

Recently *Fortune* magazine charged in a cover article that under the stewardship of current publisher Steve Forbes, *Forbes* magazine, a competitor of *Fortune's*, has avoided criticizing companies that advertise heavily in *Forbes*. The article states that *Forbes* editors changed news stories that contained negative assessments of *Forbes'* large advertisers to make the stories more upbeat and positive. *Fortune* said that the information for its article about *Forbes* was provided by a *Forbes* editor, but *Fortune* did not disclose this editor's identity, or say whether he or she currently worked for *Forbes*. The article also questioned the competence of Steve Forbes, who is a candidate for the Republican presidential nomination, and suggested that his candidacy was a ploy to increase the circulation of *Forbes* magazine. In response, Steve Forbes said, "I am astonished that a direct competitor would stoop so low."

- (a) Assume that *Fortune* ran its article criticizing *Forbes* entirely on the basis of the statements it received from the *Forbes* editor, without making any determination on its own of the truth or falsity of those statements. Under this assumption, was it morally justifiable for *Fortune* to publish the article? If so, why? If not, why not?
- (b) Assuming the story was untrue, should *Forbes* have the right to have a court order *Fortune* to publish a retraction? If so, why? If not, why not?

MODERATOR'S ANSWER: In regard to (a), the *Fortune* article contained a serious charge impugning Steve Forbes' integrity. Insofar as *Fortune* based the article entirely upon the word of one person, it had both a professional duty, as a journalistic enterprise, and a responsibility of fairness to Steve Forbes, to include in the article the name of the person who made the charge. As for part (b), even when an article about a presidential candidate, such as Steve Forbes, is untrue, the candidate should not have a legal right to compel a retraction. The democratic electoral process requires, in the words of the late Supreme Court Justice William J. Brennan, that debate on public issues be "uninhibited, robust, and wide open." such debate would be chilled irreparably if presidential candidates could go to court to compel retraction of statements published about them.

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