

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 the U.S. and emerged as a leading critic of apartheid in South Africa. He also 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 the newspaper *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's sports editor has decided not to give Ashe the time he asked for to prepare a response. Assume that's the point where you come in—following the editor's original decision not to allow Ashe time to prepare a press conference, but prior to any other activities by either him or Ashe. 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. For example, you cannot know that *USA Today* releases the story preemptively in Europe as Ashe is holding his press conference, because that hasn't happened yet, nor has he confirmed the story at this point in time. Likewise, you can't 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 April, 1992. You cannot see the future.

DIRECTIONS

Your finished paper should be *at least* 4 pages, double-spaced, or *no less* than 1200 words. This is a more complex assignment, but try to stay close to the word count without going to far over.

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 Canvas by the required date and time. Make sure you submit your file in Microsoft Word format (or check with the instructor for compatible programs). **DO NOT submit PDF files.** No title is needed, just your name.

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. ALSO NOTE that not all of these obligations may be relevant to this case. Use only those that are.**

Define your claimants specific to this case based on the following obligations:

- a promise/contract you made (implied or express)? (Fidelity)
 - a wrong you committed that you now have to make up? (Reparation)
 - gratitude for something one of the claimants did for you? (Gratitude)
 - the merit of the claimants when compared with each other? (Justice)
 - your ability to help someone out who needs and deserves help? (Beneficence)
 - your ability to avoid harming anyone unnecessarily? (Non-injury)
- 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.

A FEW STYLE GUIDELINES:

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 result in an automatic 5-point deduction from your grade, regardless of how well-reasoned or interesting your paper is. If your paper is full of errors, your final grade will reflect that as well as the 5-point deduction.*

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*)
See below for more rules affecting use of italics and quotation marks.

Pronoun-antecedent agreement

When fretting over which pronoun to use to reference an antecedent noun, we will subscribe to the guidelines set down by *The Washington Post*:

It is usually possible, and preferable, to recast sentences as plural to avoid both the sexist and antiquated universal default to male pronouns and the awkward use of he or she, him or her and the like: “Journalists should never disclose their sources,” not “A journalist should never disclose his or her sources.”

When such a rewrite is impossible or hopelessly awkward, however, what is known as “the singular they” is permissible: “Everyone has their own opinion about the traditional grammar rule.” The singular *they* is also useful in references to people who identify as neither male nor female. However, this construction has its own, built-in problems. For example:

“A communications director must be honest and faithful to *their* employer in giving the best advice possible and not working with any competitors. In turn, the employer shows gratitude in hiring the communications director by paying *them* and listening to what *their* advice is.”

Although the use of *they* is certainly permissible here, the parallel use of *them* is not. This is the biggest problem with this particular pronoun-antecedent construction— *them* is decidedly plural.

Other options if you don’t want to use *they* as singular pronoun:

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.

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.

Common mistakes

- When discussing utilitarianism, remember that there is no such thing as an “**amount** of people.” It’s “**number** of people,” as in: “This decision would benefit the greatest number of people.”
- There is no need to insert the article *the* before such phrases as: “Kantian theory” or “utilitarian theory.” And, it’s not “*utilitarianism* theory,” which would be a noun modifying another noun. It’s “*utilitarian* theory,” which would be an adjective modifying a

noun.

Use of quotation marks

- 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.

Quotation marks or Italics?

What do you put in “quotation marks”?

- **Article titles from magazines, newspapers, journals** - “Censorship is Harmful to Society”
- **Essays** - “Feminism in British Literature”
- **Short Stories** - “Grammar” (short story by Stephen King)
- **Poems** - “The Tyger” (poem by William Blake)
- **Book Chapters** - “The American Economy Before the Civil War”
- Specific pages within a website - “Crohn’s Disease” (page found within the CDC’s website)
- **Specific episodes of TV shows** - “The Trouble with Tribbles” (an episode of *Star Trek*)
- **Specific episodes of radio programs** - “A Conversation with Margaret Atwood” (a specific episode of the radio named *All Things Considered*)
- **Songs** - “Thriller” (song by Michael Jackson)

What do you *italicize*?

- **Books** - *Twilight* by Stephanie Meyer
- **Newspapers** - *USA Today*
- **Magazines** - Sports Illustrated
- **Journals** - Journal of Fiction Studies
- **Websites** - *CNN.com*
- **Online databases** - Opposing Viewpoints Resource Center
- **Plays** - *Romeo and Juliet* by Williams Shakespeare
- **Pamphlets** - *What You Should Know About the H1N1 Virus* (pamphlet from the Center for Disease Control)
- **Films/movie titles** - *The Breakfast Club*
- **Television shows** - Glee, Nightline, CBS Evening News
- **Radio programs/broadcasts** - *All Things Considered*
- **Album titles** - *No Line on the Horizon* (album by U2)
- **Operas** - *La boheme* (opera by Giacomo Puccini)
- **Dance Performances** - *The Nutcracker*
- **Long Musical Compositions**- *Symphonie Fantastique* (composition by Berlioz)

- **Paintings** - *I and My Village* (painting by Marc Chagall)
- **Sculptures** - *The Minute Man* (sculpture by Daniel Chester French)
- **Ships** - USS *Arizona*
- **Aircraft** - Airforce One
- **Spacecraft** - *Challenger*

Other uses for italics

Foreign Words or Phrases

If a word or phrase has become so widely used and understood that it has become part of the English language — such as the French “bon voyage” or the abbreviation for the Latin *et cetera*, “etc.” — we would not italicize it. Often this becomes a matter of private judgment and context. For instance, whether you italicize the Italian *sotto voce* depends largely on your audience and your subject matter.

Words as Words

For Example:

“The word *basically* is often unnecessary and should be removed.”

“There were four *and's* and one *therefore* in that last sentence.” (Notice that the apostrophe + s used to create the plural of the word-as-a-word *and*, is not italicized.)

“She defines *ambiguity* in a positive way, as the ability of a word to mean more than one thing at the same time.”

For Emphasis

Note: It is important not to overdo the use of italics to emphasize words. After a while, it loses its effect and the language starts to sound like something out of a comic book.

“I really don't care what *you* think!” (Notice that just about any word in that sentence could have been italicized, depending on how the person said the sentence.)

Words as Reproduced Sounds

Grrr! went the bear. (But you could say “the bear growled” because *growled* reports the nature of the sound but doesn't try to reproduce it. Thus the bees buzz but go *bzzzz* and dogs bark *woof!*) His head hit the stairs, *kathunk!*

Use of the Apostrophe

Use **an apostrophe to create plural forms** in two limited situations: for pluralized letters of the alphabet.

Jeffrey got four A's on his last report card.

We should also use an apostrophe when we are trying to create the plural form of a word that refers to the word itself. Here we also should italicize word itself but not the ‘s’ ending that belongs to it.

Towanda learned very quickly to mind her *p's* and *q's*.

You have fifteen *and's* in that last paragraph.

Do *not* use the apostrophe + s to create the plural of acronyms—especially pronounceable abbreviations such as IRAs and URLs.