

Eskin case: The small chill

Broadcasters foresee little effect

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SEPTEMBER 13, 2004

[INFINITY Broadcasting's WIP learned a costly lesson when it settled for "substantial compensation" a defamation suit filed by super-attorney Richard Sprague against perennial loudmouth Howard Eskin, but broadcasters doubt it will have a chilling effect on what Philadelphians hear on the radio.



The settlement prohibits revealing the monetary award, but chatter around WIP (610 AM) is that the payout is "huge." One station source tells me he heard it was over \$1 million, maybe well over. Someone familiar with Sprague and his attorneys, Shanin Specter and Tom Kline, describes them as "seven-figure lawyers. They wouldn't settle for less." Specter discussed the case with me, but not the cash.

History shows that when Sprague sues, he doesn't just want justice, he wants to punish his opponent. If his desire were to teach the corporation a lesson, he'd go for the financial jugular. But will that gag local radio yakkers?

Guidelines violated

Probably not. One WIP host, speaking on condition of anonymity, said the station has written guidelines for hosts with "very specific definitions of how far you can go" and Howard blew by the rules.

"He's saying that a lawyer is unscrupulous and immoral. I couldn't believe he said that. Even Howard knows better than to characterize someone that way. I don't know what the hell got into him."

A second host said the settlement wouldn't affect him, because "I don't go there," meaning personal attacks on volatile lawyers.

A third host said, "Not many people at the station toss out the outrageous claims that Howard does."

In a broadcast apology, Eskin indicated he made statements that were not checked and were not true.

This is why First Amendment advocates won't flock to Eskin. The veteran broadcaster, known for on-air arrogance, was reckless in not checking facts and presenting half-baked opinion as fact. Eskin was suspended for 30 days and declined to comment.

An earlier suspension

More chilling than the Eskin case, said a WIP host, was the suspension of Angelo Cataldi in July 2003 for likening Eagles' overzealous security to Nazis. "We know libel, but that was commentary. We were wondering, where's the line?"

At Philly's newest talk station, WNTP (990 AM) program director Mark Daniels isn't feeling a chill.

"If Howard would have thought through what he said before he opened his mouth, he probably wouldn't have said it," says Daniels, whose station turned to nationally syndicated talk in April.

"Howard will have to think twice before he gets into an area involving an attorney."

Especially an attorney like Sprague, who actually sued the American Bar Association for describing him in a way he didn't like. WHAT (1340 AM) VP/GM Kernie Anderson doesn't expect his hosts to be chilled "because anybody that's on the air knows the importance of being responsible," although the Eskin example could be a refresher course in what "responsible" means. "We don't have to blurt out everything we believe."

Tom Taylor, the editor of the Inside Radio Web site, puts it this way: "When you're on the Schuylkill, and you see a speeder pulled over, you tend to slow down a little." The settlement "does have that effect."