

MEMORANDUM

TO: Cesar Conde, Chairman, NBCUniversal

FROM: Luke McCrory, Executive Producer, Dateline NBC

DATE: Thursday, October 10, 2024

SUBJECT: General Motors Story & Defamation Case

MY DECISION

After genuine moral reflection and review of NBCUniversal's journalistic guidelines, **I would like to formally express my regret** for approving Dateline NBC's General Motors (GM) story, which falsely accused GM of ignoring a design defect in an older model of pickups which resulted in a teenager's death. While I was unaware of the deliberate falsification when I approved the story, responsibility does land on me as executive producer. I will explain my regret below, the ethical framework behind it, and recommend a plan of action.

CENTRAL ETHICAL FRAMEWORK

In this case, I used the deontology ethical framework to judge our decision. Deontology argues that the most ethical decision most closely adheres to moral principles. As such, I will outline the critical moral mistakes that caused my disappointment with this story.

EVALUATING MORALITY

Three vital moral failures emerge when investigating the ethics of this case. First, Dateline unequivocally abandoned journalistic integrity. The broadcast aired a video of a pickup catching fire without any follow-up on the causes of said explosion. Omitting an explanation implies to the audience that the manufacturer was at fault. Intentionally casting false light on the explosion's causes cannot be defended. It shows laziness, recklessness, and departure from journalists' basic duty to tell the truth. Truthfulness, transparency, fairness, and good-faith reporting were all severely compromised.

Second, the real-world consequences of our actions range far beyond the theoretical problem of breaking journalism norms. Once the producers admitted to artificially rigging pickups with tiny rockets and sparking devices, it became clear that Dateline manufactured a story out of nothing. Worse, it both misled the public and turned a public safety issue into a spectacle. To capitalize on this incident for circulation and controversy is to exhibit an unscrupulous disregard for truth and social norms, demonstrate a lack of basic maturity, and insult the basic intelligence of all viewers, which I simply cannot get behind.

Not to diminish the aforementioned wrongdoings, but, third, the fact that a teenager died in one of these pickups only makes our story appear more distasteful. Exploiting an objective tragedy for corporate gain is ethically unjustifiable in professional journalism. It is reasonable to view our decision to falsely publish as sensationalizing a young person's death. That is morally indefensible.

All three major missteps were immoral in their own right. I'm disappointed that none were severe enough to inspire any reconsideration or discussion.

LIBEL CASE

I have since heard of GM's imminent defamation lawsuit whose punitive damages could bankrupt the network. I will gauge their case via the legal criteria to prove libel and the "actual malice" standard as laid out in *New York Times v. Sullivan*. The requirements for libel are publication, identification, fault, falsity, injury, and defamation. Obviously, we published this story calling out GM for ignoring the technical fault, which covers publication and identification. Dateline was the first to report GM's supposed ignorance, so fault is established. Since the story aired, GM released a statement denying knowledge of the defect, meaning they believed - if true - that their reputation would take a significant hit. I'm inclined to agree that ignoring a fatal technical defect is harmful to any company's reputation. Therefore, defamation and injury are satisfied. Lastly, Dateline's producers admitted to faking the explosion, proving falsity, and confirming that all requirements were met.

Regarding actual malice, the producers knowingly faked the explosion to imply negligence by GM. That proves both "knowledge of falsity" and "reckless disregard for the truth," which easily passes the actual malice standard. Given that both legal routes for proving libel were met, I believe any legal action GM takes will likely be successful.

CONCLUSION

With the above in mind, **I highly recommend that we retract the story**, issue a public apology, and perhaps compensate the teenager's family. That would help restore trust in our reporting and greatly limit the specter of legal action by GM. If they still moved forward with litigation or we reached a settlement, the financial blow would be significant, but not an existential threat to the company. That way, we can learn from our mistakes and update our standards to prevent a similar error in the future.