CASE STUDY: ARTHUR ASHE AND INVASION OF PRIVACY

Tennis legend Arthur Ashe was the first black man to win Wimbledon and the U.S. Open. After his retirement from tennis, Ashe joined the struggle for human rights in his the U.S. and emerged as a leading critic of apartheid in South Africa. He wrote a highly regarded three-volume history of black athletes in the United States. By all accounts, he was generous with his time and gracious when dealing with the public.

On April 8, 1992, however, Arthur Ashe was faced with one of the most difficult decisions of his life. Unknown to all but a few, Ashe had contracted HIV, probably from a blood transfusion during a heart bypass operation in 1983. Basketball great Magic Johnson had publicly announced only a year before that he had contracted HIV (probably through multiple heterosexual sexual encounters). At the time, only a small percentage of HIV-positive American men had contracted it from heterosexual sex, and it was initially rumored that Johnson was gay or bisexual, although he denied both. The story received an enormous amount of media attention. However, Ashe, an intensely private man, had managed to keep his condition a secret from everyone except his family and close friends. Even his own, young daughter didn’t know. All that changed, though, when a reporter from USA Today contacted Ashe in early April of 1992.

The reporter, acting on a tip from an anonymous source, called to confirm whether Ashe had AIDS or not. Realizing that his secret would now, very probably, become public knowledge, Ashe was faced with the dilemma of letting the media expose his private life, or taking the initiative and releasing the information himself. He asked USA Today’s sports editor to allow him 36 hours before the paper ran the story so that he could prepare a statement. The editor, Gene Polincinski replied that, “as a journalist, it was not my role to help him plan a press conference—and that it was inappropriate for me to withhold a news story that I could confirm.”

During the subsequent press conference, put together literally on the spur of the moment in order to preempt the USA Today scoop, Ashe displayed both anger and dismay at the actions of the media. He chastised them for forcing him into “the unenviable position of having to lie” in order to protect his family’s privacy, or to go public with what he considered to be private information. In a Washington Post article written by Ashe, he discussed how he felt about the media’s intrusion into his private affairs. “I wasn’t then, and I am not now, comfortable with being sacrificed for the sake of the ‘public’s right to know.’”

Although USA Today held the story in the U.S. pending Ashe’s confirmation, it released the story to its overseas edition after a talk with the former tennis star just prior to his press conference in which he admitted to being HIV positive.

After going public, Ashe became active in the fight against AIDS, forming a fundraising foundation and joining the boards of the Harvard AIDS Institute and the UCLA AIDS Institute. He died of pneumonia just ten months after his public announcement. Just four days before he died, he had given a speech on AIDS, and was scheduled to appear at an AIDS forum in Hartford, Connecticut, the day he died. He was forced to cancel at the last minute, but sent a videotaped message in his stead.

QUESTION

USA Today decided not to give Ashe the time he asked for to prepare a response. Assume that’s where you come in. If you had been an ethics advisor to the USA Today editor, what would you have suggested? Use the accompanying worksheet to determine your advice.

IMPORTANT NOTE: This case study takes place in the early 1990s. As such, it is historical in context. That means that, although you will find out from reading it what actually transpired, you can only make judgments based on what you would have known at the moment in time at which
you enter the scene. You cannot see the future. For example, you cannot know that Arthur Ashe goes on to become an AIDS activist, so you cannot suggest that as a positive reason for running the story. This is called “presentism,” which means writing about the past as if you have knowledge of the future. In order to make this work, you must pretend you actually live in the early 1990s.

**DIRECTIONS**

Your finished paper should be at least 4 pages, double-spaced, or no less than 1200 words. Since this is a more complex assignment, you will not be penalized for going over the word count.

Please don’t ask us to read a draft before submitting. It’s an unfair advantage to others and is basically the equivalent of grading your paper twice. However, we are willing to answer general questions and provide guidance. Just ask.

Remember, grammar and style count. Proofread carefully before submitting your paper. And, use the accompanying grammar and style sheet. If you make an error covered specifically on the style sheet, you receive a 5-point reduction from your overall grade.

**Submitting your paper:**

Submit it via the instructions you can download from the same place on the course calendar where you found this case study. Make sure you submit your file in Microsoft Word format (or check with the instructor for compatible programs). **DO NOT submit PDF files. Title your file with your last name and first initial ONLY.** Failure to follow these instructions will result in a 5-point reduction from your overall grade.

**ETHICAL WORKSHEET**

**Directions:** Use this to analyze the case study and determine your course of action. Addressing the questions in order is required, so please number your answers. As always, complete sentences, good grammar, and good style count.

1. **What is the ethical issue/problem?** Be succinct. This should only take one or two sentences.

2. **What immediate facts would you have to be aware of in order to make a decision.** Include in this list any potential economic, social, or political pressures. For example: The stigma of AIDS during the early 1990s; Ashe’s position as a public figure (or not); the reputation of USA Today, etc.

3. **Who are the claimants in this issue and in what way are you obligated to each of them?** (List all potentially affected by your decision.) Remember, the sports editor is the moral agent in this case. It’s his decision. The obligations you list are his obligations to his moral claimants, not yours as an advisor. **NOTE: This part is extremely important. Correctly assessing your claimants and your obligations to them should drive your answers to the rest of the work sheet.**

Define your claimants based on the following obligations:

- a promise/contract you made (implied or express)? (Fidelity)
4. **Alternative course(s) of action.** At the point of your involvement as an ethics consultant, *USA Today* has already decided to ignore Ashe’s plea for time. However, the editor has asked for your advice. You may either modify *USAT’s* decision to make it more ethically responsible (if you feel it is unethical), or suggest a totally new approach that you think is more ethically responsible than theirs. You may suggest, for example, *not* to publish the story at all. Use the following questions to determine the ethicality of both *USAT’s original* approach and your **alternative.** *(NOTE: You just need one alternative and/or an alteration of the current decision not to give Ashe extra time.)*

- What are the best- and worse-case scenarios of using this approach? Be realistic. For example, the possibility of Ashe committing suicide is extremely remote. What else might he do? Remember, you can’t see the future, but you can make reasoned, realistic predictions.
- Will anyone be harmed if this approach is chosen, and how will they be harmed? This is especially important when balancing harms against benefits.
- Would honoring any ideal/value (personal, professional, religious, or other) invalidate the chosen approach or call it into question?
- Are there any rules or principles (legal, professional, organizational, or other) that automatically invalidate this approach? This could include relevant codes of ethics.
- Are there any rules or principles (legal, professional, organizational, or other) that support this approach? This could include relevant codes of ethics.

5. **Consider the following ethical guidelines and ask yourself whether they either support or reject (1) the original approach and (2) your suggested approach.**

**Guidelines based on consequences: Weighing benefits and harms**

- Is the “good” brought about by your action outweighed by the potential harm that might be done to anyone?
- Is any of the harm brought about by anyone other than the moral agent (i.e., the subject)?
- Will anyone be harmed who could be said to be defenseless?
- To what degree is your choice of alternatives based on your own or your organization’s best interests?
- Which of the alternatives will generate the greatest benefit (or the least amount of harm) for the greatest number of people?
- Is any minority interest being harmed because of a focus on the majority interest? Is that acceptable? (Take a look at Mill’s justice arguments for honoring individual rights.)

**Guidelines based on the action itself: Honoring integrity**

- Is there a issue of autonomy? The editor’s? The claimants?
- Are you willing to make your decision a rule or policy that you and others in your situation can follow in similar situations in the future? If you are, state what that rule would be.
• Does the alternative show a basic respect for the integrity and dignity of those affected by your actions? Have you or will you be using any person as a means to an end without consideration for his/her basic integrity?
• Is the intent of this action free from vested interested interest or ulterior motive?
• Does this action promote the development of character within myself and my community?

6. **Now, explain to the editor why he should adopt your suggested course of action.**

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**A FEW STYLE SUGGESTIONS**

NOTE: *This guide is provided in order to limit the number of obvious errors that tend to recur in student papers. Because you have been provided with this in advance, errors noted here that occur in your paper will be deducted from your grade, regardless of how well-reasoned your paper is.*

Class assignments are **not** written in AP style; therefore, the names of newspapers, books, magazines, and radio/television shows should be in *italics*. (i.e., USA Today, The New York Times)

**Pronoun-antecedent agreement:** Although it is popular to use a plural pronoun to refer to a singular noun antecedent these days, it’s still not grammatical. For example:

• A journalist should never disclose their sources.

The motive behind this mistake is to avoid sexist language, which used to automatically assume that all pronouns should be masculine. Thus:

• A journalist should never disclose his sources.

One solution to this dilemma is to pick a pronoun and stick with it, or vary it, using the masculine alternating with the feminine (unless you’re referring to the same person each time).

• A journalist should never disclose her sources.
• A journalist should never lie to his readers.

Another option is to make the antecedent plural:

• Journalists should never disclose their sources. (This one is usually the easiest.)

Another option is to use the term “one” which is gender neutral:

• As a journalist, one should never disclose one’s sources. (This sounds a bit old fashioned, but it works.)

The least desirable option is to use his/her, he/she, s/he, or some other derivation of that approach. It is usually, but not always, awkward, and, if repeated too many times, just sounds silly.
We all suffer from colloquialisms such as:
• “This paper is based off of my interest in ethics.”
The correct grammatical construction would be
• “This paper is based on my interest in ethics.”
Other common colloquialisms include being as or seeing as instead of because.
• “Being as it was in the public’s best interest, I decided to do it.”
The correct form would be:
• “Because it was it was in the public’s best interest, I decided to do it.”
Another option:
• “Since it was it was in the public’s best interest, I decided to do it.”
Another common colloquialism is using anyways instead of anyway.
• “The decision turned out to be in everyone’s best interest anyways.”
Anyways is not a word. Anyway is the correct usage.
Finally, this peculiar usage seems to be pretty common: weigh out.
• “In making a utilitarian judgment we need to weigh out the potential benefits and harm.”
Correct usage would be:
• “In making a utilitarian judgment we need to weigh the potential benefits and harm.”

Use of quotation marks: (pretty much everyone has trouble with this.)
• Periods and commas always go inside quotation marks.
• If a question is in quotation marks, the question mark should be placed inside the quotation marks.

Examples:
She asked, “Will you still be my friend?” (In this case, the quoted question is at the end of the sentence, so no further punctuation is needed.)

Do you agree with the saying, “All’s fair in love and war”? (Here the question mark is outside the quote because the sentence itself is the question, not the quote.)
• Use single quotation marks for quotes within quotes. Note that the period goes inside all quote marks.

Example: He said, “Julie said, ‘Do not treat me that way.’”
• Single quotes are never used to replace double quotes unless used as in the previous example.