

REPUTATION: WHEN A NEWS STORY DAMAGES A GOOD
NAME

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A dissertation by practice submitted in partial fulfilment of the requirements
for MA in TV and Radio Journalism.

Faculty of Journalism and Media Communications,

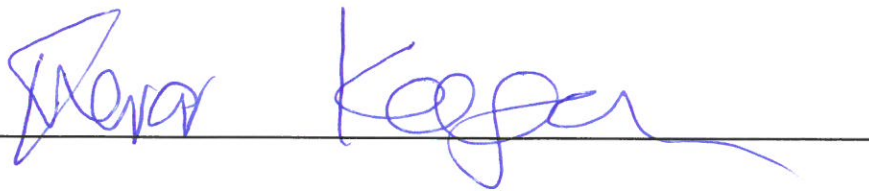
Griffith College, Dublin.

August 2018

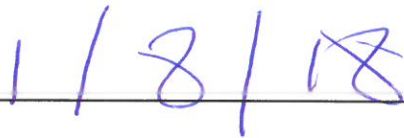
DECLARATION

I hereby certify that the material, which I now submit for assessment on the programme of study, leading to an MA in TV and Radio Journalism, in my own. It is based on my personal study and or/research, and I have acknowledged all material and sources used in its preparation. I also certify that I have not copied in part or in whole or otherwise plagiarised the work of anyone else including other students.

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DATED: _____



ABSTRACT

Have you ever stopped to think about the people involved in a news story you have read, watched or heard? Have you ever wondered how they felt, how they were treated by the journalist(s) covering the story and what happened to them after the journalists moved on?

In my radio documentary, and supporting thesis document, I set out to meet some people whose good name was tarnished by a news story in which they featured. I find out if journalistic ethics were adhered to or completely removed from the reality of the coverage. I also discover the real and lasting impact of having one's reputation questioned, dissected and ultimately tarnished because it was linked to a negative news story.

The documentary also endeavours to explore the concept of reputation and its standing in the legal system whilst a tabloid editor reveals the pressures on papers to produce factually correct content in a very competitive market.

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ACKNOWLEDGEMENTS:

I have to say a very big thank you to the people who took part in my radio documentary. Without their incalculable contribution, the programme simply would not have been made. Bláthnaid Ní Chofaigh, Louis Walsh, John Kearns and Andrea Martin gave freely and readily of their time.

Bláthnaid and Louis in particular, revisited very personal and upsetting memories of difficult times in their lives.

Thank you to the staff in the Journalism and Media Communications Faculty in Griffith College, especially Bernadette O’Sullivan, Francesca Lalor, Colette Kinsella and Pat Proctor for their expertise in radio production.

I also appreciate the thoughts, suggestions and speedy replies from my academic supervisor, Conor Klostick.

My family and friends were also brilliantly supportive during what was a very intensive year of academic work and projects. They made sure that I didn’t get too overwhelmed by the demands of returning to full-time study and for that, I am eternally grateful.

Lastly, and most importantly, I have to honour the memory of my dear friend whose death inspired me to make this documentary. Out of respect to his family, and to protect their privacy, I cannot name him, but he is forever in my heart as someone who brought light, love and laughter to all those around him.

CHAPTER 1: INTRODUCTION

"Journalism is sometimes said to be a mirror reflecting a society: on occasions, a distorting mirror"

- Tony Harcup, 2004, Journalism, Principles and Practice.

The purpose of my radio documentary, Reputation, is to explore the damage that can be done to a person's good name when a news story about them proves to be largely, if not entirely, untrue.

We all like to read, hear or talk about people's lives. And whilst no definitive definition of news is agreed upon by newsmakers and teachers of journalism, talking about people's lives is certainly a large part of the news agenda.

Everyday the news is full of people who have suffered real trauma, committed real crimes, experienced real luck and triumphed over real tragedy. And these are all real people - living their day-to-day lives just like you and me.

This dissertation by practice is the result of my first-hand experience of the upset, hurt and anguish journalists can create when they give supposed detail about a news story that is completely inaccurate.

REASON FOR DOCUMENTARY

In Feb 2013 I was busy working as a series producer on a reality television show. The schedule was relentless with filming taking place every weekend. As a result, I was out of touch with family and friends for a large chunk of time whilst working on the project. In the middle of the schedule, I had a weekend off when filming was not taking place. On the Saturday morning, I bought the national papers. One, a national broadsheet, had a headline about a person being found dead in suspicious circumstances. To protect the privacy of that person's family, I can't give much more detail. But, inside, the paper alluded to a sex game gone wrong. It also named the person. That name was the same as one of my best friends who lived in the same area in which the body was found. I was frozen in shock. A million questions raced through my mind. Surely the name was just a coincidence.

REASON FOR DOCUMENTARY cont'd

I quickly phoned the garda station local to the story. Alas, they confirmed my worst fears and apologised that the newspaper had gone ahead and named the deceased. The Garda Sgt also assured me that the body had not been found tied-up as the paper had suggested.

I wasn't just heart-broken at the loss of someone so close to me, I was angry that a paper could compound the upset, anguish and grief of family by printing a garish headline that was factually incorrect. In a rural community, that story would be forever imprinted on people's minds whenever they might think of the tragic death of this son, brother, uncle, friend and colleague.

To really get to the bottom of this factually incorrect story, a year later I obtained the coroner's report. There in black and white were the facts of the case. There had indeed been consensual sex between more than two people, there had been some recreational drug use and there had been an underlying heart-defect that had not been known to the victim. There had never been any trace of ligature marks on the body and there was no evidence of any kind of sex-game. The hard facts revealed the extent to which the story was untrue, but with the journalist involved long since moved on to cover other assignments, there seemed to be little recourse for the family to clear my friend's good name and restore his reputation.

Ever since I have thought about the onus on journalists to not just cover a story, but to get it right whilst trying to get it first over their competitors. I am aware that there are immense pressures, deadlines and competition. But, the journalistic code of ethics was established for a reason. If journalists want to scrutinise people in society, be they public servants or private citizens, often in cases of abuse of power, then their own work should also be able to stand-up to scrutiny.

In chapter two I provide evidence of my research. In overall terms, there was limited available study into the actual effects of being involved as a main protagonist in a news story. Most material covered the ethics that journalists should adhere to along with some practical examples.

REASON FOR DOCUMENTARY cont'd

Chapter three deals with the physical construction of the documentary, from pre-production through recording and editing.

Lastly, in chapter four I evaluate the process, what I could or would have changed and my critical reflection of the finished piece.

ETHICAL CONSIDERATIONS

“A journalist, at all times strives to ensure that information disseminated is ...accurate and fair”

- NUJ CODE OF CONDUCT

A practical thesis that is so heavily shaded by the concept of ethics and ethical behaviour at its core, meant I had to ensure that I adhered to the utmost ethical standards whilst undertaking this project.

Initially I had approached my friends' family to take part in the radio documentary. They asked me to come back to them closer to the time of recording which I duly did. However, on reconsidering the implications of taking part, they decided to decline. This was my first ethical hurdle. The whole basis of my thesis was on the fact that my friends' reputation had been damaged by the headlines following his death. I had to allude to this fact regardless of his family's participation. In consultation with my radio supervisor, Francesca Lalor, we settled on a compromise regarding his inclusion. In order to protect his identity, and that of his family, I don't make any specific reference to the exact circumstances of his death, the year when it happened, the location and I don't name any specific paper either. Francesca and I felt this would further protect his family from any possible follow-up by the journalist who covered the story. We felt that if the journalist was named as well, it could open-up the story and their coverage of it and they may even revisit it as a result. This is not the aim of the documentary.

In the case of Blathnaid's interview, it was not the aim to be critical of any protagonists such as her former colleague, her HR department or her employer. Instead, she and I were at pains to concentrate on the impact, on her personally, of very inflammatory terminology

ETHICAL CONSIDERATIONS cont'd

being used when the origin of that term had not been proven by any media organisation. We wished to focus on her story, her experience, her reflections and her insight.

Similarly, whilst Louis Walsh's case was proven to be untrue, and he won his defamation action, the aim of our interview was not to focus on the intent of his accuser. The aim of the interview was to personalise the news story and the impact of negative reporting, particularly of false allegations. And, as stated in the abstract section, I set out to show the personal impact that continues long after the story is seemingly over and the people covering it have moved on.

Media lawyer, Andrea Martin, also requested that she not be asked about any particular case, especially not one involving any of my contributors. She was ethically precluded from discussing case specifics so she wanted to focus instead on the black and white content of the law, the possible flaws in the law and the impact for both the main protagonists.

Journalist and editor of The Irish Daily Mirror, John Kearns, again did not want to delve into the cases featured in the documentary. He was hesitant at first to talk to me at all because he felt it was a piece of radio against tabloids. I had to explain to him fully that it was not my intention to pit tabloid against broadsheet or print against broadcast. My sole aim was to explore the topic as outlined at the beginning of this document - the impact of negative and incorrect coverage of a person in a news story.

CHAPTER 2

EVIDENCE OF RESEARCH

“Today’s news, tomorrow’s chip paper”. It’s a familiar saying and there was of course a time, in the not too distant past, when that was fact. Literally today’s printed stories were used within days to wrap rubbish or food or just simply discarded. But in the online era a story from today has a digital imprint for decades to come.

Now, more than ever, news can stay with the people involved long after the press interest in their story has faded.

LITERATURE REVIEW

Impact of news reporting on victims and survivors

The majority of readings cover the area of journalistic ethics and regulation. However, Harcup (2007) does feature the first-hand experience of Janet McKenzie, a woman in the UK whose sister was murdered. She recounts her feelings about news coverage of her sister’s death and how that coverage made her believe that newspapers had “labelled and sold her sister like a tin of beans”. Harcup (p.97 2007).

McLellan (1999) wrote a paper for Queensland University of Technology specifically dealing with the effects of journalistic activities on victims and survivors of traumatic events such as the Port Arthur gun massacre in Tasmania in 1996 and people whose partners had died in workplace accidents. The paper’s aim, similar to my dissertation, was to look at the way media report traumatic events and to hope that media might acknowledge its finding in an effort to improve journalistic standards in reporting such events. In particular, this paper is relevant to my dissertation as it looks at the need for newspapers and media outlets to rush to “*be first with the latest news or the juiciest angle*”, McLellan (p.62 1999).

Like my first story, the inappropriate use of images which causes further harm to loved ones and “*juicy*” speculation, was found to be particularly prevalent in McLellan’s research of the Port Arthur massacre, McLellan (1999).

News ethics

The ethics of reporting is an area that has wide coverage and debate. Bertrand (2002) explains in his opening sentence that it is a *"misty area"*. This mist seems to have descended across the media industry worldwide. Fuller (p.11 1996), alludes to the fact that there is an *"unacknowledged shame"* in which journalism does not live up to the Pulitzer standard of *"accuracy, accuracy, accuracy"*. And furthermore, the standards of the industry are criticised as varying from outlet to outlet. Former Irish Times editor, Conor Brady, (Kiberd p.75 1999) maintains that during his tenure some stories were not used because they could not be verified by two sources. However, the same story would appear the next day in a rival paper leaving Brady to ponder, *"I am left with the conclusion that these stories have gone to publication without corroboration – or that our reporters lack the forensic skills of their counterparts elsewhere"*.

Claude-Jean Bertrand (Kiberd 1999), believes that ethics really boils down to quality control. One has to wonder if such quality control existed in any of my dissertation stories? If quality control or strong ethical adherence had been exercised, my friend's family would not have been caused the distress of an incorrect story, Louis Walsh would not have had to fight to save his good name and a television presenter's underage son would not have been questioned on the doorstep of his home.

The accuracy element is a recurring theme in most of the literature that I have reviewed. Black, Steele, Barney (1999) reinforce the theme of accuracy as being at the core of journalism. When the standards of accuracy slip, it does not just affect the credibility of the industry, but it also fails the community that the media outlets are supposed to be serving.

I will have to counter my personal experience with my support of the basic bedrocks of journalism. And press freedom is not just a basic principle of journalism, it is an essential element of democracy. It has to be accepted that *"all information may help someone while at the same time harming others"*, (Black, Steele, Barney p.33 1999).

NEWS FRAMING

In the US, Dorfman (2001) carried out a study of crime news coverage and found that over three quarters of the public in the survey said they formed their opinions from what they saw or read in the news (Marsh and Melville 2009). As a result, it is worthy of evaluation to deem how the media conducts its societal functions along news framing lines.

News framing, or indeed framing of any kind is seen by some, such as Reese (2001) as a method of “*organising principles that are socially shared and persistent over time and that work symbolically to meaningfully structure the social world*”. In that context, high profile crime cases are an interesting case study when it comes to understanding news framing theory.

In relation to my documentary, the Cliff Richard v BBC case was very relevant, especially as the singer won his case just as I was finalising my documentary and this thesis document. In the case of the reporting of a raid on the home of singer, Cliff Richard, the BBC was deemed by many to have overstepped its news framing of crime investigations. Whilst the law in the UK does permit suspects in cases to be named, the method in which the story was framed appears to be the more dominant factor in the ensuing controversy.

One should perhaps look back at the BBC’s own historical issues to see why it’s senior management may have authorised the use of a helicopter to access further coverage of the police raid on Cliff Richard’s home. In news framing terms, the organisation had become part of the story which can be a very detrimental position for journalists to find themselves in. Durham (2010), defines framing as a “*social process that enables society to function...codifies some social experiences or voices into units of social meaning as frames*”.

In the Cliff Richard/BBC case, the organisation was left reeling from the findings of two previous reports regarding the sexual offences of two of its star names, Jimmy Saville, and Stuart Hall. One report, from Dame Janet Smith (Martinson and Grierson 2016) found that serious failing at the BBC allowed both men to sexually abuse nearly 100 people without detection. The report found too that the organisation still had lessons to learn from those two cases. In the context of what followed, it appears the BBC wanted to be seen to be fully willing and able to report about any stars from the same era who were also accused of sexual assault. In doing so, the organisation appears to have fallen foul of news framing without proper editorial controls to offset such a possibility.

NEWS FRAMING cont'd

Cliff Richard came from the same era as Saville and Hall and was one of a long list of celebrities who were investigated for historical crimes. In many of those cases, the men were found guilty, such as Max Clifford, Rolf Harris, Jonathan King and Dave Lee Travis. It could be argued that news framing was already at play in the mind of the BBC journalist, Dan Johnson, when he pressured police into working with him ahead of their raid on the star's home. In evidence in the current case for damages against the BBC by Cliff Richard, a former detective told the High Court in London that the journalist informed him that he had information from Operation Yewtree – the Met Police investigation launched after the Saville revelations – and the reporter threatened to publish unless the force worked with him on the story, Minelle, Sky (2018). That suggests news framing bias was already at play in the journalist's mind in that he believed Cliff Richard was yet another celebrity whose past was about to catch up with him just like the long list of other perpetrators from that era.

News framing along pre-conceived lines or opinions of the individuals concerned was likely to be very pertinent in the cases of Louis Walsh and Bláthnaid Ní Chofaigh.

CHAPTER 3 – DESIGN/CONSTRUCTION

“Most documentary makers describe their work as a means for researching something true, of capturing the human spirit in the most palpable way”

- David Handy, Reality Radio

This chapter will outline the stages of production from beginning to end. The chapter gives a breakdown of the pre-planning stages, the interviewees, editing and narration to final delivery.

RADIO THEORY

Radio documentary making is so different to the TV genre. I am lucky to have experienced the role of producer on a number of TV documentaries. My last one featured a host of people who had won the lotto over 30 years of the National Lottery in Ireland. I thought about how different that programme would be if it had been made for radio. Sound is the only picture we have available when creating aural content. It needs to be evocative, emotional and, I would argue, more real than any TV filming. In TV, the setting is lit for the best picture possible, people usually dress better than their everyday clothes, they might also wear make-up and scenes are often re-shot to get different angles of the one segment.

In radio though, the outer layer of gloss is stripped away. Sound is the only signpost. The voice being heard can portray emotion of any kind, but the listener needs to hear that emotion to share the feeling. In TV a smile, a tear, a grimace can be seen but in radio, they need to be conveyed through the tone of voice, the shallowness of breath or a sharp intake of air.

Biewen (2017) expands on the importance of the voice as the most important story-telling tool of humankind. *“Long before film, photography, even the quill pen, people told stories to one another, the pictures conjured in the listener’s imagination”*.

Many theorists argue, as pointed out by Chignell 2009, that there is a paradoxical element about radio as a medium which is often deemed to be the secret to its success.

RADIO THEORY cont'd

Radio is both public and intimate. Radio can be anywhere at any time. TV is unlikely to accompany you whilst driving to work, or lying in a bath, or on a solitary walk.

Canadian theorist, Marshall McLuhan, is quoted by Chignell (p.78) as an iconoclastic thinker about the medium who coined the phrase *"the medium is the message"*. And that is the truth of radio and documentary making. A central message can be conveyed but, it might be argued, a more centralised approach is needed than TV. TV can use images to enhance a central theme or core message. But, in the likes of my documentary, it is simply the human condition conveyed in words and associated sounds that try to make the listener think and feel in a more personal manner than a five second shot of film in its TV equivalent.

David Hendy (p. 167 2006) summarises my efforts above much more expressively: *"radio claims a special place with reality...yet it also insists on generating a wider meaning from observations by attempting a creative interpretation of the raw material"*. However, he does point out that radio is not unlike TV in the requirements that need to be fulfilled in order to make a programme or documentary worthy of producing and airing. Because, as in everyday life, *"to earn a play on radio, people must have a strong story which on the whole means something has to have happened to them"* (p.175 2006).

In my documentary I wanted to make sure that I did not lose a sense of actuality as Hendy (p. 182 2006) talks about. He says there is a very real danger that *"in trying to sketch-out the underlying truths and then condense them...the authentic rawness of what the producer began with can be lost"*. He goes on to give an insight that I hope is carried through in my own documentary-making efforts... *"less is usually more"*. I particularly tried to adhere to that adage in my narration in Reputation.

Equally, Kevin Gower, in his Creative Radio Journalism book (2008) makes the point less is more when it comes to the concept of silence. *"Pauses are powerful as they give the listener an opportunity to really think about what has been said"* (p.67). In constructing my piece, I discovered that Bláthnaid, in particular, had a number of instances where she paused for a considerable time to reflect on the question that had been asked and how to best frame her response.

RADIO THEORY cont'd

The silent gap in this instance was not just about evoking a response from the listener, but I had to stifle the natural urge of many interviewers to fill that silence with a further expansion of the question I had asked. I had to trust the silence, the dead-air, which, in radio recording or live transmission scenarios, can seem longer than the 3 or 4 seconds that they really are.

Finally, I had to accept another unalienable concept of radio or indeed any broadcast medium. Whilst I am dealing with a topic that is about distortion of the truth or complete fabrication of fact, in reality even my programme-making efforts do not tell the whole truth and nothing but the truth. Biewen again points out that, much like my documentary, the Fox News slogan, "We Report, You Decide" is untrue. He says, *"to report, to document, is to decide and decide and decide"* (p.3). Programme-makers need to understand, according to Biewen, that no one is able to claim that they *"are in the capital-T Truth business, even if their work is a means of reaching for something true"*. This is the case because, invariably, the *"editing of words....the manipulation of sound, the synthesis of chaotic material into cohesive idea ...allows you to reach for something that is real"*.

DESIGN

I knew from the outset that this documentary was unlike the other two I had completed during the academic year. The topic is much heavier, emotional, personal to all those involved, and it doesn't lend itself to any lighter moments. This meant my approach to the style of the final product had to be different. Music needed to be a minimal feature, narration needed to be personal and poignant and the contributors needed to make salient, coherent points that gave the different perspectives of news coverage of personal stories.

I decided on a running time of twenty minutes constructed of an opening scene to set the background to the documentary and my very personal reason for wishing to explore the chosen topic further.

The opening scene needed to expand on my reason for the documentary but I was limited in how I could explain that reason because my friend's family had decided not to take part and wanted privacy. This created my first real impasse. Careful scripting was required to explain as much as possible whilst bringing the listener into the scene of me standing at my friend's grave.

DESIGN cont'd

I wanted to immediately introduce the four contributors as quickly as possible. The two main protagonists, Louis Walsh and Bláthnaid Ní Chofaigh, needed to explain their personal stories from the outset to keep the listener interested and to allow the listener to gain an emotional attachment to their respective experiences of negative news.

The legal expert was the next to introduce because her contribution was always going to be more clinical and analytical. The fourth contributor, John Kearns, was a very strong and vocal contributor who would somewhat jolt the listener after the gentle-spoken lawyer.

I intended from the outset that there would be minimal narration from me – I only wanted to link the chapters and speakers together although I felt it relevant to leave in some of my interview questions as the reactions from contributors were often reflective, passionate and emotionally charged in reaction to those questions.

STORY ARC

The overall arc of the story was to give the background first amidst the graveyard setting. My dead friend can't defend his good name, but I know the living can, so I set out from that opening scene to discover personal stories from those caught up in negative news coverage.

It was essential too that the legal angle be given to prove whether wrongdoing did happen and in what context. Also, a newspaper representative, I felt, gave a fair and rounded right of reply for want of a better phrase.

The ending was always going to remain the graveyard setting from the opening scene. It was a natural closing of the circle of the story. It was relevant to bring the story back to the reason it had all began. The setting also helps evoke a sense of closure the journey brought me, and hopefully, the listener.

I also made the decision to only have music at the start and end of the documentary for two main reasons:

- A) Set the mood for the opening and closing
- B) Not to distract from very personal content

STORY ARC cont'd

As evidenced from my literary review, there is little written research work available to show the impact and damage that news stories can do to a person's good reputation. Equally, there appears to be little work on the personal implications for people who have been portrayed negatively in the news. I wanted to meet people who have experienced such personal angst and reputational damage first hand. I also wanted to gain a full understanding of the legal definition of reputation, the ramifications for anyone who damages another's good name and also the process that Irish citizens can engage in so as to fight to protect, clear or contest charges against their good name.

At the outset, I decided that more than one contributor was needed to prove that unethical treatment and reputational damage in the media is not an isolated concept. I also wanted to get a full legal definition of the consideration given to one's reputation in law. And, lastly, for balance on both sides of the argument regarding reputation and defamation, I decided to approach a current newspaper editor to allow them to explain the reality of the daily grind in newsrooms, to talk about the freedom of expression concept, defamation cost factors and the pressures on journalists and papers to get the best scoop first.

INTERVIEWS

At my first meeting with my practical supervisor, Francesca Lalor, we went through the full editorial remit of the documentary and the suggested participants. At that stage, my friend's family had said they would no longer be willing to take part as their grief was still too raw and overwhelming.

Francesca suggested that I could still mention the story, albeit in limited detail, to show my personal connection to the topic and to establish the reasons and aims of the documentary.

Below I have listed detailed descriptions of the interviewees in the order in which the interviews were undertaken. My contributors come under two headings, reputational damage (personal experience) and expert opinion.

INTERVIEWS cont'd

The interviewees for reputational damage are from two high-profile cases;

Bláthnaid Ní Chofaigh and Louis Walsh. Both were accused of wrongdoing that was covered extensively in the national media, particularly print, which is the primary focus of this documentary.

In terms of the expert opinion, my two contributors are media lawyer, Andrea Martin and John Kearns, Editor of the Irish Daily Mirror.

ANDREA MARTIN

Andrea Martin is a solicitor who has practiced exclusively in media law since 1998 and is recognised internationally for her expertise in the area. She advises a large number of leading Irish independent production companies, writers, musicians, publishers and is the “go to” person on all their legal requirements. Considered by many as their “in-house” counsel, she provides them with practical, solutions-focused advice in the fast-paced environment that is the media industry. She has advised large corporations on reputation management issues including the provision of social media and data protection auditing services.

Andrea is author of ‘Quick Win Media Law Ireland: Answers to your top 100 Media Law Questions’. It is aimed at those who work in the media industry seeking quick and practical answers to legal questions they encounter day-to-day. Written for non-lawyers, it is useful to public relations, advertising, publishing and digital media professionals faced with legal queries arising in their work. It is also a valuable resource for non-specialist lawyers and their clients when faced with a media-related question. Students on media or related courses will find a plain English explanation of the legal principles they will learn about in media law modules.

Andrea started her career in general practice working mainly in litigation and employment law. She brought this experience with her when she worked for a number of years as part of the in-house legal team for Ireland’s Public Service broadcaster, RTÉ.

INTERVIEWS cont'd

ANDREA MARTIN'S INTERVIEW – Dublin, June 29th at 11:30.

(Andrea's questions are set out in Appendix A)

I initially approached Andrea by email and she suggested a follow-up phone chat to fully discuss what was needed for a possible interview. Once she was happy with the approach I was undertaking, she agreed to meet at her offices in Dun Laoghaire, Co, Dublin

For the recording, the acoustics of the room sounded a little thin and sparse with some echo because it was an office space with minimal furniture. We also had to shut the windows on a very hot day because the seafront outside her building was bustling with people and noise!

During the interview, Andrea was distracted for a moment when she realised that she had forgotten to print off the legislation around defamation so she could ensure she used the right wording.

I stopped the tape and made sure that I took note of her last point on the recording so that we could pick up where we had left off as naturally as possible and to ensure a seamless edit if needed.

The rest of the interview went without an issue. Andrea is very softly spoken though so when it came to the editing process I had to boost her audio to ensure its levels were on par with the other interviewees.

BLÁTHNAID NÍ CHOFAIGH

(Bláthnaid's questions are set out in Appendix A).

Bláthnaid is one of Ireland most high-profile broadcasters. She has been a constant presenter presence on Irish TV since the 1990s. Most recently, she is known for an 8 year stint as presenter of the daytime TV show, The Afternoon Show. Also, Bláthnaid has fronted live coverage of the St.Patrick's day festival and her own weekly radio show, Bláthnaid Libh.

BLÁTHNAID NÍ CHOFAIGH cont'd

In 2008/2009, Bláthnaid became the subject of intense media speculation and scrutiny when it was alleged that she had been accused of bullying her TV co-host on the Afternoon Show.

The papers were full of stories about back-stage problems and, in many cases, labelled Bláthnaid a fiery red-head as if to prove that she must be a tempestuous talent to deal with.

As I am a personal friend of Bláthnaid's, I explained the concept of the documentary to her at the beginning of the plans for my thesis. She immediately agreed to take part on the proviso that we would set out agreed questions and the overall editorial approach nearer the recording date.

BLÁTHNAID NÍ CHOFAIGH'S INTERVIEW- Dublin, July 12th at 11am

Given Bláthnaid's expertise in interviewing guests from all walks of life and across subjects from light-hearted to life-changing, Bláthnaid was completely at ease talking about her personal experience. She was a fantastic interviewee who gave a very personal insight into the damage she feels was done to her professional reputation during the coverage of her workplace problems.

I was cognisant not to name or dwell on the other main protagonist from the case. My purpose was not about proving their case or delving into their private HR matter.

Also, the purpose of the documentary was not to call into question the HR policies or practices of Bláthnaid's employer. The constant focus must be on the coverage of a topic that the papers could not entirely prove, how they framed that coverage and the ensuing damage it caused to Bláthnaid's good name and personal reputation.

Given her experience in the media, the interview generally went without any recording hitches apart from one of her sons making a little noise in the kitchen which came during a slight pause in her train of thought, so it wasn't a problem in relation to the momentum of the chat or the continuity of the process.

LOUIS WALSH

Louis Walsh is one of the most recognisable faces in Irish and UK showbiz. From his early days as a music manager of Johnny Logan and Boyzone through to his starring role as a judge on the hugely successful ITV show X Factor, he's had a career spanning decades.

In 2011 The Sun newspaper printed a story with the headline; Louis Probed Over Sex Attack On Man in Loo. The story alleged that Louis had groped a man in the toilets of a Dublin nightclub after a Westlife concert. He was manager of Westlife at the time.

The allegation was subsequently proven to be untrue and a complete fabrication. An unemployed dance teacher, Leonard Watters, was jailed for six months in July 2012 for the wrongful accusations.

Louis also sued News Group Newspapers, owners of the Irish Sun. An out of court settlement was agreed before the President of the High Court in Dublin, Mr. Justice Kearns, in November 2012 (BBC 2012). Eoin McCullough, senior counsel for News Group Newspapers, read a statement to the court apologising to Walsh:

"The Sun fully accepts that the alleged assault did not occur in the first place and Louis Walsh is entirely innocent of any such assault," said Mr McCullough.

"The Sun unreservedly apologises to Louis Walsh for any distress caused to him as a result of our article." (Press Association 2012)

Lawyers for Walsh claimed a crime writer with the Irish edition of The Sun, Joanne McElgunn, met Watters in a hotel on June 15, bought him dinner and offered him a sum of money on behalf of the newspaper if he agreed to make a complaint to police about being assaulted by Walsh.

LOUIS WALSH cont'd

It was also alleged that the journalist travelled with Watters to Pearse Street Garda station in Dublin so he could make the agreed complaint, and that Watters was paid €700 and promised further payments after the story was printed.

When the official complaint was made, The Sun and The Irish Sun printed the story before Walsh was questioned under caution.

Within days, investigators had shown Watters CCTV footage from the club that disputed his claims and he admitted he had made up the allegation.

Watters, from Navan in Co Meath, was arrested, charged and publicly apologised to Walsh for the unfounded claims.

LOUIS WALSH'S INTERVIEW, Dublin 16th July 1:30pm

(Louis' questions are set out in appendix A)

In terms of my documentary, Louis, was a late addition. When my friend's family decided not to take part, I knew I needed another contributor who could recount their personal experience of being the focus of a negative news story.

I know Louis professionally, so I felt he might be willing to discuss his experience. When I called him, he agreed straight away and set a date for a week later. However, nearer the time, Louis confirmed that he couldn't record on the original agreed date. He wanted to push back the date by another week. I was slightly anxious but had to obviously agree to his request.

He also wanted to conduct the interview at The Intercontinental Hotel in Ballsbridge. He told me that he used the hotel on a daily-basis when in Dublin. This prompted immediate concerns as I knew the interview needed to be in a controlled environment without the obvious hustle and bustle of a top-class hotel.

LOUIS WALSH'S INTERVIEW cont'd

On the day, I made sure to arrive extra early. I asked to speak to a manager who I knew would be familiar with Louis' preferences about where he sat and what he drank and, more importantly, the manager might be able to help me if the need should arise.

And, it did! Almost immediately they seated me in a corner of the restaurant that was thankfully closed. However, there was background music playing and a loud air-conditioning unit overhead.

Thankfully both were variables that the manager could easily control and once Louis arrived, the interview generally went well and as planned.

The interview lasted approximately 20 minutes and he gave some very personal reaction and insight into his experience of having his reputation questioned.

JOHN KEARNS

John has been a journalist all his working life. He is currently editor for The Irish Daily Mirror where he has been at the helm since 2004. He is a strong advocate of press freedom and a change in the current defamation laws.

He is also an avid supporter of the Press Council of Ireland which his newspaper supports. The council is *"responsible for the oversight of the professional principles embodied in the Code of Practice."*

Initially John was not the first journalist that I intended to talk to. I had originally approached a journalist that I had known through work about 20 years ago. His name is Paddy Clancy and he was a journalist for tabloid newspapers both here in Ireland and in the UK. Paddy is now retired and lives in Donegal. When I phoned Paddy, he was more than happy to chat to me. As the time approached for me to travel to Donegal, I phoned Paddy again. It was then that he suggested that I interview someone else. He said that after a stroke a few years ago, he is not as alert as he would like to be, especially in the afternoon. He said that as he was retired as well, he felt he wasn't best placed to give an up-to-date interview on the current media landscape.

JOHN KEARNS cont'd

Paddy instead suggested that I contact an old colleague of his, John Kearns, current editor of the Irish Daily Mirror. He gave me John's details and told me to use Paddy as "the in".

When I phoned John and told him the reason for the call and that Paddy had pointed me towards him, he readily agreed to take part. John said the best idea was for me to visit him at the Irish Mirror offices in Park West in Dublin.

JOHN KEARN'S INTERVIEW – Dublin, 17th July 11.30am

(John's questions are set out in appendix A)

When I arrived at the offices of the Irish Daily Mirror, John was in a morning conference with sub-editors and journalists. I had to wait for about 20 minutes for the meeting to end. When he beckoned me into his office he said we should stand and he wanted to leave the door open. This posed a small problem as the newsroom outside was noisy with some of that noise bleeding into his office-space but he insisted that is how he wanted to conduct the interview.

More than any other interview I have conducted before, John had a very strong, booming voice with very forceful projection. Immediately my recording meters were peaking and hitting the red, so I had to try to pull back from him physically as turning down the recording level or lowering the position in which I was holding the Zoom H4 was having little effect.

During the interview I felt he was a reluctant participant and was only taking part as a favour to Paddy Clancy. He was against some of my line of questioning and presumed that I was taking a stand against tabloids. He was immediately defensive when the interview started. I had to point out to him that I was not taking a stance against tabloids but against intrusive journalism that oversteps acceptable boundaries.

Once I had established the basis of the documentary with him, even though we had discussed it in our initial phone conversation, he relaxed into the recording and made some impassioned points.

EDITING

The editing process for me is usually the most enjoyable part. Each programme and documentary-maker has a different or slightly varied method when it comes to the editing process.

For me, I find I cannot think in linear patterns. I need to see each part as a separate entity and I need to engage with each segment separately before I can start to knit the collective into a uniformity.

So, I always time code each interview and highlight salient points that I feel are most relevant. I then create a folder for each contributor and I label each sound clip according to the statement or relevance of the information contained within that clip.

After that process is done, I stop. I take a break of a day, maybe more. I then revisit each folder and begin to see where chapter similarities and links can be created. From this, I decide whether a narration by me is needed or not. In the case of this documentary, the story of my friend's death and the news coverage of that event were essential to the overall arc of the piece.

Music for me is always a thought in my head but I don't usually give it dedicated time until I have laid down the clip and voiceover. Then I will know the mood I am trying to evoke and encapsulate and whether or not music is needed to enhance my endeavours.

CHAPTER 4

DISCUSSION

Plan deviation

Like all TV and radio shows, my documentary underwent editorial changes between conceptualisation and the actual production. My main aim, to explore reputational damage and unethical journalistic behaviour, remained the same throughout the process. However, those who were willing to take part, or even accessible, changed radically.

Out of my proposed interviewees, only one actually agreed to take part – Bláthnaid Ní Chofaigh. Others, such as Monica Leech, the O'Donnell family from the Gorse Hill eviction story and my friend's family decided to either not take part or did not respond to my contacts.

I had also researched the idea of featuring the story of Harry Gleeson. Harry, from Co.Tipperary, was convicted of murder and hanged in 1941. His family campaigned for his pardon, convinced that he was wrongly convicted. In 2015 the family secured the Irish State's first ever posthumous pardon. The campaign was helped by the Innocence Project in Griffith College. However, for a number of reasons, but mainly due to difficulty in making contact with the family, I had to decide against this story as an option.

CONTRIBUTORS

Aside from Bláthnaid Ní Chofaigh, the other contributors were not confirmed until close to my recording dates. For someone not familiar with booking guests for projects, this might have been somewhat daunting. But I have worked on a number of programmes where guests were either hard to find or they couldn't confirm their participation until close to the deadline. Therefore I always made sure to have a plan B and a plan C in the back of my mind as possible back-ups.

THEME

The theme of the documentary never altered. It remained the same from my earliest discussions with my lecturers and course supervisors. It was always set to focus on damage done to a reputation due to incorrect coverage in a news story or an accusation that proved to be false.

I decided not to use ordinary stories because I felt that the recognition factor of the people involved would add to the general interest listeners might feel, thus making the content more compelling.

IMPORTANCE OF TOPIC

When I first decided on my topic, I felt it was relevant in the sense that large defamation awards had been given in some court cases. Although centred on a separate issue of privacy, I think it was relevant that the Cliff Richard case against the BBC was also simmering in the background even though it was a different jurisdiction.

The case ended up being settled in favour of Cliff Richard whilst I was in the middle of editing. In relation to my documentary, I feel it highlights how news judgement/news framing is so important as a basis for a story being covered in the first instance. I also think it highlights that even large organisations such as the BBC, with layers of editorial policy, can still get a story very wrong in terms of their approach and decision to publish or broadcast.

CONCLUSION

This documentary has been a labour of love for me. It's a number of years since my friend died and when it happened, studying journalism was not even a notion in my head. But, now, having studied the ethics, sociology and law of journalism, as well as some recent experience in a newsroom, I realise the difficulties and pressure journalists are under to deliver content.

I believe the majority of journalists don't set out to cause harm or to compound the sorrow of people involved in often sad news stories. However, like any profession, there are those who do not operate according to industry standards. I believe some do set out to get a story regardless of the exact facts.

Some journalists seem fixated on celebrity, salacious detail and sensationalist headlines. They write about stories that involve crushing consequences for those involved yet show no compassion in their approach to the content or the people affected.

This documentary has shown me that story of my friend's death is far from the only example, in my limited sphere, that crossed a professional line in journalistic terms. The project proves that it was not an isolated incident. And every case that damages someone's good name, incorrectly and unfairly, does the exact same to the professional integrity and esteem of those who practice journalism. As Louis Walsh alluded to, he respects those who don't peddle so-called fake news and are really out to expose corruption, injustice and wrong-doing.

The documentary also showed that there is something of an 'us and them' mentality within sections of the industry. John Kearns appeared to care little about people's good names and was openly dismissive of the amounts awarded in defamation cases. He simply assumed that I was targeting tabloids because people have a certain perception of that genre of print. However, that genre and the perception of it are due to other wider factors such as those proven by the Levinson enquiry in the UK and the fallout from the phone tapping scandal in the News of the World.

However, the documentary did not need to focus on tabloids because the issue of accuracy and accountability are industry wide.

CONCLUSION cont'd

As Andrea Martin said in her summation, it falls on journalists and their bosses to uphold high standards and a moral approach to their coverage of often amoral stories. If print and broadcast outlets are seen to fall far short of set standards, the mob mentality she mentions will end up calling for stricter controls which in turn will stifle stories and damage democracy.

The documentary therefor shows, I hope, that this is a double-edged sword. Freedom of expression is a luxury in democratic societies that we cannot take for granted, and more importantly, that we cannot abuse. But equally, press standards and rules should not be blurred beyond what is acceptable behaviour. As the recent Cliff Richard case has shown, similar to those of Louis and Bláthnaid, a professional approach may save a lot of personal damage when it comes to a negative news story about an individual.

Alas, in the case of my friend's tragic death and the completely inaccurate headline which prompted this thesis, little it seems can be done after the event. My friend's family could have complained to the Press Council but, as was pointed out by Andrea Martin, most families in the throes of grief and despair do not have the appetite for something that may be slow and protracted and which, ultimately, may only compound their trauma. I would argue though that good journalism with strong adherence to the code of practice, would result in fewer of these cases arising. And it's not just about black and white rules or a wish-list of ways in which to conduct your professional role. Instead, no matter what the circumstances, no matter what the deadline or the competitive reality of delivering a story, there should always be room for that most basic of human traits – compassion. A little compassion could be the difference for those in the profession being good journalists or great journalists

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APPENDIX A – INTERVIEWEE QUESTIONS

ANDREA MARTIN interview questions

Tell me a bit about your job and what it is you do?

It must be very busy if you are specialising in just the area of media law (these first two, help to just get a measure of the sound quality in the room and get us comfortable chatting)?

I gave you a little background to the documentary and my friend's death and then the subsequent factually incorrect story in a national newspaper...In terms of reputation, firstly how is it viewed and protected in law?

The dead can't defend their reputation, but does the law allow their living-relatives defend it on their behalf?

What level of importance is given to a good name in the eyes of the law?

How far back does protection for reputation go in law?

So, if someone feels their reputation has been damaged in a news story in print or broadcast, are their options for recourse different or the same in law for broadcast and print?

If a journalist is seen to have behaved unethically in a case over someone's reputation, how is that viewed in court case and are there any penalties possible?

There has been a lot of debate, in your professional opinion does the law go far enough to protect people when their reputation is called into question in a news story?

How are defamation cases decided?

Are the awards capped?

What is the role of the Press Council of Ireland?

What is the process like for someone taking a case?

It seems from cases I have read about that the cost of taking a case can be a very important factor that many people either can't afford or risk?

What about the emotional cost of taking a case?

ANDREA MARTIN interview questions cont'd

What would you say to someone when they first come to you and their good name has been tarnished in a negative news story?

BLÁTHNAID NÍ CHOFAIGH INTERVIEW QUESTIONS

If I say to you the word, reputation, what does it mean in your mind?

How important is reputation publicly and privately to you?

Do you think the modern digital age has dumbed down the concept of a good reputation?

What was the first sign that your reputation may be tarnished by a news story about you?

Can you remember the headline?

How did you feel reading that headline?

In terms of possible damage to your reputation, what did you fear the most?

Journalistically do you think you were treated fairly or unfairly?

You have experience of dealing with sensitive subject matter and people in vulnerable situations as a presenter. Do you think you were treated ethically according to the guidelines laid out by the NUJ Code of Ethics?

Being the focus of a negative news story, what insights did you get into the workings of journalism?

What were the biggest failings?

What do you think of the theory that being first with the story has overtaken the guiding principles of fairness and truth?

How do you feel now, looking back 9 years later?

What were the biggest journalistic errors in the stories about you then?

How do you feel your reputation was affected?

What would you say to some of the journalists who wrote about you during that experience?

BLÁTHNAID NÍ CHOFAIGH interview questions cont'd

How has it changed you?

How has it changed your perception of reputation and one's good name?

LOUIS WALSH interview questions

Louis can you firstly take me back to 2011 – when did you find out that there was a negative news story about you that could wreck your reputation?

What was your first re-action?

You are obviously well connected with journalists and PR people given your role as a TV star and music manager – did you try to get the story blocked or was it too late?

In your quiet moments – you know say when you wake up at night and the world is asleep and it's just you and your thoughts, what was going through your mind?

How worried were you about your reputation – effectively if these allegations proved to be true, everything you had worked for and created would be dead in the water?

So, was there a time when you thought this might kill your career?

We, as readers of stories about people in the news, forget about that person's family and friends...how did you feel about your family and friends reading the story?

What did you say to them?

And what did they say to you?

What were your darkest moments during this ordeal?

How did you react initially and at what point did you know you had to fight back to save your reputation?

How did you prove your case?

If that CCTV footage hadn't been found or recorded in the first place, do you think the sun and your accuser would have got away with it and your life as you had known it would have been destroyed?

LOUIS WALSH interview questions cont'd

Irish showbiz is often seen as different to say the UK or America. Our celebs are very accessible and I have seen you out socially – you had no bodyguard, no entourage. You were accessible 100% and people would literally approach you not just for selfies but to physically hand over tapes of their sons and daughters to you... and that seemed so refreshing. But has the case ruined your public life?

When you look back on the incident, what are the differences between Louis then and Louis now sitting here today?

What was the worst bit?

You have played the media game for a long time given your role as a music manager making sure your acts get coverage – did you feel like the pack had turned on you?

You luckily had the means to fight this case – what's your view now of our laws and the costs both personal and financial of taking a case?

What would you say to anyone whose reputation is wrongly called into question in a news story?

Lastly, journalists are supposed to abide by a code of ethics but when you hear the word ethics in relation to what you went through, what do you think?

JOHN KEARNS INTERVIEW QUESTIONS

What makes a good story?

What is the reality of getting a story from the research stage to appearing in print in a newspaper?

How do you ensure accuracy?

Is everyone fair game?

Are celebrities and politicians seen as more open for scrutiny because they have chosen to work in the public sphere?

Do you consider the personal implications of a negative news story on a person?

JOHN KEARNS interview questions cont'd

How difficult is it to survive and thrive in the current media landscape?

What do you think of the laws around media such as the defamation laws?

What is your opinion of the Press Council?

Do you have a story you regret?

What would you say to someone whose name has been damaged by a news story that is not 100% factually correct?