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IN THE CIRCUIT COURT OF HARDIN COUNTY, TENNESSEE
AT SAVANNAH

CLARK JONES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3414
)	
TONY HAYS, CHARLES C. THOMPSON, II,)	
CENTER FOR PUBLIC INTEGRITY, a corporation,)	
RON SHANK and/or JOHN DOE D AND JANE DOE)	
D, SAVANNAH JOURNAL, LARRY BRINTON,)	
LANDMARK TELEVISION OF TENNESSEE/NEWS)	
CHANNEL 5 NETWORK d/b/a WTVF/CHANNEL 5)	
(NASHVILLE), CHARLOTTE ALEXANDER,)	
DECATUR COUNTY CHRONICLE, L.L.C.,)	
REBECCA HAGELIN, WORLDNETDAILY.COM,)	
INC., WDTM CORPORATION d/b/a CHANNEL 6,)	
WSIB and WSIB 93.9 FM, SAVANNAH SNITCH,)	
JOHN DOE E and/or JANE DOE E d/b/a TENNESSEE)	
RIVER PRESS, H.J. MAXEDON, JOHN DOES A, B,)	
and C, JANE DOES A, B, and C,)	
)	
Defendants.)	

**PLAINTIFF'S FURTHER SUPPLEMENTAL RESPONSE TO DEFENDANT CENTER
FOR PUBLIC INTEGRITY'S INTERROGATORY NOS 2, 4 AND 5 AND
RESPONSE TO DEFENDANT CENTER FOR PUBLIC INTEGRITY'S
REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 8 AND 9**

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Comes now the Plaintiff, Clark Jones, by and through counsel, pursuant to the Tennessee Rules of Civil Procedure 26, 33 and 34, and in further supplemental response to the Defendant, Center for Public Integrity's ("CPI") Interrogatory No. 2, states as follows:

2. With respect to each expert witness you expect to testify on your behalf at trial, identify the expert, state the subject matter and the substance of the facts and opinions on which

the expert is expected to testify, a summary of the ground(s) for each opinion held by the expert, and all other information stated in Tenn. R. Civ. P. 26.02(4)(A)(i).

SUPPLEMENTAL RESPONSE:

(A) Due to the fact that the Defendants, and each of them have steadfastly continued to insist that the false and defamatory statements written about Clark Jones and the statements made concerning Clark Jones' involvement in drug trafficking, obstruction of justice, selling of TVA permits, interfering with law enforcement investigation of drug trafficking, and being on law enforcement lists as "an alleged dope dealer" are "true" when they know the same to be false and due to the failure of the Defendants to retract the statements, the decision has been made by the Plaintiff to engage expert witnesses in the field of journalism. Thus, Plaintiff expects to call as an expert witness in this case, Dr. Dwight Teeter. Dr. Teeter is a former Dean of the College of Communications, University of Tennessee, Knoxville, Tennessee, working in that role from June 1991 through July, 2002. He now serves a full-time professor in the School of Journalism and Electronic Media, as part of a reorganized and expanded unit re-named the College of Communication and Information. Attached hereto is a copy of Dr. Teeter's curriculum vitae setting forth his qualifications. Among those qualifications is co-authorship of a textbook, Law of Mass Communication: Freedom and Control of Print and Broadcast Media, 10th ed. (New York: Foundation Press, 2001). He was a founding co-author of this book in 1969, and now writes the book with Bill Loving, J.D., Chair, Department of Communication, Idaho State University. An eleventh edition is being prepared for publication during 2004; it is a well-known text and is the longest-running communication law textbook in the United States.

Dr. Teeter has been provided the articles written by Thompson and Hays, published by WorldNetDaily.com and republished in the Decatur County Chronicle. He has also been provided with copies of affidavits from Robert D. Lawson, Benny Austin, Bob Shutt, and Don Cannon along with certain assumed facts by Plaintiff's counsel. Although discovery is not complete and, further facts may be discovered which may alter or change Dr. Teeter's opinions, the following is an initial disclosure of his opinions and the substance of his expected testimony:

1. The publication of article dated September 20, 2000, titled, "Tennessee Underworld Part III: Officials Say Gore Killed Drug Probe - Mayor: Top fundraiser, pal had 'clout to shut down an ongoing investigation;'" falls short of the standards for acceptable journalism. WorldNetDaily.com holds itself out as a professional journalistic organization. Yet it allowed the publication of statements about wrongdoings attributed to Clark Jones which were attached to unnamed sources and allowed free floating use of the weasel word "alleged" with no evidence presented that any official charges or allegations had been brought against Mr. Jones. Reporters Hays and Thompson attributed statements to witnesses who have now sworn that they did not make those statements about Clark Jones. Such is clearly a violation of the standards required of professional journalists. The witnesses' affidavits indicate that quotes damaging to Mr. Jones were fabricated by Hays and Thompson.
2. It is Dr. Teeter's professional opinion that a reasonably diligent editor should have seen "red flags" leading to closer investigation of content prior to the publication of the articles in question. There are far too many vague attributions and too

many uses of the word “alleged” to be acceptable to any professional editor or news organization. Even if a news organization has had a long and trustworthy experience with a specific writer or reporter, these are obvious signs of a need for editorial investigation, correction, or deletion.

3. On page 2 of the September 20, 2000 article, seven of the thirteen full paragraphs contain potentially problematic attributions and/or word usages. For one thing, warning flags go up when draft articles are peppered with the words “alleged” and “allegedly” unconnected to any public official record evidence of filing of criminal charges. Used in such a fashion, “alleged” and “allegedly” are empty terms. One is not an alleged criminal unless there have been formal allegations such as a warrant or information of grand jury indictment. These words are clearly red flags for any competent editor. If someone is formally officially charged with a crime, the reporter should simply report the fact that the individual has been charged and specify what the criminal charge is. The use of a word such as “alleged” or “allegedly” in a sentence as a substitute for hard information is evidence, in Dr. Teeter’s opinion, of actual malice, i.e., the publication of a defamatory falsehood with knowledge of falsity or with reckless disregard for the truth.
4. There is confusion in the article as to dates and as to the various “investigations.” The use of words such as “at least a half of dozen informants” with no names and the turning over of a “list of drug dealers” create a specter of “I have here in my

hand a list” McCarthyism. Competent news executives and editors demand that reporters reveal in confidence the identity of a confidential source. In this instance, neither WorldNetDaily.com nor Charlotte Alexander did so. This insistence upon revelation allows the managing editor, copy editor, or news director and news director to judge for himself/herself whether the source is trustworthy. It is Dr. Teeter’s opinion that the editors at WorldNetDaily.com and Charlotte Alexander of the Decatur County Chronicle did not properly check sources, information, or conduct appropriate editorial and fact checking review.

5. The article published by Hays, Thompson, WorldNetDaily.com and the Decatur County Chronicle contains a number of unsupported allegations of criminal conduct bases and statements damaging to Mr. Jones on a large number of vaguely described or anonymous sources. Such gaps in sources should have lead diligent editors to check with named sources, and to inquire as to the identity of vaguely mentioned or anonymous sources. WorldNetDaily.com has stated that it “fully controls the editorial processes and publication of its news stories.” Thus, WorldNetDaily is admittedly responsible for the editorial process concerning the article. In this case, WorldNetDaily did not come anywhere near what would be the standard required of editors of journalistic reporting, fact checking, and editing.
6. Dr. Teeter is of the opinion that Clark Jones’ offer to have a court reporter present when he was being interviewed by reporters Thompson and Hays was a highly

ethical and appropriate thing to do. He would have been within his rights to surreptitiously record that interview with Thompson and Hays, but chose to inform them of his ground rules. It appears that there was a fear on the part of the reporters, Hays and Thompson, of having an accurate record of what would be said in the interview. This refusal is strange to say the least and causes a serious question to whether the reporters were interested in accuracy. Dr. Teeter is of the opinion that this suggests reckless disregard for the truth on the part of Thompson and Hays.

7. The claim of the authors, Thompson and Hays, and WorldNetDaily.com, that the reporters had “adhered strictly to the Society of Professional Ethics Code of Ethics” is absurd. Dr. Teeter maintains that from his initial reading of material supplied to him, the Thompson and Hays article in question provides illustration of some things reporters and editors should not do: Consider the following quoted excerpt from the SPJ Code of Ethics, under the Code’s heading “SEEK AND TRUTH AND REPORT IT.” Journalists should be honest, fair and courageous in gathering, reporting and interpreting information. Journalists should:

“• 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.”

“• Identify sources whenever feasible. The public is entitled to as much information as possible on sources’ reliability.”

“• Always question sources’ motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.”

“• Make certain that headlines, news teases and promotional material, photos, video, audio, graphics and sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.” * * *

[Source:http://www.spj.org/ethics_code.asp]

Note especially the statement in the first paragraph listed above under the words “Journalists should:” “Deliberate distortion is never permissible.” Evident fabrication of quotes from interviews that never occurred, the failure to identify sources (if they exist), and implying criminality or criminal charges without evidence by using the words “alleged’ or “allegedly” create a pattern rising to the level of “deliberate distortion.”

In sum, Dr. Teeter is of the opinion that the article examined fails to meet the acceptable standard of practice for reporting and editing.

As discovery continues in this cause, opinions of Dr. Teeter may be supplemented.

RESPECTFULLY SUBMITTED this 20th day of February, 2004.

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