



# SHOULD OUR PAST FOLLOW US FOREVER ONLINE?

## THE ETHICS OF UNPUBLISHING THE NEWS

By all accounts, Christopher Purtz was a rising star with a bright future ahead. In high school, he was student body president and an All-State football champion. He graduated with honors and earned a full athletic scholarship at the University of California, Berkeley, where he joined a fraternity and was named an All-American. His alleged actions on one fateful night in 2006, however, threatened to tarnish Purtz's legacy of achievements—and even worse, his future. News about the event published online would not let him, or anyone else, forget.



The issues began when UC Berkeley's independent student newspaper, *The Daily Californian*, and later its blog, *The Daily Clog*, published articles about Purtz after he was suspended from the football team “pending an investigation of reports that he was involved in a physical confrontation and verbal abuse” at the Lusty Lady, a San Francisco adult nightclub. Multiple witnesses alleged that Purtz was intoxicated and caused a disruption that included lobbing racist and homophobic slurs at an employee and physically shoving another staff member. A friend with Purtz allegedly “demanded prostitutes” for the two men as well. A portion of the incident was caught on security footage, including Purtz being forcibly removed from the club.

No one reported the incident to the police, but an email from a club employee alerted the university's athletic director and triggered Purtz's suspension and the resulting publicity. In one article, Purtz told *The Daily Californian* that he regretted going to the club and felt the employee's account of that night was overblown: “He tried to portray me as someone who's racist...tried to portray me as someone who's egotistical, I'm not” (Thomas, 2006).

Before that initial article ran, Purtz's mother pleaded with *The Daily Californian* staff members to not publish anything about her son, saying the publicity would exacerbate a brain disorder he had (Bronstein, 2011). But the article did run, as did blog posts when Purtz later resigned from the football team. Shortly after, he dropped out of college and, sadly, passed away just a few years later (details about the manner of his death have not been publicly shared). Purtz's father told a reporter that the day the article ran “was the moment I lost my son” (Bronstein, 2011).

But the news report about the night at the Lusty Lady and two blog posts about Purtz's departure from the football team continued to live on, much to the anguish of his family and friends. His father made repeated



requests to the student paper to remove the online articles after his son's death, arguing that the articles "inflict harm" upon his son's memory (Shields, 2011). *The Daily Californian* editor at the time, Rajesh Srinivasan, denied the request based on the student paper's editorial policy. He told a reporter in 2011, "We are the Berkeley newspaper of record. Removing the [Purtz] story would be dishonest to the factual record...It's a very slippery slope if I let compassion come into play" (Bronstein, 2011). Even though Srinivasan said he personally felt for the family, "I can't just run rogue in making these decisions" (Shields, 2011). Allen Matthews, editor of the *San Francisco Chronicle* and the chair of the *The Daily Californian's* board of directors, supported the decision, saying, "Newspapers and their websites do not pull stories because they reflect, at some point after publication, badly on the people involved" (Shields, 2011).

The dispute wound up in court, where Chris' father demanded that *The Daily Californian* be forced to erase the articles and that the current editor—in high school at the time the original articles were actually published—pay \$7,500 for severe emotional distress, mental suffering, and the costs to defend the Purtz's family reputation from "alleged defamatory remarks" against his son. "I'm sorry about the family's loss, but grief is not an excuse for Dr. Purtz to file a reprehensible claim against the current student editor," Matthews said.

Ultimately, the *The Daily Californian's* editorial decision was upheld in court. Similar cases in the United States have met the same fate, confirming that the decision to remove or alter accurate information about the past on a news organization's website is squarely a question of journalism ethics.

## Digital News and Unpublishing

The Purtz story is not unique. Now that news is overwhelmingly consumed online, people named in the news are vulnerable to being exposed within seconds through a simple Google search. That exposure gives a past misdeed the potential power to damage someone's reputation for a lifetime, potentially threatening their future career opportunities, educational pursuits, personal relationships, as well as harming their mental and emotional health.

As society wrestles with the protection of personal privacy online more generally, newsrooms have seen a rise in people asking that information about their pasts be unpublished. Unpublishing is an umbrella term for deleting, obscuring, or otherwise significantly altering previously published content on a news organization's website at the request of a third party, typically driven by embarrassment or other personal concerns.

Proponents of unpublishing argue a juvenile prank gone wrong or a past arrest for something minor shouldn't haunt them forever; who hasn't made a stupid mistake in their past? Should those mistakes be available forever to every potential employer or romantic partner? Others defend a newsroom's authority to make its own editorial decisions, citing unpublishing's real threats to freedom of the press and the public's right to know about a person's past.

There are no current standards across the news industry when it comes to unpublishing requests. Some news organizations refuse to consider them altogether, while others are more sympathetic to those asking for help. Unpublishing policies are typically written to give editors the leeway to make determinations on a case-by-case basis and may be resolved without full erasure of the information. Some editors, for example,



will opt to de-index the content in search engines so they cannot be found on Google but the original content remains on the news site. Others opt to “anonymize” information (replacing the person’s name with “a UC Berkeley student,” for example). In cases where circumstances have changed—such as a reduction in criminal charges—news outlets may choose to update the information, add an editor’s note to the page, or write a follow-up. Other newsrooms have decided that instead of only helping those who make a request, their reports of minor crime will automatically “sunset” after a certain period of time, which removes them all from search engine results. These strategies represent imperfect ways of dealing with the still-unfolding ethical challenges publishing—and unpublishing—present to journalism in the digital age.

## Discussion Questions:

1. If you were *The Daily Californian* editor, what would your ethical rationale be for determining whether or not to remove the stories about Purtz? Once you’ve made your decision, draft a few sentences to the father, Dr. Purtz, that summarize and justify your decision.
2. Unpublishing places tensions on journalists’ multiple loyalties. How would the ethical tenets of minimizing harm to individuals and protecting the public’s right to know play into your decision?
3. If a news organization decides to consider unpublishing requests, who should make the decisions? Is more than one person involved? If so, how will disagreements on a person’s request be handled?
4. Journalists are humans first. How much should human compassion, if at all, influence unpublishing decisions? Does it matter if the person making the request seems remorseful?
5. Would your unpublishing guidelines differ for public officials and others who assume positions of public trust? How so?
6. How much does the passage of time affect your decision, especially in cases of crime reports? Does it matter if the news was published a year versus a decade ago?
7. What responsibility do news organizations have to be transparent to the public about their unpublishing practices?
8. Weigh the alternatives presented to fully unpublishing news (e.g. removing links to news from web search results, anonymizing information, writing an update). Are some more ethical than others? Why?

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