

The Delray Democrat

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The Media Rolls Over (Again)

Michael K. Cantwell

The *LA Times* and *Washington Post* refused to endorse a candidate in the presidential race. After Trump wins, *The New York Times*' boldface mega-font headline reads [TRUMP STORMS BACK](#). Joe and Mika go to Mar-a-Lago to kiss his ring. *Time Magazine* names him "Man of the Year."

ABC's [decision](#) to pay Donald Trump \$15 million and \$1 million in attorneys' fees to settle a defamation suit emboldens Trump to sue the *Des Moines Register* and its highly respected former pollster for publishing a poll that projected Kamala Harris winning Iowa by 3 points, a state Trump ultimately won by about 13 points.

[Commenting](#) in *The New York Times* on what some media law experts saw as ABC's retreat from a winnable fight, RonNell Andersen Jones, a law professor at the University of Utah said:

What we might be seeing here is an attitudinal shift. Compared to the mainstream American press of a decade ago, today's press is far less financially robust, far more politically threatened, and exponentially less confident that a given jury will value press freedom, rather than embrace a vilification of it.

This "attitudinal shift" goes back for decades, however, and might better be called an "ownership shift." Remember Jeffrey Wigand ("The Insider")?

Wigand was a former biochemist and whistleblower who had been fired by Brown & Williamson after confronting the company about its addition of carcinogenic additives to the tobacco. CBS initially sought to interview him on its flagship *60 Minutes* program, but then cancelled the broadcast in the face of a lawsuit threatened by B&W.

I was fresh out of law school at the time, working for a First Amendment thinktank, and CBS's timidity in the face of the threat from B&W was the subject of much discussion among the media law experts with whom I interacted. Many believed that it had little to do with the law and much to do with the fact that Westinghouse Electric Corporation was in negotiations to purchase CBS.

B&W advanced the novel claim that interviewing Wigand would be an "intentional interference" with the settlement agreement Wigand had entered with B&W, an agreement that bound him to silence.

Such claims had almost exclusively been confined to disputes between competitors over employees or clients, not to instances where the media was seeking to publish information in the public interest.

CBS would not only have had a strong First Amendment defense, but B&W would have had difficulty establishing even the elements of an intentional interference claim, which requires the plaintiff to prove that the "interference" was unjustified. Given the public health threat posed by tobacco, that would have been a heavy burden.

After cancelling the episode, *60 Minutes* ultimately broadcast it – but only after *The Wall Street Journal* [published](#) the entirety of Wigand's deposition in a lawsuit brought by the State of Mississippi seeking reimbursement for the cost of smoking-related illnesses. The information that B&W wanted to suppress was now already available to the public.

The [episode](#) of *60 Minutes* included interviews with Mississippi Attorney General Mike Moore and B&W attorney Gordon Smith and included this delightful exchange of opinion regarding the dangers of tobacco:

Moore: I'm used to dealing with, with cocaine dealers uh, and crack dealers and I have never seen damage done like the tobacco company has done. Uh, there's no comparison. Cocaine kills 10, 15 thousand people a year in this country. Tobacco kills 425 thousand people a year.

Smith: [in Smith's office] Mike, its absurd to suggest that tobacco is any way like cocaine in terms of addiction. Its absolutely absurd to suggest that. Brown and Williamson makes a lawful product. They sell it and make it in a lawful way.

At the time, I remember turning to my wife and commenting, "Is he suggesting that the sale of tobacco *should* be prohibited?"

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Moore characterized the information that Wigand had disclosed as “the most important information that has ever come out against the tobacco industry.”

He was right. Wigand’s testimony was central to the historic settlement among the four largest tobacco companies in the United States and 46 states, five U.S. territories, and the District of Columbia.

CBS equivocated not because of the law but out of fear that the acquisition by Westinghouse would be jeopardized.

Corporate Ownership of Media Has Corrupted the Media

There was a time when the three major broadcast networks presented the news not only to satisfy the public-service requirements of Congress and the Federal Communications Commission but for the prestige it brought. They didn’t regard news as a profit center.

CBS Chairman William Paley famously told news reporters at a meeting in the early 1960’s that they needn’t worry about what the news cost. “I have Jack Benny to make money.”

It was also a time before the networks were acquired by corporations that had nothing to do with news reporting in the latter Twentieth Century. And those corporations had subsidiaries in controversial business covered by the news.

For example, when NBC was purchased by General Electric in 1986, one of its sister companies, GE Vernova, was involved in the manufacturer of nuclear power plants.

Comcast, which owns NBC, recently announced plans to spin off MSNBC, CNBC, USA, and other subsidiaries into a new company. Some worry this could result in MSNBC being sold and then closed.

What Happens Now?

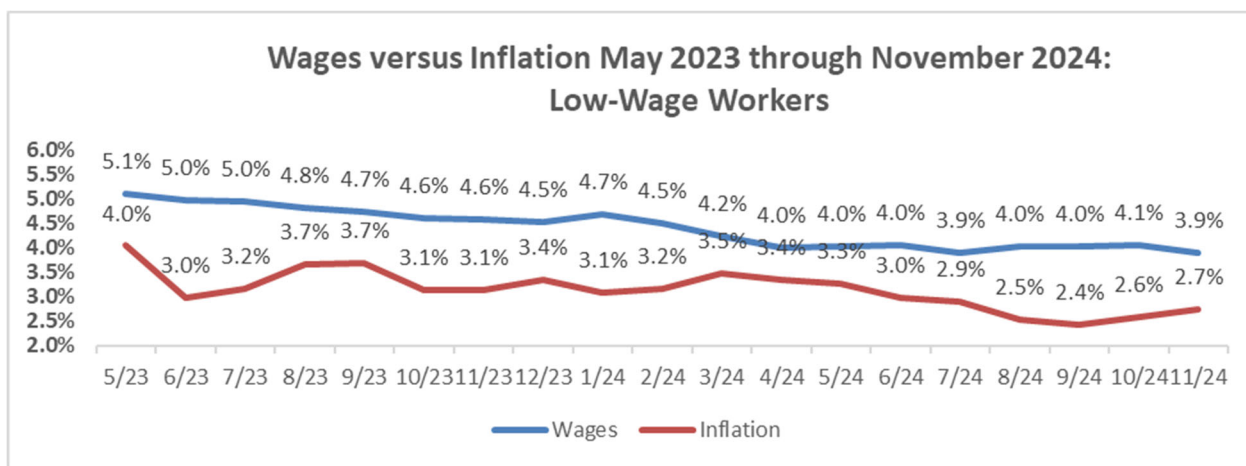
Trump is emboldened by the settlement with ABC and is threatening the media with further lawsuits, license terminations, and challenges to constitutional protections that have existed for more than 60 years.

We are at a crossroads. Will the media rediscover the backbone it displayed when threatened by Nixon and reclaim its historical position as a “Fourth Estate” that speaks truth to power?

Or will it remain as cynical and clueless as the *Times* reporter who glibly rejected my claim he’d betrayed a “sacred trust” by parroting Paul Ryan’s lies and cheap shots about Obama without any rejoinder?

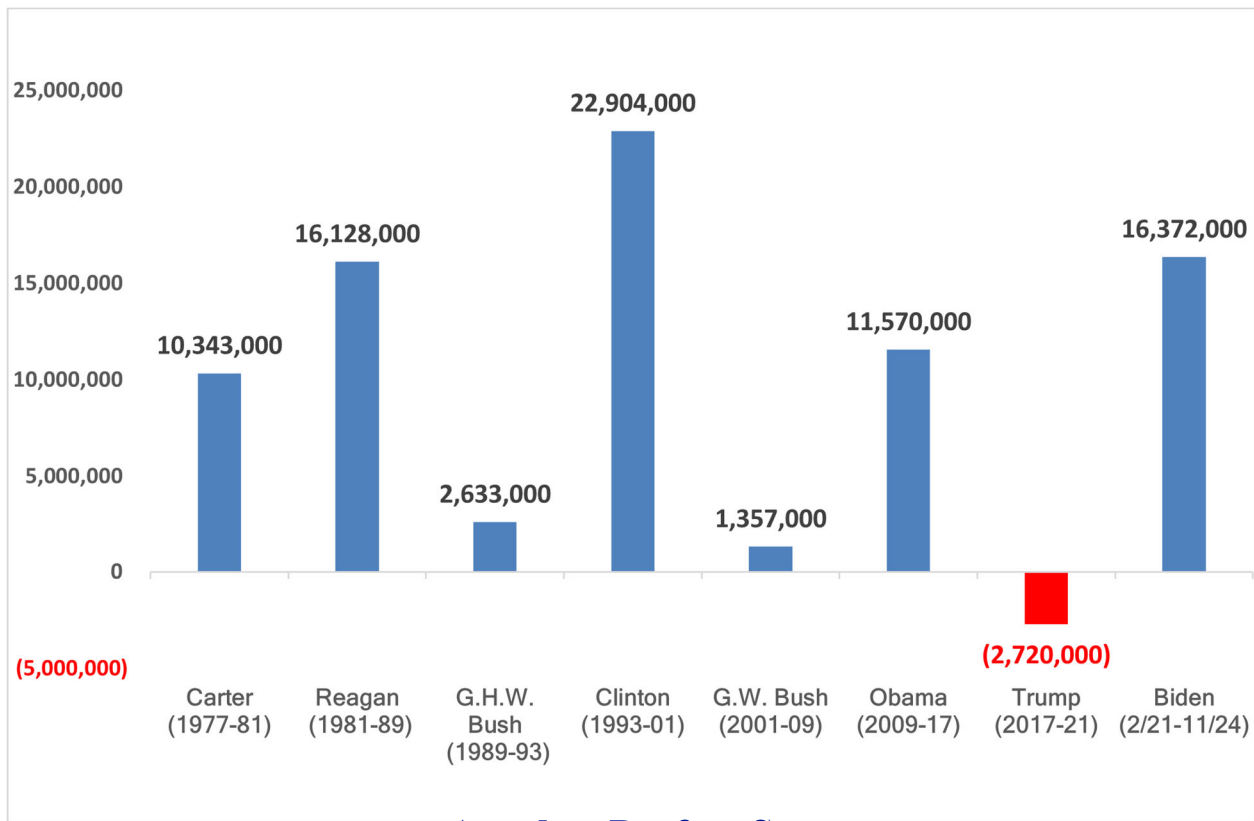
I find your assertion of the betrayal of a "sacred trust" is bizarrely over-emotional, hyperbolic and generally perplexing. To put it simply, in the vernacular of my profession: it's just news.

When journalism becomes just another business, like selling shoes (or selling democracies), it’s a little difficult to remain stoic.



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Another Perfect Storm

Michael K. Cantwell

“Well, that was reason no. 43 that Hillary lost.”
Alan Milner

That’s how my good friend, the late Alan Milner, responded when I told him in 2020 that I thought Joe Biden would beat Donald Trump because he lacked one of the vulnerabilities that had plagued Hillary in 2016. I was right about the outcome but Alan was right to dismiss my rationale: “well, that was reason no. 43 that Hillary lost.”

Similarly there is no shortage of reasons for Kamala’s loss last month. As a rough beast prepares to reoccupy the Oval Office, there is no shortage of villains either, nor will there be a shortage of victims (many of whom voted for Trump or stayed home).

And the victims are why this is not the time for Democrats to re-form our circular firing squads, however comfortable and familiar they may be and however much the So-Called Liberal Media depends on them for clickbait. What is needed is constructive criticism of where we need to as a party to improve but also a frank acknowledgment that some of the reasons we lost – sexism, racism, ageism, ignorance, and the cravenness of the corporate media – defy easy fixes.

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Editorial Board: Michael K. Cantwell (Editor), Char Lane (Managing Editor), David Kulick, and June Neal.

2024 Membership

Char Lane

The most consequential General Election of our lifetimes is over. Many results were not what we worked for, but we are resilient and will have to work exceptionally hard to help keep our democracy intact. Thank you to all of you who canvassed, made calls, addressed post cards, waved signs, donated, and worked the polls as Election Workers, Poll Watchers, and Poll Greeters. As a testament to the hard work, Democrats Harris-Walz, Debbie Mucarsel-Powell, Alexcia Cox, Dan Eisenberg, Lois Frankel, Joe Casello, Joe Abruzzo, Debra Tendrich, Ric Bradshaw, and Wendy Sartory Link all won in Palm Beach County. So did County Commissioners, along with Amendments #3 and #4.

It's DCDB 2025 membership renewal time. Membership is on a calendar year basis and your dues help provide funding for operational projects, such as The Delray Democrat, our meetings, other operational supplies, and signage for our sign waving events. Meetings are at 7 PM on the third Thursday of each month and held at the PBC DEC Office at 220 Congress Park Drive. Meeting notices are sent out in the weeks prior to meetings and include Zoom links to register for and/or join the hybrid meetings and links to our various websites.

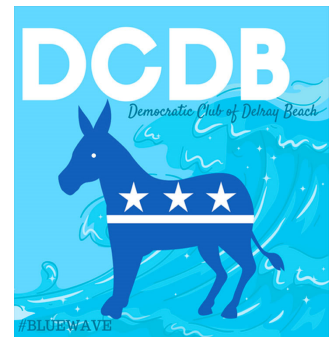
Our goal is to educate people as to the importance of voting, why they should vote Democratic and why they should use Vote-by-Mail as a critical tool in support of this goal. **Please remember to reenroll in the Vote-by-Mail Program for 2025-2026 online at votepalmbeach.gov and selecting the Vote-by-Mail tab or calling 561.656.6208 or visiting any of the SoE offices.**

Getting out the vote is our most important mission. You can help by making phone calls, texting, writing postcards, canvassing, or becoming a precinct leader. You can register people to vote and help people sign up or reenroll to vote by mail. You can volunteer for projects to benefit the community. The 2026 Mid-term Elections are less than two years away and we have so much work to do.

If you're a Club member, please renew your membership for 2025. To become a member of the DCDB: complete and mail the Membership application or click on the QR code below. You can also give me your membership application/renewal at our meetings.



Democratic Club of Delray Beach 2025 Membership Application and Renewal



Date _____ New _____ Renewal _____

Name/names of household members _____

Address _____

E-mail Address _____ Phone number _____

(E-mail addresses are shared with the Palm Beach County Democratic Party so our members will be kept abreast of the latest County Democratic Activity. If you do not wish to receive this information, please initial here _____ and we will not share your E-mail address.)

Preferred method of contact: E-mail _____ Mail _____ Phone _____ Text _____

Send newsletter by: E-mail _____ Hand delivery _____ U.S. Mail _____

I/we are in South Florida from _____ to _____ each year or are a permanent resident _____.

Payment: Individual \$25 _____ Household \$35 _____ Donation _____

Please make checks payable to Democratic Club of Delray Beach and mail to P.O. Box 8224, Delray Beach, FL 33484. Thank you and welcome to our Club.