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## Using the “Quiz Show” Scandals to Teach Issues of Ethics and the Media in a Business Law Class

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Using the “Quiz Show” Scandals to Teach Issues of Ethics and  
the Media in a Business Law Class

by

Dr. Sharlene A. McEvoy

ABSTRACT

It was a big deal in the late 1950s but many students have difficulty understanding what the fuss was all about when it was revealed that television quiz shows were rigged. The incident can be a useful vehicle for teaching students about ethics, whistleblowing, the media, and government regulation.

INTRODUCTION

In the environment of the first decade of the twenty-first century where lying by government officials including Presidents is taken for granted, and cheating on a large scale (see Bernie Madoff) and on a smaller scale (manipulating test results to make schools look better than its competitors), the scandal involving the quiz shows of the 1950s seems like a quaint fable from an era of post World War II innocence.<sup>1</sup>

Despite how trivial this episode appears today, it shattered the trust of the American people and altered the lives of those who will be forever associated with it, in particular Charles Van Doren, the scion of a prominent literary family.

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This incident can be used as a device to teach a variety of topics of interest to business students, particularly ethics, whistleblowing, corporate responsibility, and government regulation.

This paper will explain how instructors can use the case in a business law class and how to incorporate both a documentary and a Hollywood film into the course material.

### INTRODUCTION TO THE CASE STUDY

In the 1950s television was a relatively new form of entertainment for the American people. During the previous two decades the predominant diversions had been the movies and radio.

After World War II, the number of television sets sold soared into the millions as the box in the living room in the 1950s became as indispensable as the radio had been in the 1930s.

In fact the quiz shows that dominated the airwaves in the 1950s had their origin on the radio. In the early 1930s radio programs were mostly music, comedy, soap operas, news and sports,<sup>2</sup> but during the 1930s, quiz shows captured the public imagination and by 1940, fifty shows were on the air and by 1950 nearly two hundred. Among the more famous shows were “Stop the Music”, “Information Please” and “Quiz Kids”.<sup>3</sup>

When television replaced radio as the principal mode of entertainment, quiz shows joined the programming lineup. The first big hit was called the \$64,000 Question, whose radio precursor had been called Take It or Leave It. The top prize was \$64,000.<sup>4</sup>

Producer Louis Cowan knew that such a small prize would not lure viewers or contestants so it became \$64,000, a fortune at a time when the average person earned approximately \$4000 a year, a house in the New York City suburbs could be purchased for \$10,000 and a new car cost less

than \$2000.<sup>5</sup>

The show became a hit drawing as many as 55 million viewers for one episode, at a time when the United States population was less than 150 million. People wrote letters begging to be considered as contestants. The \$64,000 Question spawned many imitators, one of which was a show called “Twenty One”.

“Twenty One”, a show based on blackjack, had been created by Don Enright and Jack Barry who had also invented two other successful shows, Juvenile Jury, a panel of young people who answered questions and Tic Tac Dough based on the tic-tac-toe game.<sup>6</sup>

Twenty-One first aired in 1956 and at the beginning it was not rigged. It also was a dull show because the contestants could not answer the questions.<sup>7</sup>

The day after the first show aired, the owner of its sponsor Pharmaceutical Inc., which made Geritol, called Enright and Barry and said that he never wanted to see a show like that again.<sup>8</sup> Enright and Barry decided to fix the show and they did it in two ways. First, they coached the contestants by providing the answers to the questions that were going to be asked on the show on which they would appear. Second, they selected guests that the audience would either root for or against. Enright said, “You want the viewer to react emotionally to a contestant. Whether he reacts favorable or negatively is really not that important.”<sup>9</sup>

Enter Herbert Stempel, who later became the first whistleblower in the quiz show scandals. At the beginning however he was an accomplice in the deception.<sup>10</sup> A 29 year old college student and Army Veteran he had an I.Q. of 170 and answered 251 out of 363 questions correctly on the qualifying test.<sup>11</sup> After Stempel was chosen to be a contestant, Enright visited his home and asked him if he would like to win \$25,000. Stempel agreed and was coached not only as to the questions and answers but also what to wear and how to appear

stressed or overheated.<sup>12</sup> Stempel eventually won nearly \$50,000 but Enright determined that it was time for him to lose after tying three games with Charles Van Doren. Stempel was ordered to answer a question incorrectly he knew very well: Best Picture for 1955. Stempel knew that the correct answer was “Marty” but as instructed, answered “On the Waterfront”.<sup>13</sup> Charles Van Doren became the new Twenty-One Champion and went on a winning streak that eventually won him \$139,000, a Time Magazine cover story, marriage proposals and a three year \$150,000 contract to appear on such NBC shows as Today and Steve Allen among others.<sup>14</sup> Herb Stempel became jealous of Van Doren’s celebrity, a status he had never achieved and decided to expose the fact that the show was rigged.

After explaining these facts, the instructor should show the PBS documentary, *The American Experience: The Quiz Show Scandals*<sup>15</sup> should be prepared to halt the viewing to discuss the following points:

Why were so many contestants willing to go along with the deception? Who was being deceived?

Did the sponsors of these shows put too much pressure on the producers to put on a show that was entertaining as opposed to being an honest contest?

#### Assignments (Using the Program Transcript)<sup>16</sup>

1. One of the challenges that students will face in studying this material is to know all the players involved in the scandal.

- Ask the students to present a case for and against each of the following:

- Don Enright
- Jack Barry
- Al Freedman

2. Assign a team of two to three students to analyze each of the following shows and determine how each one figured in the

scandal:

- Tic Tac Dough
- Dotto
- \$64,000 Question
- \$64,000 Challenge
- Twenty One

Each student should be prepared to discuss how each show worked and how the show was rigged.

3. Ask students to discuss the role each of the major contestants who appeared on the shows. Assign a student to be an investigator and analyze the role or culpability of each.

- Patty Duke<sup>17</sup>
- Dr. Joyce Brothers<sup>18</sup>
- Vivienne Nearing
- James Snodgrass
- Marie Winn
- Edward Hilgemeier

#### THE ROLE OF HERB STEMPEL<sup>19</sup>

The major figures in the case among the contestants are Herb Stempel and Charles Van Doren. Students should be asked to compare all aspects of the background of both.

- Which man was the smarter of the two?
- Was the motivation for Stempel's coming forward to reveal that Twenty- One was fixed?
- Was it to get even with Enright who failed to find work for Stempel on other shows? Or was his primary motivation jealousy of the opportunities that Van Doren enjoyed including as co-host of The Today Show.
- Was Stempel truly a whistleblower? Ask students to

discuss what is the definition of a whistleblower? Does a whistleblower have to have altruistic motives?

- Why was the press originally unwilling to publish Stempel’s allegations? Was it because of a lack of corroboration or because Enright had labeled him as “mentally unstable”?

- What event caused the scandal to go public?

Students should be assigned to read portions of Joseph Stone’s Prime Time and Misdemeanors.<sup>20</sup> Stone was the Assistant District Attorney who conducted grand jury investigations of the quiz show cheating. Among the relevant chapters of the book are those dealing with the testimony of contestants, many of whom lied. After they read Chapters 1-8,<sup>21</sup> students should be asked whether the grand jury should have been convened in the first place. As D.A. Stone admits, there really were no crimes committed. Draw students’ attention to the following quote:

At first blush, there appeared to be no grounds for prosecuting anyone involved in television quiz programs under the laws of New York. Our examination of the contracts between producers and sponsors showed that the program had not been represented as bona fide contests, therefore larceny by false pretense had not been committed. Neither did laws against misleading advertising seem to apply because, in New York at least to make a case for misleading advertising, it had to relate to the merchandise being offered for sale.....

....these considerations did not preclude the commission of a crime in the process of fixing a quiz show. Extortion had been alleged, and then was still the possibility that kickbacks were paid by contestants....

Nevertheless, even if we didn't uncover an actual crime in the operation of the quizzes, the grand jury was exercising a legitimate function by investigating a matter of considerable public concern.<sup>22</sup>

If there were no crimes involved and the contestants were willing participants, was the investigation as good use of the time and taxpayer money by the Manhattan District Attorney?

Another question to ask students is who was hurt by the actions of the producers of quiz shows. The producers and advertisers made money. The network featured shows that were highly rated, attracting millions of viewers who were drawn in by the drama that brought popular contestants into viewer's living rooms for many weeks.

The contestants won some money, received mail from admiring fans and enjoyed a fleeting fame. What harm was caused by rigging the shows?

#### THE ROLE OF CHARLES VAN DOREN

Perhaps the contestant who reaped the most publicity and later opprobrium from his participation as a contestant on "Twenty One" was Charles Van Doren.<sup>23</sup>

Ask two students to present the case for and against Van Doren. He maintained his silence about his role in the scandal despite the fact that Julian Kraiman acknowledged him in the closing credits as having contributed to the PBS program.<sup>24</sup>

It was not until 2008 that Van Doren broke his silence in an article that appeared in the New Yorker.<sup>25</sup>

Ask students to read this article with particular care and then pose the following questions:

- Does Van Doren display the pomposity that caused Stempel to resent him? Ask for examples.



- Did Van Doren know in advance that the show was fixed?

- If so, why did he agree to participate, given his family pedigree. He obviously believed that he had a family tradition to uphold. Or was he in competition with his famous father and uncle and desire to eclipse their fame?

- Does it surprise you that an educated man like Van Doren (B.A. St. John’s College and Columbia University study at Sorbonne) and his position as an instructor of English at Columbia would agree to be subject to the kind of coaching he describes in his article?<sup>26</sup>

- Why did Van Doren not confide in his father and seek his advice?

- Do you think that Van Doren was naïve in believing that his participation in the quiz show would cause young people in America to become more interested in education? He also claimed that Freedman told him that quiz shows were entertaining and that fixing was a common practice.

- Is it plausible to believe that when several people were aware that Twenty One was rigged that someone among the producers or contestants would not eventually disclose what was going on?

- Why were only seventeen of the contestants indicted, arrested and arraigned when over one hundred had lied to the grand jury? Ask if students think that Van Doren was among those singled out because of his famous family? Why was Stempel not among those charged?

- What were the consequences of this episode?

Through a family friend Van Doren got an editorial position at Encyclopedia Britannica, Freedman got an executive job at Penthouse and by the late 1960s Jack Barry and Don Enright returned to television and produced new shows.<sup>27</sup>

- Was this because the public has a short memory of that people have become more forgiving of ethical lapses?

- Did Van Doren make matters worse by stating that he had received no help with the answers to his lawyer, the district attorney, the grand jury and even to the Today Show audience. At one point he said, "It's silly and distressing to think that people don't have more faith in quiz shows."<sup>28</sup>

- Was it hubris that prompted Van Doren to offer to appear before the House Committee on Interstate and Foreign Commerce to proclaim his innocence? When the Committee subpoenaed him, he was forced to confess his involvement.<sup>29</sup>

### CONGRESSIONAL ACTION

When the grand jury's presentment was sealed by Judge Mitchell Schweitzer, Congress called for an investigation. It was during those hearings, some held in executive session and others held publicly, that revealed the extent of the deception that had occurred. Van Doren was unmasked as a deceiver.<sup>30</sup>

Ask the students if they think that Van Doren's complicity in the rigging would have been revealed if he had not become a high profile public figure by accepting NBC's offer to work on The Today Show and other programs.<sup>31</sup>

Show the students a portion of the "Quiz Show"<sup>32</sup>, the fictionalized version of the event produced by Robert Redford, in which Ralph Fiennes playing Van Doren read a statement to

the Committee and was praised by some Congressmen and denounced by another. Ask the students about Congress’ reaction. Why did the members react this way?

Ask the students to research what reforms were made by the Federal Communications Commission in the wake of the scandal and ask them to find out what happened to the main players in the drama. Some returned to obscurity while others “landed on their feet”. Discuss these outcomes.

Finally, students should be asked to play the role of a reporter or historian who is asked to analyze the impact of the quiz show scandals and how a similar event would play out today. If it were revealed that Jeopardy, Wheel of Fortune or Survivor were rigged, what would the public reaction be? Would the President weigh in as President Eisenhower did.<sup>33</sup> Has the country become so inured to lying at all levels that such an event would pass relatively unnoticed.

### CONCLUSION

Given the ubiquity of cheating and general public skepticism, would the Quiz Show scandal even cause a ripple today? Students should be asked to research the number of scandals involving cheating that have occurred during the past decades government and how the public reacted at all levels including business and education.<sup>34</sup>

The instructor might ask students to examine the so-called “reality” shows and research what safeguards are in place to protect against cheating.

Finally students should examine how much cheating they have engaged in or how much they know goes on in their educational careers and how effective are the measures to prevent these incidents. The answers may or may not be surprising.

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<sup>1</sup> David Halberstam, The Fifties, Random House 1993 at x. (hereinafter The Fifties).

<sup>2</sup> “The Rise of TV Quiz Shows” The American Experience, <http://www.pbs.org/wgbh/amex/quizshow/peopleevents/pande05.html> (hereinafter The Rise of TV Quiz Shows).

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> “Dan Enright” The American Experience, <http://www.pbs.org/wgbh/amex/quizshow/peopleevents/pande04.html> (hereinafter Dan Enright)

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> The Fifties at 649.

<sup>10</sup> Herbert Stempel, The American Experience, <http://www.pbs.org/wgbh/amex/quizshow/peopleevents/pande01.html> (hereinafter Herbert Stempel).

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> “Charles Van Doren”. The American Experience, <http://www.pbs.org/wgbh/amex/quizshow/peopleevents/pande02.html>

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(hereinafter Charles Van Doren).

<sup>15</sup> The Quiz Show Scandal producer Julian Krainan. 1992 “Program Transcript”  
<http://www.pbs.org/wgbh/amex/quizshow/filmmore/transcript/index.html> (hereinafter “Program Transcript”)

<sup>16</sup> Id.

<sup>17</sup> See also “Sonny Fox on contestant Patty Duke”, The American Experience, <http://www.pbs.org/wbbh/amex/quizshows/feature/part5.html>. (hereinafter Sonny Fox on contestant Joyce Brothers).

<sup>18</sup> See also “Sonny Fox on contestant Joyce Brothers’ The American Experience. <https://www.pbs.org/wgbh/amex/quizshow/sfeature/part5.html>. (hereinafter Sonny Fox on contestant Joyce Brothers)

<sup>19</sup> Herbert Stempel supra note 10. See also Herb Stempel Wikipedia. [http://en.wikipedia.org/wiki/Herb\\_Stempel/](http://en.wikipedia.org/wiki/Herb_Stempel/) See also The Fifties, at 650-664.

<sup>20</sup> Joseph Stone and Tim Yohn, Prime Time and Misdemeanors: Investigating the 1950s T.V. Quiz Scandal – A D.A.’s Account, Rutgers Univ. Press 1994. (hereinafter Prime Time and Misdemeanors).

<sup>21</sup> Id. at 13-156.

<sup>22</sup> Id. at 104-105.

<sup>23</sup> Charles Van Doren, supra note 14.

<sup>24</sup> The Fifties, supra note 1. at 666.

<sup>25</sup> Charles Van Doren, “All the Answers”; The Quiz Show Scandals and the Aftermath, New Yorker, July 28, 2008, [http://www.newyorker.com/reporting2008/07/28/080728fa\\_fact\\_vandoren?](http://www.newyorker.com/reporting2008/07/28/080728fa_fact_vandoren?)

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[printable=true](#)... (hereinafter All the Answers).

<sup>26</sup> Charles Van Doren, *supra* note 14.

<sup>27</sup> Prime Time and Misdemeanors *supra* note 20 at 248.

<sup>28</sup> “All the Answers”, *supra* note 25.

<sup>29</sup> Charles Van Doren, *supra* note 14.

<sup>30</sup> *Id.* See also The Fifties at 662. See also Quiz show produced by Robert Redford starring Ralph Fiennes, Rob Morrow, Paul Scofield 1993 for a fictionalized account of the scandal which tracks closely the Chapter 43 in The Fifties.

<sup>31</sup> Investigation of Television Quiz Shows, Hearings Before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, Eighty Sixth Congress 1st sess. PN 1992.8 U5IJ, Oct 6-12, 1959.

<sup>32</sup> Quiz “Show” A Robert Redford Film, A Wildwood Enterprises/Balton Picture Production, Running Time 133min 1993.

<sup>33</sup> Robert Hartmann, “President Wants TV Scandals Cleared Up. Eisenhower Shares Public Dismay; FTC and Justice Department Will Report, Los Angeles Times, Nov 5, 1959, <http://www.pbs.org/wgbh/amex/quizshows/feature/article.html>.

<sup>34</sup> Students may be interested in viewing “Quiz Show Scandal and Other Frauds” putting the quiz show scandals in the context of subsequent public deceptions. American Justice A-E 1995.