

In the mid-nineteen eighties the Howard Beach trial in New York, involving a case in which a group of whites attacked and killed a twenty three year old black man, was the subject of intensive media attention. During the prolonged jury deliberations that followed the presentation of evidence, the boyfriend of one of the jurors approached three newspapers to see whether they would be willing to buy her story. In addition, subsequent to the trial at least one of the newspapers made its own efforts to secure the journal of another of the jurors. Although the newspapers were not willing to negotiate until the trial was over, two of them expressed interest in acquiring the juror's story, and one was even prepared to consider a five figure bid.

Was the newspapers' behavior morally justifiable? Why, or why not?

MODERATOR'S ANSWER: The newspaper's behavior was morally unjustifiable. The responsibility of a newspaper to inform the public does not imply an absolute right to gather information by any means regardless of the consequences. In this case, communicating with jurors, or even with a juror's boyfriend, contributed to undermining the deliberation process of the jury. It interfered with the conditions that are most conducive for jurors to approach a case with the proper mindset of attention and focus upon the evidence and testimony presented at the trial. The newspaper should have refused categorically to communicate with the juror's boyfriend once he identified himself as such.

Case from the 1995 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Illinois Institute of Technology, 1995.