

Identifying Suspects

The Case of the Waco Shooting

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The most basic tenet of journalism is to seek the truth and report it. While that sounds easy, in practice it often is not. When nine people were killed in a gunfight, local media were under pressure to report the names of the victims—but one young reporter felt it would be better to wait.

THE SITUATION MOTORCYCLE GANGS, POLICE WITH GUNS AND A SHOOTOUT

Sunday, May 17, 2015, was a bright, sunny day in Waco, Texas. At the Twin Peaks restaurant in a shopping center on the south side of the city, the staff was preparing for a gathering of motorcyclists who were in town for a meeting of a statewide biker coalition. The group would talk about political issues involving bikers. But the gathering also raised the possibility of a renewal of a turf war between two rival motorcycle gangs, the Bandidos and the Cossacks. The Bandidos, based in Houston, consider Texas their territory. The Cossacks dispute that claim. Police took up positions around the parking lot of the Twin Peaks.

When the Bandidos arrived, they found the Cossacks had already occupied most of the outdoor seating around the restaurant. They gathered at the periphery of the seating area, but there was no trouble until a Bandidos motorcycle rolled over the foot of a Cossack during a dispute over a parking spot. Both sides started throwing punches, then produced knives, chains and guns. Gunfire broke out. Police fired into the crowd. When it was all over, nine people lay dead in the parking lot, 20 more were wounded, and police arrested 177 bikers, charged them with engaging in organized crime, and jailed them on \$1 million bail—each. The justice of the peace who set the bail said it was to “send a message” because most of the bikers were from out of town.

THE CHALLENGE TO REPORT THE NAMES—OR NOT?

It was a big story nationally on an easy-going Sunday in spring, and it led national newscasts that evening. It was a huge story for the Waco television stations. At a disadvantage against large market stations and network crews, the smaller Waco stations were under pressure to be the first to break new information. One reporter, Janet Wheeler (not her real name), found herself scrambling for information on the story as well, setting aside coverage of her usual beat. One of the stories she was chasing was trying to find the identities of the dead bikers. They would be important to have for any news story, but the Waco media was interested in whether the bikers were from the area or if they were from other parts of the state.

“Were they from so called ‘biker gangs?’” she wanted to know. “Were they local bikers?”

The Waco police weren’t releasing the names, though, because they were not able to get in touch with all of the next of kin. A police department spokesman, Sgt. Patrick Swanton, told reporters some people hadn’t been cooperating with police, which delayed getting in touch with relatives even more. He said as soon as all the relatives had been contacted, police would release the names of the dead.

But two days after the melee, one of the other Waco stations had the names of the victims on its noon newscast and its website. “Immediately the newsroom starts making calls to see if our station can get the names,” Wheeler said. It turned out the competing station had gotten the names not from police but from a local justice of the peace who released preliminary autopsy reports. Waco police still would not release the names.

THE RESPONSE USE THE NAMES

That touched off a debate in Wheeler’s newsroom. “I and a few others felt we should wait until the police released the names,” she said. “There had to be a reason they didn’t release them just yet.” She said Sgt. Swanton was usually “pretty good” about releasing information. But the majority of newsroom personnel, including managers, wanted the names reported right away. Wheeler said their attitude was that since the names were already out there, it no longer mattered why the police were holding back.

Wheeler found herself in the uncomfortable position of reporting the names in the station’s 5 p.m. and 6 p.m. newscasts. Also troubling to her was her boss’s insistence that she comb through social media to find out if the victims belonged to biker gangs, and if so, which ones. Two of the nine dead turned out to be from Waco; the others were from other cities in Texas. One was a Bandido, seven were Cossacks, and one was not a member of any biker gang.

“At one point I was asked to Facebook message the wife of one the bikers, so we could try and get sound,” Wheeler said. “Mind you, this is a time where Waco police were warning that these biker groups were threatening to target law enforcement, and I have my boss telling me to try and message the loved ones of the deceased through social media.”

Meanwhile, a third Waco affiliate held off on reporting the names until Waco police released them the next day. “Many of their Facebook viewers praised them for doing so,” Wheeler said.

THE AFTERMATH WHEN COMPETITIVE PRESSURES DRIVE NEWSROOM DECISIONS

After the incident, Wheeler wished there had been more discussion of the pros and cons of releasing the names before the police had done so. For her, the ethics question was the risk that people would learn of the death of one of their family through the news media and not from authorities.

“I found it disappointing and disheartening that the majority of my newsroom and leaders found nothing wrong with releasing the names before Waco PD announced them,” Wheeler said. “It was as if there was no question about it, like it wasn’t even an issue to be questioned.”

She said the shooting story was “overwhelming” in a market the size of Waco. Once the names were public, the general feeling in the newsroom was that there was no longer a problem. “Just as there was little to no discussion on releasing the names, there was no discussion about it after it had been done,” she said. “It literally was treated like it was nothing at all, and *that* is alarming to me.”

Wheeler said she understands the need to be first, but asks, at what cost? “Social media has created that monster,” she said. “It’s more of a, ‘post the information now, double-check later.’ Ethics tend to go out the window and come second when there’s big information to release.”

TOOL FOR THOUGHT: Minimize Harm

The third element in the Society of Professional Journalists Code of Ethics is Minimize Harm. It’s an old notion, even an ancient one, stemming from the Golden

Rule’s admonition to treat others as you would wish to be treated. This means you would be expected to put yourself in the shoes of the stakeholders—in this case, the relatives of

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the shooting victims. As in most ethics situations, having a discussion with colleagues and asking key questions will help determine what course of action to take.

Past SPJ President Fred Brown, in a commentary on the “Minimize Harm” section of the ethics code¹, offers several questions for discussion:

Who gets hurt if we tell this story? Not only in the Waco case, but in any case, the relatives—especially the immediate family—of the deceased would be caught by surprise. The information coming from the media instead of an authority could cause emotional trauma. Brown says compassion is the key. Imagine yourself in the relatives’ situation, and treat them as they would wish to be treated.

Does the benefit to the public of knowing that truth

outweigh that harm? The question the reporters wanted answered was whether the victims were local or not. The victims were not public figures. Two turned out to be from Waco, so odds are they would be known by more people there than the other victims would be. So, the public benefit of learning the names is arguably more applicable to Waco than to the rest of the state.

What does the public need to know? The names of the shooting victims were basic information needed to follow up on the original story. However, is it important to get those names reported as quickly as possible, or to wait until it is certain that the next of kin has been notified?

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1. F. Brown, *Journalism Ethics: A Casebook of Professional Conduct for the News Media* (Portland, OR: Marion Street Press, 2011).

Wheeler’s concern was complicated by the fact that a competitor had aired the names. Since the names were now in the public realm, her news managers decided their station needed to air them, too. Since the names had already been broadcast, it could be argued that any harm had already been done. But that presumes the family members had seen the

one broadcast that used the names. That's quite a presumption. Midday newscasts have fewer viewers than evening newscasts, to start out with, and the probability that relatives would be tuned in at that time was slim—maybe. It could also be argued that other relatives (not necessarily immediate family) of the bikers would be consuming local media to stay on top of any information as the story developed, and they could be in a position of being surprised by the release of the names. The anguish they would feel could outweigh the need to report the names.

But is it in the public interest to know the names even before the family finds out? Most ethics commentators say there are always exceptions. After all, the SPJ standard is to “minimize harm,” not to “avoid harm.” One exception would be based on the prominence of the deceased, and if knowing the identity is crucial to the public. For example, if the mayor of a city is gunned down, most news organizations would report the name. The bikers in no way approached that kind of prominent status. Maybe a middle ground could be staked out: Report that two of the nine dead were from Waco, without using the names until police released them. Dr. Ronald Rogers of the University of Florida points out that police do not have to release anything until the case is complete—and they would argue it is not complete until kin are notified.¹

Thinking It Through

- (1) Of the four main tenets in the Society of Professional Journalists' code of ethics (Seek Truth and Report It, Minimize Harm, Act Independently, Be Accountable and Transparent), does one carry more weight than the others? If you were to rank their importance, which would you put at the top? How would that affect the way you handle the information in your story?
- (2) In your own experience, how much importance do you give to beating the competition? Is being first with information your

1. R. Rodgers, R. “Pending Notification of Next of Kin,” *Editingmonks blog*, <http://editingmonks.blogspot.com/2010/02/pending-notification-of-next-of-kin.html>.

primary goal? Can you see any problems that might arise by rushing to get information reported first?

- (3) What could the newsroom have done to deal with the view held by Janet and some other reporters that reporting the names before the police released them would be unethical?

Now Try This

Reporting vs. withholding: Another tragic situation

You're on duty in your radio station's newsroom on a Saturday in summer. Things are quiet. But then, the police scanners erupt in chatter. A helicopter has crashed. You're stuck at the radio station because you have to anchor a short newscast every hour, so you can't drive out to the scene of the crash. You rely on the telephone and social media to get the latest information.

Phone calls to addresses near the crash site finally turn up a witness who describes first responder activity. The helicopter was owned by a local real estate company. It's generally known that it was used to fly prospective customers to vacation properties in the area to avoid long drives on gravel roads. The witness speculates that the helicopter clipped some power lines, and crashed into a wooded area next to a lake.

Police confirm that the helicopter belonged to the real estate company, but they don't have the names of the crash victims. You go on the air with what information you do have: "Police say both the pilot and his passenger are dead at the scene."

You didn't name the victims. You reported what information you had at the time. You've observed the SPJ Code of Ethics—or have you?

Consider the stakeholders in this case. Put yourself in their shoes. Once you think the situation through, would you have handled the story the same way, or differently? Remember the questions Fred Brown suggests, and see if the answers help you make a different decision.