

*This case was prepared by University of Georgia journalism student Aashka Dave for JOUR 5170, Advanced Studies in Journalism, based on sources cited below.*

### **Publishing Medical Information—PART A**

James Mayer was infamous in 1988 Key West, Florida. His exploits as the philandering co-owner of Sloppy Joe's bar were legendary. Although married, Mayer was thought to be bisexual, suspected of drug involvement and known to be sexually active. None of this was cause for concern, though, until Ray Pace, a reporter at *The Miami News*, received a call from a woman at Florida's AIDS Education Project.

Noreen Sofranac, who worked on health education for the project, called *The Miami News* with troubling information. "The owner of a famous Key West bar had AIDS. Some 20 of his girlfriends had come in for testing. How many more people had been exposed was the big question." Could the paper print an announcement urging Key West citizens to be tested for AIDS?

Researchers were interested in tracing the spread of AIDS through heterosexual contact in order to determine whether there was a difference between disease spread and incidence in heterosexual and homosexual relationships. Mayer was the first person in an AIDS transmission chain in Key West, a sort of "Patient Zero."

Pace originally suggested that the paper could publish the announcement the following week. After learning about the matter at hand, he reversed his opinion. Sofranac provided him with information on AIDS and ways in which the disease could spread. During this conversation, Sofranac never asked to go off the record. However, Pace knew that she had assumed she would be protected from anything embarrassing or that would damage her reputation. Yet, although Pace managed to corroborate Sofranac's story through conversations with a top police official and two city commissioners, all those conversations took place off the record. The information Sofranac provided about Mayer and his exploits could not be backed up in any other way.

Discussion:

- Did Sofranac's information merit bumping up the publication of the Key West AIDS story?
- Should the paper have refrained from publishing a piece encouraging AIDS testing?
- Should Pace respect Sofranac's need for protection despite an explicit "off the record" request?

- What, if any, difference is there between an assumed private conversation and an off the record guarantee?
- Do journalists have a responsibility to warn the public about major health risks? At the risk of offending a source?
- Does publishing Sofranac's information violate her privacy?

## **Publishing Medical Information—PART B**

Pace ran the story after consulting a Miami-based editor, Paul Kaplan, for advice. Since nothing was officially off the record, Sofranac was quoted. They determined that since more than 20 individuals could be traced to determine AIDS development, the story should be run.

Discussion:

- Is it ethical for the paper to run a story advocating scientific research?
- Does a disease victim have a right to privacy, even when that disease is newsworthy?
- Should Pace name Mayer as “Patient Zero” in the story?

## **Publishing Medical Information—PART C**

Pace and Kaplan ran the story without naming Mayer, determining that doing so infringed upon Mayer's right to privacy.

The story ran on page one, and was titled "Researchers will track lovers of Keys AIDS victim." Sofranac was named as the only source.

Sofranac was not pleased, "complaining that what she'd told [Pace] was confidential and that her agency's credibility had been ruined."

Discussion:

- Does Mayer have a greater right to privacy than Sofranac?
- Did Pace and Kaplan act fairly when naming Sofranac, but not Mayer?
- Was there an alternative way for Pace to run the story?

## **Publishing Medical Information—PART D**

Weeks later, a Key West singer named Alison Tradup filed a lawsuit asking for access to Mayer's medical records. Tradup needed the records to determine whether she was infected with the AIDS virus; both Tradup's life and the life of her as-of-yet unborn child could be in danger. At this point, all the local media outlets were reporting the Key West AIDS story as well.

Discussion:

- Does the passage of time in any way affect the privacy guaranteed to sources?
- Does the paper now have an obligation to name the individuals involved in the research process?
- Does Mayer still have a right to privacy?
- Is there a difference between naming individuals involved in delicate medical issues when that story is a part of the public record and naming such individuals when a story is not taking place in a public arena?
- Does the effect of AIDS on the larger Key West community outweigh concerns relating to the privacy of those involved in the story?
- If other media channels are reporting the names of those involved, does that legitimately set a precedent for other publications to do so as well?

## **Publishing Medical Information—PART E**

As it would happen, Mayer's wife had already fallen victim to AIDS. When Pace called Mayer's home, the person answering the phone informed Pace that Mayer was "on his way to his wife's funeral."

Pace found the name of Valerie Mayer's physician after searching through funeral homes in Key West. Pace then called the physician, explaining that he wanted to know Valerie Mayer's cause of death.

Pace initially found the physician to be hesitant, saying "He was hesitant to talk with a reporter until I explained that I could get what I wanted from the death certificate he had signed. What did Valerie Mayer die of?"

The physician then went on to say that Valerie Mayer "died of an AIDS-related disease."

Pace's story on Tradup's lawsuit included the physician's information on Valerie Mayer's cause of death.

Discussion:

- Does publishing a medical record invade an individual's privacy?
- At what point does knowledge contained in a medical record become essential public information?
- Should Valerie Mayer's medical records have been considered private?
- Should Pace have called the doctor when he could have looked at Valerie Mayer's death certificate instead?
- Did Valerie Mayer's medical records have a bearing on Tradup's ongoing story?
- Given that Valerie's husband was still alive, should Pace have consulted with Mayer prior to publishing her medical information?
- Does publishing Valerie's cause of death violate Mayer's right to privacy?

## Sources

- <http://journalism.indiana.edu/resources/ethics/naming-newsmakers/sounding-an-alarm-on-aids/>
- <http://www.people.com/people/archive/article/0,,20099299,00.html>