

"Tabloid Journalism"

KWTV Libel Loss Hits \$6.5 Million

By Eddie L. Madison Jr.

In *The Oklahoma Eagle*

What has been described as "tabloid-style" reporting has backfired on an Oklahoma City television station and its former reporter involving coverage of a longtime Bristow veterinarian.

Dr. Howard Mitchell was awarded \$6.5 million in damages by a Creek County jury, according to his attorney, Douglas E. Stall.

Stall told *The Oklahoma Eagle* that he thinks the jury absolutely did the right thing in this case. He said Griffin Television, owner of KWTV, Channel 9, and the station's former reporter, Chris Halsne, acted maliciously in their coverage of the veterinarian, who is an African American.

"They could see that these stories were in the mold of a tabloid," said Stall. He said if the reporter and other station personnel, including the owner, had thoroughly reviewed the records from which Halsne made his conclusions, "they would have certainly seen that the story had nothing to do with Dr. Mitchell. Instead, they labeled him a horse-killer."

"Justice prevailed," said the plaintiff's attorney. "The jury was fed up with tabloid journalism."

Stall said the jury deliberated two and a half hours to reach its verdict in the trial that lasted eight days. He said they awarded Mitchell \$6 million in actual damages, and slapped the station and Halsne each with \$250,000 in punitive damages. It took them only 20 minutes to arrive at a decision on the punitive damages.

According to Stall, Channel 9 and Halsne, who now works for a television station in Seattle, ran stories repeatedly that were harmful to Dr. Mitchell, "and they ran these stories without fully investigating some 12 inches of documents, more than 600 pages of sworn testimony, that was available to them." He said more than 100 witnesses were involved.

Stall said five of seven stories aired by Halsne and Channel 9 were about a horse named Doo Dominate that broke down in 1994. Three horses broke down on the track that day, two in the same race, he said.

The occasion was the 1994 All American Futurity at Ruidoso Downs, the New Mexico track where the incident occurred, is a popular racetrack. The governor of the state, Stall said, insisted that a full investigation be made.

The track was apparently in poor shape on the day of the race in question, Stall said.

Halsne flew to New Mexico to talk with the lead investigator in the case and, according to Stall, "spent only 12 minutes interviewing the investigator." The investigation began September 5, 1994, and ended in 1995.

THE RECORD WAS AVAILABLE

"He had the full investigative file but did not take the time to review the documents," Stall said referring to Halsne. "Neither the reporter, the news director, nor the producer, not even the owner," took the time to thoroughly review the file.

Stall said after the first story ran, another lawyer representing Mitchell at the time contacted Channel 9 and told them the stories were lies.

The station said they had read the records and continued to run the stories for another four or five months, Stall told *The Eagle*.

"They not only continued with the story," Stall continued, "they put it on The Internet. The jury was aggravated in their findings."

In 1998, Halsne did a series of stories linking Dr. Mitchell to the "doping" of a race horse and show horse. Stall said this in essence labeled the veterinarian a horse killer. Mitchell had a reputation for treating high-profile race horses.

Speaking with this writer, Mitchell said he was pleased with the outcome of the case. He was not pleased with the way some newspapers had handled



the case, putting more emphasis on the Channel 9 accusations instead of the evidence that won him the award by the jury.

A transcript of KWTV news reports offers an example of how the story on Mitchell was handled by the Oklahoma City station.

PART OF THE TRANSCRIPT

Here is the lead-in for a report airing January 26, 1998:

"Announcer: Tonight at 10:00 on News Nine, the Investigators. It was one of the top show horses in the world, but did an Oklahoma vet use drugs to help it win a major competition?"

"Kelly Ogle: The Investigators go inside the horse world for a surprising story."

"Jennifer Reynolds: Allegations of cheating and drug use at the World Quarter Horse Championships is the focus of an exclusive News Nine investigation tonight."

"Here's the horse at the center of a national debate going on in top show circles. Her name is This Lady Sings. She captured an amateur world title here in Oklahoma City just a few months ago. Tonight we look at accusations that this horse won with the help of painkillers administered by an Oklahoma veterinarian. Lead investigator Chris Halsne is on this case for us, and Chris, you confirmed that the horse This Lady Sings was given a painkiller before the show."

"Chris Halsne: Yes, that's right. The question is now though how long before the show and could the type of drug in this vial have altered the performance of a horse when she competed in the ring. The Quarter Horse industry is a sub-culture of big money and serious competition. Some are in it for the love of animals, some to win-at-all-costs."

"There are casualties to the sport. This Lady Sings was named best amateur in the world just three months ago. Now, her new trainer Jeff Alexander says lameness in her feet have ended the horse's career."

"Jeff Alexander: I can't show her. I cannot take her to a horse show like this. She will not compete."

This exchange continued on Jan. 26, and 27; Feb. 5, March 26, June 15, 17; and Sept. 12 and 13.

In the Jan. 26 interview, Mitchell agreed that he gave This Lady Sings Sarapin, a vegetable-based painkiller, when the horse first arrived in Oklahoma City for world competition.

According to the Channel 9 transcript, the Bristow vet administered the painkiller at the request of its then owner, Thomas J. Offut. Halsne quoted Mitchell as saying he was sure the nerve block wore off before the competition.

Mitchell is one of four black veterinarians in Oklahoma.