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WFAA Dallas: Skeleton in the Closet – Nation’s Largest Libel Award

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The time-honored principles of journalistic integrity sometimes get over-ridden in pursuit of a juicy story.

Of course, the American Society of News Editors “Canons of Journalism” state that “every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly.”



Besides, the now-prestigious Society of Professional Journalists which unsurprisingly started out as a frat house in 1909 (journalists and booze go together like whiskey on ice) also has a Code of Ethics, an Ethics Committee and an Ethics Hotline. But these things are not primarily for the public. They are for journalists with ethical queries although they appear to sometimes field complaints from the public. But none of this is enforceable. Just good ideas.

Code of Ethics

But that being outlined, here are some points from their Code of Ethics:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.

Journalists should:

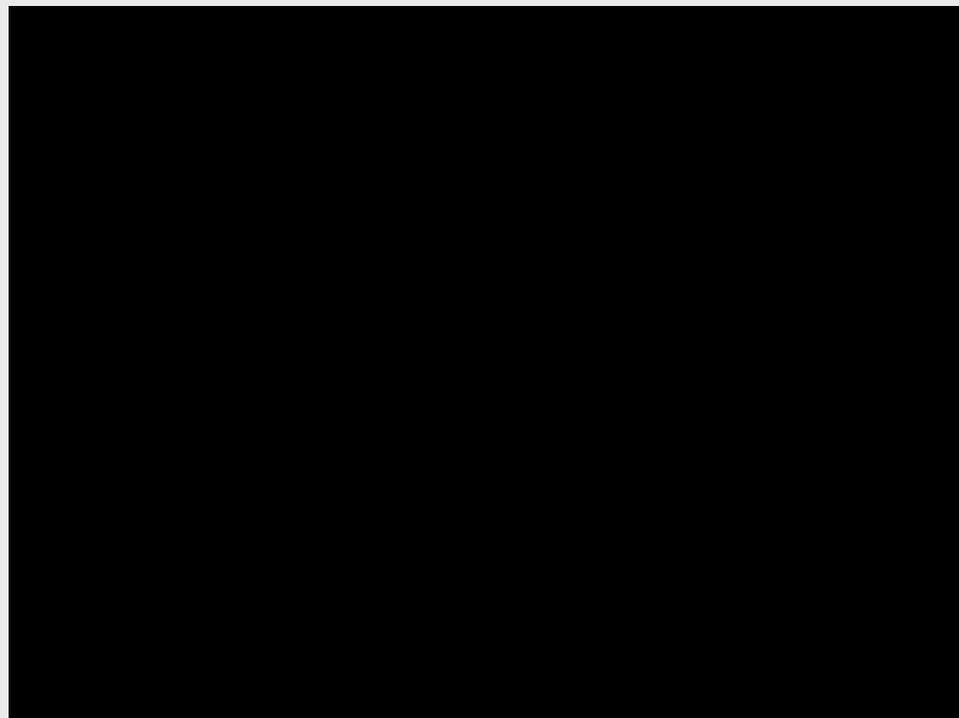
- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Abide by the same high standards to which they hold others.

Well, elements of this code have been around since 1926.

Now we come to WFAA. Because it is an old story, it is not found very easily on the net. But it is there and now it is here.

Nation's Largest Libel Award

Back in 1985, WFAA did an 11-part series of stories on a McLennan County prosecutor that accused him of taking payoffs. Specifically, WFAA accused him of accepting bribes in exchange for dismissing drunken driving cases. The prosecutor was then indicted on federal racketeering charges but acquitted the next year. He filed suit in 1986 claiming the series was “malicious and filled with inaccuracies and defamatory statements,” according to an *Associated Press* story on the settlement.



In April, 1991, the jury at trial decided that WFAA had defamed the man and awarded him the largest libel judgment in U.S. history to date, a record \$58 million. Belo, WFAA's parent company, settled the case for an undisclosed amount in June.

The judge wrote the following in his judgment:

The Court finds that there is sufficient evidence to support the jury's findings that broadcasts 1, 2, 3, 5, 6, 7, 8, 9, and 10, each taken as a whole, were false and defamatory of Vic Fezell and that all of said broadcasts were published with actual malice by both Defendants, Duncan and Belo.

Court also finds that the Plaintiff is entitled to judgment against Defendants Duncan and Bela, jointly and severally, for the actual damages awarded by the jury.

The Court also finds that, because the jury found actual malice as to the Defendant Duncan and the Defendant Belo, Plaintiff is entitled to judgment for the exemplary damages awarded by the jury against Defendants Duncan and Belo.

Based upon the verdict of the jury, the judgment should be as follows:

- 1. Plaintiff Fezell is entitled to recover of and from Defendants: Belo and Duncan, jointly and severally the sum of Two Million Dollars (\$2,000,000.00) for damage to business; the sum of Nine Million Dollars (\$9,000,000.00) for impairment to reputation and standing in the community; and the sum of Six Million Dollars (\$6,000,000.00) for personal humiliation and mental suffering.**
- 2. Plaintiff Fezell is entitled to recover of and from Defendant Duncan the sum of One Million Dollars (\$1,000,000.00) as exemplary damages.**
- 3. Plaintiff Fezell is entitled to recover of and from Defendant Belo the sum of Forty Million Dollars (\$40,000,000.00) as exemplary damages.**

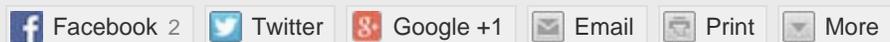
Vic Fezell, the victim of WFAA's lack of journalistic scruples, to this day maintains [a website on which the documents of the case](#) are kept. His banner reads "Honk if You Hate Channel 8," a rendition of a bumper sticker that was popular in Waco during the case.

Mr. Fezell, as quoted in the Belo-owned *Dallas Morning News* just after the jury award, attributed the libelous WFAA series to "an orchestrated retaliation against me for exposing the Henry Lee Lucas confession hoax." Lucas was a criminal who had claimed to have murdered up to 3,000 individuals and whose confessions were eventually mostly debunked. But they cleared a lot of unsolved murders off the books.

In relation to WFAA's conduct, there is little doubt that the "Canons of Journalism" or the Code of Ethics was not followed. Instead, bias and a libelous mien were in place.

The larger question is "Did WFAA learn anything from the disgrace?"

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ABOUT THIS WEBSITE

The power of the press and government challenges our constitutionally-guaranteed rights to privacy and fair treatment under the law every day in this country.

When unscrupulous and uncaring media and reporters in the drunken search for a "story" concoct and slant facts to their prefabricated ideas or, worse, violate law and constitutional guarantees, there is only trial by media in the media, not by the courts. The presumption of innocence is thrown out the window and reputations are destroyed before even getting to a trial. But it was a good "story."

When government officials seeking to enforce laws and regulations such as those in Texas Medicaid are the investigators, prosecution, judge and jury and can wipe out a business or a professional without conscience in a matter of days or weeks without any real recourse, any successful individual is at risk.

This website was started because I have familiarity with these issues and these issues need exposure.

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