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## CASE II-F

### The Doctor Has AIDS

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A practicing pediatrician admits to having tested positive for the AIDS virus; court documents contain his admission and his name. Should these facts be turned into a front-page story or should they be forgotten? This was the decision that Dallas-area news media faced in the fall of 1987.

Robert J. Huse, M.D., was one of only six pediatricians in the politically conservative suburb of Mesquite, Texas. He was a twelve-year veteran and was extremely popular—topping more than five thousand office visits a year for the past three years. Parents described him as a caring doctor, one who would treat a child knowing that no money was available to pay his bill.

Dr. Huse was also involved in a legal battle with his former roommate, Tyrone Sims. According to a request Dr. Huse filed for a temporary restraining order, Sims had told some of Huse's employees and patients that the doctor had AIDS. Furthermore, Sims was blackmailing Huse with threats of further disclosures, the court request revealed.

Soon after, reporters from local print and electronic media received telephone calls from an anonymous source who told them of Huse's request and alerted them to a September 11 hearing of the petition in open court. *Dallas Morning News* court reporter David Jackson said that he was so busy with criminal cases that he certainly would not have heard about this civil hearing if it hadn't been for the telephone call.

Jackson retrieved court documents before the hearing and found that the temporary restraining order had been granted and was signed on September 1. The order forbade Sims from initiating communication with Huse's patients, associates, or employees or with "any other person regarding the plaintiff's (Dr. Huse's) physical or medical condition." The September 11 hearing had been scheduled to provide Sims an opportunity to argue against a continuance of the restraining order.

Discussions then began in Dallas newsrooms about what, if anything, should be published. Three issues emerged as relevant prior to the hearing:

1. Civil cases are often settled or pushed back on the court calendar. The fact that the hearing was scheduled for September 11 carried no guarantee that it would be heard that day.
2. Dr. Huse was using the court system to seek privacy and protection.
3. People with AIDS are normally not identified without their consent.

Representatives from the electronic and print media attended the hearing Friday, September 11. Huse had, by then, extended his request for court protection to include sealing the records so that his name and the case would no longer be public record.

The court continued the restraining order against Sims but declined to seal the records or issue restraining orders against the news media. "The court proceeds from a strong commitment to First Amendment openness," said Judge John McClellan Marshall, who heard the case. "It's a bad policy for courts to seal things away."

### **Micro Issues:**

1. What makes this story newsworthy?
2. Do the local news organizations have the responsibility to tell the community that a practicing pediatrician is HIV+?
3. Does the pediatrician have a right to keep this information private?
4. Should it make a difference (in the decision of whether to publish the story) if the anonymous caller was Sims?
5. Should it make a difference if the reporter suspected, but had no proof, that the anonymous caller was Sims?
6. Should news organizations refrain from publishing the story prior to the hearing? After the hearing?

### **Middle-range Issues:**

1. Do the local news organizations have the responsibility to tell the community about the hearing (before or after the fact)?
2. Does the judge's refusal to seal the records add weight to the argument that the story should be published?
3. How should the presence of Dr. Huse's name in the court records be balanced against his request that he not be identified in the decision whether to identify him in the news story?
4. Would it be unfair to the other doctors if Dr. Huse was identified in the story as "a Mesquite pediatrician"?
5. Should the presence of other news-media representatives at the hearing affect a news organization's decision whether to go with the story or whether to identify the doctor?

### **Macro Issues:**

1. Under what conditions should people with AIDS be identified in news stories?
2. Should people with AIDS who work in particular professions be identified? If so, what professions and why should they be identified?
3. Often a person who seeks court relief to guarantee privacy must do so through public court documents and hearings. Should news organizations shield the names of such people as they usually do with victims of rape or incest?