean the five were targets of the probe. The newspaper followed with an exclusive interview with Andersen which denied any wrongdoing—the first such denial—and in which Andersen and his wife blasted KMTV for irresponsible journalism. The other TV and radio stations held firm on the original decision not to broadcast the names.

Steve Murphy said it would require a filing of charges, although there could be exceptions. Kirk Winkler said when the time comes to name names, he'll have to see the story first.

"The primary reason for that is to make sure it didn't happen by accident," Winkler said. "I don't want anybody on our staff to do something kind of like what Cathie Fife allowed to happen at WOW Radio."



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## Burned by the Phone Lines

Omaha radio personality Cathie Fife was fired from her WOW-AM job of six years, after she allowed a talk-show caller on Feb. 3 to name the five names in the DeCamp memo.

Fife claims the caller said she was reading from a Lincoln, Nebraska, newspaper, but management disagrees. Ken Fearnow, station manager, explained the firing in a Feb. 7 broadcast which included this excerpt of the incident:

*Caller: Can I bring the names out on the radio that I know about John De Camp's memo?*

*Cathie: Can you?*

*Caller: Uh, uh.*

*Cathie: Well, you can speculate on them. You can put it that way.*

*Caller: Okay. I, I will mention them. Okay?*

*Cathie: Um, huh.*

Fearnow said Fife "consciously chose to circumvent the procedure" at WOW to not allow callers to name people who are in the news. "As responsible broadcasters," Fearnow said, "we cannot participate in rumor or speculation regarding individual citizens in our community."

## To Delay or Not Delay

WOW-AM used a seven-second delay system on its "Cracker Barrel" Saturday morning talk show. In the eight weeks she had been doing the program, Fife said she had used the delay only once when a caller tried to defame an air personality: "But, as soon as she said it, I slammed the delay because it was pretty blatant," she said.

KFAB, which airs a daily radio talk format, used a 10-second delay, operations manager Kent Pavelka said. "If you're a broadcaster, have a delay on, and know that you need to use it," he said. Both KFAB and WOW rely on the judgment of the air personality to hit the delay. "There's plenty of time, if you're perceptive enough," Pavelka said.

The Fife incident is one factor that led another Omaha radio station, KKAR, to add a delay system to its morning talk show. KKAR had used the judgment of a producer to assist host Steve Brown, who is also the station manager.

Brown said that, during three years of broadcasts, the only four-letter word that made it on the air was from a studio guest, not a caller. "We have the ability to dump a caller quickly."

However, three of the five names in the Franklin case did slip onto the KKAR air Jan. 8 during an interview with the Douglas County Sheriff. "It happened very fast, and we didn't have time to dump it,"

## Radio and the 7-Second Delay Button

**T**he seven-second delay button in radio is often mentioned in connection with talk-show controversies.

In 1987, UPI writer Randy Minkoff, reporting on the popularity of sports-talk radio, concluded: "Nearly all talk shows are on seven-second delay," according to the Nexis data base.

*People* magazine in 1989 wrote about a WKRC, Cincinnati, dating program. "If somebody calls up and says, 'Do you wear animal underwear?' I'll let it go," host J.B. Miller told the magazine. "The show is on seven-second delay in case I run into a problem with the callers, but I've never had to use it."

Howard Stern, the "shock" radio personality, was said to have sole control over the seven-second delay button, according to a 1984 interview in *People*.

KKAR, Omaha, did not use a seven-second delay before the Fife incident on WOW. Station manager Steve Brown said that, when the talk show went on the air three years ago, the station called

Mutual Radio's Larry King and concluded that there would be little need for the delay on a local show.

There are no known libel cases in which the lack of a delay button was at issue.

In one 1973 case, however, the FCC received a fairness doctrine complaint in which a caller to a talk show on WRKL, New York, launched an alleged personal attack. The caller was cut off in mid-sentence by the host. The FCC dismissed the complaint, ruling in favor of the station. "The licensee is called upon to make reasonable judgments in good faith on the facts of each situation," the broadcast bureau chief of complaints wrote. "The Commission's role is not to substitute its judgment for that of the licensee if the licensee can be said to have acted reasonably and in good faith."

In indecency cases, the FCC has made a distinction between live broadcasts and taped interviews broadcast later; where editing is possible, broadcasters should use responsible good-faith judgment.

So, to delay or not delay may not be the central issue for stations that take calls; most important is that—over time—the host edits his or her callers in good faith.

Brown said. "The sheriff said, 'Well there's been a lot of rumors floating around.'"

In the Fife incident, she also added comments, and "hastened to say that it was speculation, and it was accusatory, and certainly had no basis in fact."

But Brown said the two cases were dissimilar because Fife's caller was not questioning a public official and did not ask permission. The KKAR case also happened more than three weeks before the names were sent to local media and distributed in the community.

The author of the memo, John DeCamp, provided KKAR with a fax copy Jan. 26, prior to a taped interview, Brown said. During the interview, DeCamp named the names, but KKAR edited them out before the broadcast the next day.

Brown said the interview convinced him that the memo "really is a formalized and distributed rumor." Without direct sources from the investigation, clear evidence of wrongdoing, or formal charges, Omaha media continued to withhold three of the names in the DeCamp memo.

## Lack of Training?

Fife says she understood the media position, and the guidelines at WOW. But as

a personality, not a news person, she received little training to handle the touchy situation. "They showed me how to use the seven-second delay button, and they said use your own judgment." In a prepared statement, station management responded that "all of our announcers are well trained," but Ken Fearnow refused further comment on the Fife firing.

## Lesson Learned

Fife said stations using an entertainer in a news capacity need to be certain that guidelines are understood. "And also make it clear, up front, what the punishment is if in fact you breach these rules you have laid down."

Fife is now employed at KOIL-AM in a position that does not involve talk radio. She continued with her weekly cable television program. It had been airing live from a local mall, but on Feb. 22 the show was converted to a live studio call-in show. The subject of the first program was: "How should the media handle sensitive issues?" ■

**Michael Hilt and Jeremy Harris Lipschultz are broadcast professors at the University of Nebraska at Omaha.**