News Organizations Backpedal after Failures to Fact Check, Anchor's False Stories

During late 2014 and early 2015, several news organizations found themselves facing scandals surrounding the authenticity of their reporting. *Rolling Stone* and *New York* magazine apologized to readers after failing to complete full fact-checking processes on two different high-profile stories. NBC News suspended its popular news anchor Brian Williams after it was discovered he had given false accounts of his experiences reporting from Iraq in 2003. All of the scandals have prompted commentators to raise questions over the news organizations' credibility.

Rolling Stone Faces Criticism after Publishing Story on Campus Rape Allegations

On Nov. 19, 2014, *Rolling Stone* published a story, titled "A Rape on Campus," detailing an alleged gang rape during a 2012 fraternity party on the campus of the University of Virginia (UVA). The story, by Sabrina Rubin Erdely, traced the account of "Jackie," a third-year student, who alleged that she was brutally attacked at Phi Kappa Psi's fraternity house during her freshman year at UVA. It also described the subsequent physical and emotional trauma she faced following the attack. Erdely's piece examined the relationship between sexual assaults and UVA's fraternity life, suggesting that they were closely intertwined. The story also criticized the university's administration support services for rape victims and punishments for perpetrators of rape as being inadequate due to officials' concerns about the campus' reputation. The *Rolling Stone* story is available at http://www.rollingstone.com/culture/features/a-rape-on-campus-20141119.

Rolling Stone's story quickly caught national attention with much of the focus on the campus fraternity culture of UVA. According to a November 22 *Washington Post* story, UVA President Teresa Sullivan suspended all fraternity and sorority social activities on campus during the remainder of the Fall 2014 semester. Sullivan also stated that police in Charlottesville, where UVA is located, had initiated an investigation of the alleged rape depicted in the *Rolling Stone* story and administrators were meeting to discuss the school's sexual misconduct policy in response to the story.

However, subsequent interviews with Erdely about "A Rape on Campus" raised several questions about the reporting process of the story. On the November 27 episode of *Slate*'s "Double X" podcast, hosts Hanna Rosin, June

Thomas, and Katy Waldman spoke with Erdely about the *Rolling Stone* article. During the course of the interview, the hosts of "Double X" asked Erdely specific questions about whether she had contacted the accused perpetrator or any officers of the UVA fraternity where the alleged incident took place. Erdely explained that many of the people she wanted to interview were not available, but that she had briefly spoken with the fraternity chapter's president as well as a crisis manager with the fraternity's national organization. Both were surprised about the allegations but provided little comment, according to Erdely.

Rosin also asked Erdely why she believed Jackie's story was convincing. Erdely said that she thought Jackie was very credible. "I put her story through the ringer to the extent that I could," Erdely said. "I spoke to virtually all of [Jackie's] friends to find out what she had told them at various points… I found [the story] to be very consistent. [With] the degree of her trauma, there's no doubt in my mind that something happened to her that night."

Other news organizations also investigated Erdely's reporting, which confirmed that Erdely had not contacted any of the alleged rapists. On December 1, *Rolling Stone* Deputy Editor Sean Woods told *The Washington Post*, "We did not talk to them. We could not reach them." The *Post* also reported that Erdely told the newspaper that she did not identify any of the accused attackers per the request of Jackie. Woods defended the decision of not naming any of the alleged perpetrators because "we were telling Jackie's story. It's her story," according to the *Post*.

In a December 2 story on *Slate*, Rosin and Allison Benedikt noted the absence of any explanation in *Rolling Stone* for Erdely's failure to contact the accused. "In the course of 9,000 words, Erdely chronicles an administration's tepid response to a terrible crime. But what the piece is missing is one small thing: that single, standard sentence explaining that the alleged perpetrators of the crime deny it, or don't deny it, or even that they could not be reached for comment," Benedikt and Rosin wrote. "It's often a boring sentence, one that comes off as boilerplate to readers, but it's absolutely necessary, because it tells readers you tried your best to get the other side of the story. You notice when it isn't there."

In a December 5 story, the *Post* continued to report on questionable aspects of *Rolling Stone*'s original article. The *Post* interviewed several of Jackie's friends portrayed in the article who said they believed that something happened to her, but were not able to confirm important aspects of the attack, noting that the account of it had "changed over time." The *Post* also reported that the fraternity where the attack had supposedly taken place stated that it did not host a social event the weekend of the alleged assault. The fraternity noted that no members

of its organizations worked as lifeguards at the university's aquatic center in 2012, which is how Jackie said she had met the purported attacker. However, the *Post* also interviewed Jackie, who continued to maintain the same account of events as portrayed in *Rolling Stone*.

That same day on the magazine's website, *Rolling Stone* Managing Editor Will Dana published an apology for the magazine's failure to fully investigate Jackie's story. Dana explained that the magazine was honoring Jackie's request that Erdely not contact any of her alleged assailants. "In the face of new information, there now appear[s] to be discrepancies in Jackie's account, and we have come to the conclusion that our trust in her was misplaced," Dana wrote. "We were trying to be sensitive to the unfair shame and humiliation many women feel after a sexual assault and now regret the decision to not contact the alleged assaulters to get their account. We are taking this seriously and apologize to anyone who was affected by the story." However, *Rolling Stone* later amended its statement to explain that it did not blame Jackie for the discrepancies. "The mistakes are on *Rolling Stone*, not on Jackie," Dana said in the amended statement. *Rolling Stone* also added a note from Dana explaining the controversy before the story on its website.

Several commentators criticized *Rolling Stone* for its poor reporting in "A Rape on Campus." In a December 8 interview on Southern California Public Radio's "AirTalk," Silha Professor of Media Ethics and Law and Silha Center Director Jane Kirtley said that Erdely and the magazine's editors had failed to adhere to basic reporting processes. "To my mind, this is a violation of elementary journalistic principles," Kirtley said. "To have a single source for a story of this nature is just completely irresponsible."

Kirtley also explained that the uncorroborated story could also create additional problems. "As we've seen in the brouhaha in the last week or so, people will be looking at these kinds of holes [in *Rolling Stone*'s reporting] and calling them to account," Kirtley said. "It really undermines not just the credibility of the magazine, but, frankly, the credibility of the victims' rights movements and many other advocacy groups which presumably have common interest in what *Rolling Stone* seems to have had here."

In a December 10 story for the *Columbia Journalism Review*, Alexis Sobel Fitts criticized the magazine's response to the follow-up stories by *The Washington Post* and *Slate*. "*Rolling Stone*'s subsequent apology is doing nothing to restore confidence in its critics and readers. [Dana] first blamed Jackie, writing that 'our trust in her was misplaced,'" Fitts wrote. "Then he backtracked, updating the apology to make clear that it was *Rolling Stone*'s fault for not

checking out her story. The post has been updated, with no disclosure of the changes, several times since."

Fitts suggested that *Rolling Stone* should have considered following the lead of other news organizations that faced controversies over their journalism, such as *The New York Times* handling of fabulist Jayson Blair and Grantland's controversial story outing a transgender woman. (For more on Jayson Blair, see "Developments in Media Ethics: Jayson Blair and *The New York Times*" in the Summer 2003 issue of the Silha *Bulletin*, and for more on the Grantland incident, see "News Coverage of Transgender Individuals Raises Ethical Reporting Issues" in the Winter/Spring 2014 issue.) "[Erdely] made a large mistake… by basing entire swaths of narrative on a single source's account — a mistake critics have noted may well impact people's belief in future accusations of sexual assault, which, despite consistently low rates of a false reports, are easily undermined by a single lapse in accuracy," Fitts wrote. "That's what makes it so important for *Rolling Stone* to rigorously re-report the facts of the story, disclosing how it was vetted, what went wrong, and which parts of the piece are trustworthy."

The fallout of *Rolling Stone*'s story continued into 2015. *The Washington Post* reported on March 23, 2015 that the Charlottesville Police Chief Timothy Longo said that an extensive five-month investigation had found no evidence that the alleged rape depicted in the *Rolling Stone* article actually took place. "We're not able to conclude to any substantive degree that an incident occurred at the Phi Kappa Psi fraternity house or any other fraternity house, for that matter," Longo said during a press conference, according to the *Post*. "That doesn't mean something terrible didn't happen to Jackie… We're just not able to gather sufficient facts to determine what that is."

On April 5, 2015, *Rolling Stone* formally retracted "A Rape on Campus" after the *Columbia Journalism Review* published an extensive report by Columbia University Graduate School of Journalism Dean of Academic Affairs Sheila Coronel, Columbia University School of Journalism Dean Steve Coll, and postgraduate research scholar Derek Kravitz on the failures of the journalistic process for "A Rape on Campus." *Rolling Stone* had commissioned Coll to conduct the investigation into the magazine's reporting of the story. The Columbia School of Journalism report found that *Rolling Stone* had failed on many fronts. "*Rolling Stone*'s repudiation of the main narrative in 'A Rape on Campus' is a story of journalistic failure that was avoidable. The failure encompassed reporting, editing, editorial supervision and fact-checking," the authors of the report wrote. "The magazine set aside or rationalized as unnecessary essential practices of reporting, that, if pursued, would likely have led the magazine's editors to reconsider publishing Jackie's narrative so prominently, if at all."

The report highlighted several specific errors. One of the most prominent errors was *Rolling Stone*'s reliance on Jackie as a sole source of the incident without completing due diligence to corroborate her story. The authors of the report also pointed to other failures that created serious problems for the story, such as the story's use of pseudonyms that obscured key information, Erdely's failure to corroborate derogatory information about several people depicted in the story, and the magazine's failure to provide complete information about its story to the fraternity when asking for a response to the rape allegations.

"The problem was methodology, compounded by an environment where several journalists with decades of collective experience failed to surface and debate problems about their reporting or to heed the question they did receive from a fact-checking colleague," the authors wrote. The full report can be found at http://www.cjr.org/investigation/columbia_journalism_school_rolling_stone.php.

In an April 6 interview on Southern California Public Radio's "AirTalk," Kirtley said that Columbia School of Journalism's report confirmed much of what observers had already suspected, but it had provided some additional explanations of what happened with *Rolling Stone*'s story. "What we didn't know was about the breakdown in the fact-checking process, the fact that editors apparently decided not follow their own internal guidelines for checking the veracity of a story and for giving a fair opportunity to those who are criticized to respond," Kirtley said. "I was just troubled by the sense that, at least as far as *Rolling Stone* is concerned, they seem to be in a mode that suggests that they think that the blame rests on the feet of Jackie... Whatever problems or issues that that young person might have, to me, are ultimately irrelevant because what we had was a failure in the journalistic process. And *Rolling Stone* has to own that. That's all there is to it."

On April 6, *The New York Times* reported that Phi Kappa Psi issued a statement announcing that it would seek "to pursue all available legal action against *Rolling Stone*" for the impact that "A Rape on Campus" had had on the fraternity. However, Charles D. Tobin, the head of the national media practice at the law firm Holland & Knight, suggested that the fraternity would have a hard time pursuing a successful defamation lawsuit. Tobin said that Phi Kappa Psi would need to show that any false claims in the *Rolling Stone* story were "of and concerning" the fraternity as an entity.

Tobin also noted that if a court deemed that the fraternity was a public figure, Phi Kappa Psi would be required to prove that the magazine acted with "actual malice," meaning that *Rolling Stone* knew that the story was false or acted with reckless disregard of the truth, as required by U.S. Supreme Court decisions

in *New York Times v. Sullivan*, 376 U.S. 254 (1964) and *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974). "It would be colossally difficult for them to make a successful claim," Tobin said.

According to the *Times*' story, *Rolling Stone* declined to provide a comment on Phi Kappa Psi's possible lawsuit. As the *Bulletin* went to press, the fraternity had not yet taken formal legal action against the magazine.

New York Magazine Apologizes for Failing to Fact Check Story on Millionaire Teen

On Dec. 14, 2014, *New York* magazine published its annual "Reasons to Love New York" issue. The issue contained several human-interest feature stories focusing on unique aspects of New York City. One of the features, "A Stuyvesant Senior Made Millions Picking Stocks" by Jessica Pressler, told the story of Mohammed Islam, a 17-year-old high school student who was reported to have made $72 million trading stocks. The story explained that Islam had begun trading penny stocks at a young age. As he grew older, he began to study finance and became more efficient at trading, eventually earning significant profits. "Though he is shy about the $72 million number, he confirmed his net worth is in the 'high eight figures,'" Pressler wrote. Pressler also interviewed Islam's high school friends, Damir Tulemaganbetov and Patrick Trablusi, who also claimed that Islam had made large amounts of money trading stocks.

However, the story began to unravel the following day as news organizations began to question the facts of the story. In a December 15 story, *Business Insider* reported that people who knew Islam believed that the $72 million figure was fabricated. The business news website also interviewed Tulemaganbetov, who would not confirm an exact amount of Islam's worth. Instead, Tulemaganbetov said that he believed Islam was a good stock trader and was a "genius." *Business Insider* also reported that Pressler had defended the story in a tweet saying that she had seen a bank statement confirming Islam's bank account claims.

That same day, Scott Wapner, host of CNBC's "Fast Money Halftime Report," reported that Islam had arrived at their studios for an interview but backed out after questioning during a pre-television interview. Wapner wrote that Islam said the $72 million figure was not accurate, but that the figure was closer to a few million dollars. Islam also attempted to steer the focus away from the specifics of his worth. "The attention is not what we expected," Islam told CNBC during the pre-interview, according to Wapner. "We never wanted the hype. This was about friends trying to make something exciting together."

Wapner also reported that *New York* magazine had released a statement saying that it had seen bank statements confirming the eight-figure amount.

On the evening of December 15, *The New York Observer* reported that Islam and Tulemaganbetov told the tabloid during an interview in the offices of a crisis public relations firm, 5wpr, that the entire story was made up. During the interview, Islam explained that he had never invested any money nor made any profits. The most significant trading that he had done was participating in simulated trades while running an investment club at Stuyvesant High School.

In a follow-up interview on December 16, Islam and Tulemaganbetov told the *Observer* that the fact-checking process for the *New York* magazine story was limited. Islam said that he had shown a doctored bank statement to a fact checker for the magazine while standing outside the Stuyvesant High School. Islam also claimed that no one at *New York* magazine seemed to check other statements attributed to him in the story, such as renting a Manhattan apartment or owning a BMW.

After it was revealed that the story was a hoax, *New York* published an apology to its readers on December 16 and added a note to the online story about Islam. "We were duped," the note explained. "Our fact-checking process was obviously inadequate; we take full responsibility and we should have known better. *New York* apologizes to our readers." *The Washington Post* reported the same day that 5wpr also released a video of Islam apologizing for creating the fictional story. "I'm sorry to anyone who may have been hurt by this story," Islam said in the video. "I didn't fully realize the consequences of my actions." *The Huffington Post* also reported on December 19 that Bloomberg News rescinded a job offer that it had given to Pressler prior to the publication of the story about Islam.

Several commentators criticized *New York* magazine for believing Islam's story. On the December 16 episode of CNBC's "Squawk Box," Wapner said that the story should have been doubted from the beginning. "You know, you read this story and say, 'I don't know if this passes the smell test from the get-go,'" Wapner said. Wapner also explained that after he asked Islam and Tulemaganbetov some basic questions about their investments, "the whole [story] just started to spiral out of control."

Also on December 16, *Time* magazine's Susie Poppick speculated how *New York* magazine might have been so easily tricked. "From hobbyists to professionals, investors are thrilled by the idea that with enough smarts and hard work anyone can go from rags to riches, no matter where they start. If an industrious first-generation American can build a massive fortune between the age of 9 and 17, you can too, right?" Poppick wrote. "There's a term for this

impulse, in fact: 'confirmation bias,' which is what experts call the common human tendency to seek out only information that confirms what we already think — or want to think."

However, Poppick noted that journalists should have simply done the math for Islam's story. "Imagine that someone had spotted Islam's prodigious talent and given him $100,000 to play with in the market. Even then he would have had to return an average of 108% annually. That's more than five times Warren Buffet's average returns of 20%. And he would have had to do it every year for nearly a decade," Poppick wrote. "In other words, Islam's story was preposterously unlikely even if we'd given him all of the benefits of all of our doubts."

NBC News Suspends Anchor after False Public Statements and Exaggerated Reporting

On Feb. 10, 2015, *The New York Times* reported that NBC announced that it had suspended Brian Williams, the network's lead news anchor and host of "NBC Nightly News." The six-month suspension without pay came on the heels of a controversy that had erupted around Williams' embellished accounts of his reporting during the 2003 U.S. invasion of Iraq. In 2003, Williams reported that he was riding in a helicopter as part of a convoy with several military personnel during the United States' initial Iraqi invasion. According to his 2003 report, a rocket-propelled grenade struck a helicopter in front of Williams' transport. Although the helicopter was damaged, military pilots were able to land the vehicle without any casualties. Williams' report showed footage of the downed helicopter, and he did not say that he was on the helicopter that was struck by the rocket.

However, Williams' account of the Iraq event changed over time, according to a February 5 *Times* story. During a 2013 appearance on "The Late Show with David Letterman," Williams told host David Letterman that he had actually been in the damaged helicopter. On Jan. 30, 2015, Williams ended his nightly broadcast showing a video of him taking U.S. Army Command Sergeant Major Tim Terpak, the pilot of Williams' helicopter in 2003, to a New York Rangers hockey game to honor the veteran the previous day. During the January 30 broadcast, Williams described the 2003 event as "a terrible moment a dozen years back during the invasion of Iraq when the helicopter we were traveling in was forced down after being hit by [a rocket-propelled grenade]."

Later, NBC posted the video of Williams honoring Terpak on Facebook, according to a February 4 *Times* story. Although the video prompted several compliments, commenter Lance Reynolds wrote on the Facebook post, "Sorry

dude, I don't remember you being on my aircraft. I do remember you walking up about an hour after we had landed to ask me what happened." Reynolds' comment prompted military newspaper *Stars and Stripes* to conduct an investigation. In a February 4 story, *Stars and Stripes* reported that Williams admitted in an interview that he had "misremembered the events" and apologized. "I would not have chosen to make this mistake," Williams told the newspaper. "I don't know what screwed up in my mind that caused me to conflate one aircraft with another."

Later that evening, Williams also apologized to viewers during his nightly news broadcast. "This was a bungled attempt by me to thank one special veteran and by extension our brave military men and women veterans everywhere, those who have served while I did not," Williams said, according to the *Times*' February 4 story. "I hope they know they have my greatest respect and also now my apology."

Despite the apology, Williams remained embroiled in controversy as people continued to criticize the anchor through social media, using Twitter to create "#BrianWilliamsMisremembers," satirical jokes with Williams claiming he was at several different historical events. *The Washington Post* reported on February 6 that NBC News was conducting an internal fact-checking investigation into Williams' statements he made about the Iraq incident. The investigation, led by NBC investigative editor Richard Esposito, also examined Williams' reporting on Hurricane Katrina in 2005. NBC News explained that it received questions about conflicting accounts of Williams' claims that he witnessed a suicide in New Orleans' Superdome as well as seeing dead bodies floating in floodwater during the aftermath of the hurricane. The following day, Williams announced that he would temporarily step aside as the anchor of NBC's "Nightly News," according to the *Post*. Days later on February 10, NBC announced its six-month suspension of Williams in an attempt to curb the rising criticisms of the anchor.

Before and after the suspension, commentators suggested that Williams' falsehoods had seriously damaged both his and NBC News' credibility. "No mainstream news organization can afford to have people saying 'your nightly news anchor is a liar,'" Silha Professor Jane Kirtley told the *International Business Times* on February 9. "You just can't afford to have it, and it's not a question of just a couple of crackpots coming out of the woodwork and making an accusation. At least as of now, there appears to be evidence that Brian Williams was not telling the truth."

e—In the same *International Business Times* story, former CNN correspondent and MediaWorks Resource Group founder Mark Bernheimer suggested that Williams had tarnished any chance at reporting on military

ventures in the future. "What kind of credibility is he going to have the next time he deploys himself in a war zone and has to interface directly with the military?" Bernheimer asked. "Those people are not going to trust him and they're not going to want to give him their stories and they're not going to necessarily want him in their helicopters."

Commentators also questioned whether Williams' punishment was harsh enough. On February 11, *The Washington Post* reported that Steve Burke, chief executive officer of NBC Universal and an executive vice president with Comcast, NBC's parent company, had considered firing Williams over the exaggerated and self-serving accounts of Iraq and Hurricane Katrina. Others suggested that Burke would have been justified in firing Williams. In an interview with *The Washington Post* on February 10, Mark Feldstein, a professor of broadcasting at the University of Maryland, observed that he was surprised that Williams retained his job. "Anyone else at NBC who engaged in this conduct would have been fired immediately," Feldstein said. "Did NBC really complete a thorough investigation of all the allegations of false reporting by Williams in just one week? I don't think so."

— Casey Carmody
Silha *Bulletin* Editor