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**NAMING NAMES:
A SURVEY OF U.S. DAILY NEWSPAPER POLICY
REGARDING IDENTIFICATION OF RAPE VICTIMS**

By

Linda A. Norlock

A THESIS

**Submitted to
Michigan State University
in partial fulfillment of the requirements
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ABSTRACT

NAMING NAMES: A SURVEY OF U.S. DAILY NEWSPAPERS REGARDING IDENTIFICATION OF RAPE VICTIMS

By

Linda A. Norlock

In 1990, an editorial by *Des Moines Register* editor Geneva Overholser advocated that newspapers change the way they refer to victims of rape and identify them as they do victims of other crimes—by name. The editorial prompted an Iowa rape victim to tell her story to the *Register*. The five-part series that identified Nancy Ziegenmeyer by name received the Pulitzer Prize.

Several subsequent rape cases that received wide media coverage continued the debate: the Central Park jogger case, the William Kennedy Smith case, and the Mike Tyson case.

In this study, a mail survey of ranking editorial managers of U.S. daily newspapers polled editors about their policies and policy-making processes for identifying rape victims. Nearly all the 168 respondents continue the long-standing tradition of shielding the names of rape victims, although many are willing to publish names if the victim requests publication or unusual circumstances arise.

DEDICATION

**To my parents,
Nick and Geri Norlock**

ACKNOWLEDGMENTS

To the members of my committee—Dr. Bill Coté, Dr. Sue Carter, and Dr. Steve Lacy—in appreciation of their effort, their expertise, their support, and, most of all, their patience.

And to Dee Dee Johnson, who has been my cheerleader.

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CHAPTER 1

INTRODUCTION

Unlike their practice in reporting other crimes, most American newspapers have reserved special treatment for victims of rape. While they routinely identify those who have been murdered, robbed, and assaulted, newspapers are more guarded toward individuals who have been raped. Historically, American newspapers have omitted the name of the rape victim from news pages. Shielding the victim's name, the argument went, protected the victim from additional trauma caused by exposure to public attention.

While some newspapers refrain from printing victims' names as a courtesy, others are prohibited by law from doing so. In 1989, the United States Supreme Court reversed a Florida court's judgment against a newspaper that had been found in violation of the state statute. In *The Florida Star v. B.J.F.*, the Supreme Court weighed the media's First Amendment rights against a sexual assault victim's right to privacy. The Court refused to uphold an award for civil damages that was based on a state statute that placed limitations on publication of truthful and lawfully obtained information.¹

¹Morgan David Arant Jr., "Press Identification of Victims of Sexual Assault: Weighing Privacy and Constitutional Concerns," *Journalism Quarterly* 68, no. 1/2 (Spring/Summer 1991): 238-239.

In an essay responding to the Supreme Court's decision, an Iowa newspaper editor suggested that newspapers begin the reversal of this practice and publish the names of rape victims. Geneva Overholser's essay appeared in the *New York Times* and was printed in her newspaper, the *Des Moines Register*, in July 1989. Identifying victims by name, she reasoned, would begin the process of eliminating the social stigma associated with the crime of rape.

Just months before Overholser's essay was printed, two rapes that occurred in different parts of the country would be widely reported in newspapers across the nation. One was the very public gang rape of a woman who was jogging alone at night in New York's Central Park. The other incident, which took place in a town near Des Moines, involved the rape of a woman who was studying in her parked car.

Overholser's essay inspired the Iowa rape victim to tell her story, which was printed in a five-part *Register* series. The series, which was published following the conviction of the woman's attacker, identified victim Nancy Ziegenmeyer by name. Although *Register* management expected backlash, none came. Instead, readers expressed support, both of the newspaper and of Ziegenmeyer. The series earned the *Register* a Pulitzer Prize for public service in April 1991.²

These cases and their coverage renewed public discussion of whether rape victims should be identified by name in published reports. That discussion

²Debra Gersh and Tony Case, "75th Annual Pulitzer Prize Winners," *Editor & Publisher*, 13 April 1991, 41.

increased when two well-known men were charged with rape and their alleged victims were identified by name in the national media. In these cases, the media did more than supply coverage of the rape trials; it also covered itself covering these stories. Reporters interviewed wire service executives about their decision not to identify the woman who accused William Kennedy Smith of raping her. Newspapers and magazines interviewed *New York Times* staff who objected to their management's decision to identify the woman. Following publication of the prize-winning series, Overholser and the *Register* were the subjects of intensive media coverage.

Events such as these have sparked renewed discussion about identifying rape victims by name in news reports. One side supports continuing the practice of withholding names. Identification, this group says, is like being raped twice—once during the attack and again when the name is revealed in the media. A divergent viewpoint holds that individuals who have been raped should be encouraged to reveal that they have been victims of a crime for which they bear no guilt. In cases that go to trial, some question why the name of the alleged rapist is revealed in media reports while the name of the alleged victim is omitted as a “courtesy.”

The continued attention to identification of rape victims in press reports made the public aware of an issue that perhaps was once of primary concern to reporters, editors, and victims. An overriding consideration of any proposal to alter press practice regarding publication of victims' names seems to be the welfare of the victim. Critics fear that publishing names of victims of

sexual assault will discourage them from reporting this crime to law enforcement agencies.

That concern presents an ethical problem for the media. The press is protected by the First Amendment, which prohibits government from interfering with the freedom to publish. The media, however, must balance that sanction against the rights of the individual. Reporters and editors need to be sensitive to these rights and may decide to withhold details—or publication altogether—if disseminating that information may endanger someone.

Overholser believes that public sensitivity will develop as media practice changes.

This is a time of transition in rape reporting. I say transition because I believe that we should be moving toward a time when we treat the victims of rape as we do the adult victims of all other crimes: by naming them. I think that is the appropriate policy because it is evenhanded, because it precludes subjecting the accused to anonymous charges and because it best contributes to public understanding.³

While she advocates a change in policy, Overholser said that she is not willing to move into it coercively. “I accept as true the contention that rape victims bear a special stigma,” she said.⁴

Certainly the press cannot be examined as an entity with one set of rules, laws, and policies governing it. One newspaper may routinely withhold from

³Geneva Overholser, “Covering rape: A time of transition,” *ASNE Bulletin*, no. 726 (October 1990): 13-14.

⁴*Ibid.*

publication the names of rape victims while another paper in the same coverage area reveals the identity of those victims.

How do newspaper managers decide whether to publish the names of these victims? Have newspapers adopted policies that determine when a victim's name will be included in reports, or do they make these decisions on a case-by-case basis? Do newspapers adhere to this policy implicitly, or do events that occur in the national media affect a publication's decision to use the name of a rape victim?

It has been seven years since editor Geneva Overholser called for the press and the public to eliminate the social stigma attached to rape. Following the publication of that essay and through the days of several well-publicized trials, the media and the public debated the issue of identifying rape victims by name.

The goal of this research is to determine if these events that resulted in national media coverage have influenced daily newspapers to examine and alter their policies governing rape reporting. Through a survey of ranking editorial managers of U.S. daily newspapers, this study will attempt to identify whether the debate has prompted newspapers to adopt a process in which they continue to examine the issue or if it is now merely old news.

CHAPTER 2

THE EFFECTS OF RAPE AND ITS TREATMENT IN THE PRESS

Any examination of policy regarding the identification of rape victims in the press must take into account the incidence of rape in society and the effect of the crime on its victims.

Most individuals would concur that rape is a traumatic experience. They realize that the invasive nature of sexual assault causes both physical harm and emotional distress. Given the inherent secrecy that surrounds many incidents of sexual assault as well as the current law enforcement practices for recording these crimes, many people may not realize that their family, friends, and acquaintances have been victims of rape.

It is impossible to formulate a universal legal definition of the word rape that will apply in every jurisdiction.

Most state statutes rely on the traditional common law definition of rape: A man commits rape when he engages in intercourse (in old statutes, carnal knowledge) with a woman not his wife; by force or threat of force; against her will and without her consent.⁵

⁵Susan Estrich, *Real Rape* (Cambridge, Mass.: Harvard University Press, 1987), 8.

While rape law has received considerable attention and revision over the past 30 years, some rape laws have not changed significantly in the modern era. Some statutes fail to define rape succinctly—or to define it at all.

States that have reformed their laws have struggled with a variety of factors: the exemption from rape for married people, the requirement that a rape conviction cannot be obtained on the victim's testimony without corroboration by a third party or by physical evidence, and the difference between objective demonstrations of force, that result from the defendant's conduct, and the subjective concept of the victim's nonconsent.

The amended statutes tend to be adaptations of one of three models: the Michigan statute, which focuses almost exclusively on the defendant; the Model Penal Code, which downgrades the offense of sexual assault where the individuals were voluntary social companions; and the New York statute, which is an adaptation of the Model Penal Code. Most states combine elements from the three models.⁶

For example, some state laws indicate that marriage is "not a defense" in some instances of rape, which leaves it ambiguous as a defense in other circumstances. Other states are more explicit about spousal exemptions from criminal law.⁷

⁶Richard A. Posner and Katharine B. Silbaugh, *A Guide to America's Sex Laws* (Chicago: University of Chicago Press, 1996), 5-7.

⁷*Ibid.*, 35.

Because each state defines rape differently, the number of rape incidents reported by law enforcement agencies may vary. What is considered a reportable offense in one state may not be in another.

On a national level, the *Uniform Crime Reports* bases its findings on reported cases of actual or attempted forced sexual intercourse. On both state and national levels, rape defense is dependent on the victim's lack of consent or inability to give consent because of mental incapacitation due to mental illness, retardation, alcohol, or drugs.⁸

In gathering statistical data for crimes that have occurred in the United States, researchers often turn to reports released by agencies of the U.S. Department of Justice. The *Uniform Crime Reports*, which are compiled annually by the Federal Bureau of Investigation, include the number of forcible rapes reported to law enforcement agencies across the nation in a given year.⁹ The *Sourcebook of Criminal Justice Statistics*, which is issued yearly by the Bureau of Justice Statistics, provides information about crime and criminal justice that is drawn from a variety of sources. Data are collected through public opinion polls, surveys of individuals and households, tabulations of individuals who have been arrested, counts of illegal goods and

⁸Rob Hall, *Rape in America* (Santa Barbara, Calif.: ABC-CLIO, 1995), xii.

⁹U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports for the United States 1994* (Washington, D.C.: GPO, 1995), 24.

seized assets, judicial processing numbers, and reports of criminal justice agencies and correctional programs.¹⁰

Because different sources and methods are used for data collection, these reports vary. For example, the 1994 *Uniform Crime Reports* found that 104,806 forcible rapes were reported to law enforcement agencies throughout this country. This number represented 79 of every 100,000 females in the United States.¹¹ For that year, the *Sourcebook of Criminal Justice Statistics* estimated that 160,380 rapes occurred in the United States. This number was based on data gathered for the National Crime Victimization Survey, a sampling of approximately 93,000 persons ages 12 and older. Additionally, the *Uniform Crime Reports* consider rapes that involve females only; the *Sourcebook of Criminal Justice Statistics* includes male victims. The sourcebook projected that 5,950 males were raped; this estimate, however, was based on about 10 or fewer samples.¹²

While these governmental reports draw their information from different sources, both may grossly underrepresent the number of rapes that occur in the United States each year.

¹⁰U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1994* (Washington, D.C.: GPO, 1995), iii.

¹¹U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports for the United States 1994*, 24.

¹²U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1994*, 230-231.

For 1990, the *Uniform Crime Reports* stated that 102,560 women in the United States had been raped, while the U.S. Department of Justice estimated that 130,000 individuals had been raped. Yet another federally funded study placed the number of rape victims in the United States as much as six and one-half times higher.

The National Women's Study 1990, which was conducted by the National Victim Center in Arlington, Va., and the Crime Victims Research and Treatment Center at the Medical University of South Carolina, estimated that 683,000 adult American women were raped during the same period.¹³ If the findings are accurate, more than 12 million women have been raped at least once.¹⁴

Some experts believe that FBI and Justice Department figures on rape are much lower because relatively few victims report their rapes to police.¹⁵

Researchers estimate that 40 to 90 percent of all rapes are not reported. Incomplete data, estimates, and reporting factors that differ by jurisdiction affect figures compiled by the government. Data collected from rape crisis centers indicate that many do not report their rapes to the police, which excludes them from any governmental count. Some estimates are affected by sample size, survey methods and language, and research bias.¹⁶

¹³Sarah Glazer, "Violence Against Women," *CQ Researcher* 3, no. 8 (Feb. 26, 1994): 173.

¹⁴"Looking Behind Rape Statistics," *Christian Science Monitor*, 5 May 1992, 20.

¹⁵Glazer, 173.

¹⁶Hall, 87-88.

Researcher Neil Gilbert challenges the discrepancies in rape reporting numbers. He attributes these differences to the various definitions and methods used in gathering data.

Gilbert points out that some studies use incidence rates (the number of cases reported per year) while others rely on prevalence rates (the proportion of women who will be victimized at some time in their lives). Some studies use data from police reports; others use random surveys of individuals who may or may not have been raped. And some studies, he says, are misleading in their efforts to capture the full extent of sexual molestation.¹⁷

Gilbert also attributes the disparate numbers to the data collection methods and definitions used by feminist researchers. Gilbert calls these figures advocacy numbers—numbers that are less an effort for scientific understanding and more an attempt to persuade the public that the problem is far larger than commonly recognized. By using a broad definition of sexual assault, Gilbert says the problem becomes a vessel into which nearly any human difficulty can be poured. He calls for more objective analysis to dispel what he terms “the phantom epidemic of rape.”¹⁸

Victims have many reasons for failing to report rape to law enforcement agencies. Some fear reprisal from their attackers, and others are concerned

¹⁷Neil Gilbert, “The Phantom Epidemic of Sexual Assault,” *The Public Interest*, no. 103 (Spring 1991): 57-59.

¹⁸*Ibid.*, 63, 65.

that information about their private lives will be made public. Some victims also fear the stigma that society attaches to the crime of rape.

A manual for police sex crime investigators describes rape as a severe crisis-inducing experience. Victims of rape, the report says, undergo three different phases: an acute phase, an adjustment phase, and an integration phase.

In the acute phase, victims are frequently in a state of emotional shock. They cannot believe that a rape could have happened to them, and they may be unable to comprehend what has occurred or how they should react. As a result, some victims act illogically or irrationally. Victims may repeatedly bathe or wash their clothes, or they may display other unexpected behavioral responses.

In the adjustment phase, which is a denial phase, victims often appear to be coping. This may, however, be a superficial and temporary adjustment. Some victims do not fully come to terms with their experience; for them, fundamental problems may emerge at a later time.

The integration phase, which is the final phase in dealing with rape trauma, occurs over a long period of time. It requires the victim to integrate the rape experience into daily living.

Victims often respond to their rape with a significant amount of guilt. Some individuals exaggerate their own responsibility for not avoiding a potentially dangerous situation or for failing to resist successfully.

Victims may perceive themselves differently following a rape because they feel stigmatized. Many find it difficult to return to their normal responsibilities of classes or work and revert into a state of dependence or helplessness. For some, this means changing schools or finding a new job.¹⁹

Public exposure of the intimate details of rape may be embarrassing or humiliating for the victim. Many victims fear a loss of privacy, but the extent of the privacy problem is difficult to assess because of significant variation in local practice.²⁰

Some believe that sexual assault victims need special protection from identification in the courts and in the media. They argue that the privacy concerns of rape victims outweigh the First Amendment claims of access to information. One commentator contends that "the public has no First Amendment interest in the publication of a victim's name, whereas the victim and her family have a compelling privacy interest in preventing publication."²¹

These conflicting interests—the press's First Amendment rights vs. the victim's right to privacy—have scuttled most efforts to enact laws that shield the rape victim from public scrutiny. While lawmakers in several states have

¹⁹U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, *Forcible Rape: A Manual for Sex Crime Investigators, Police Volume III*, (Washington, D.C., March 1984), 9.

²⁰U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, *Forcible Rape: An Analysis of Legal Issues*, (Washington, D.C., March 1978), 34.

²¹Arant, 238.

drafted legislation to prohibit news organizations from identifying victims of sexual assault, none has been enacted.

In New York, Gov. Mario Cuomo signed a bill that prohibits police from disclosing the names of sex crime victims.²²

Three states—Florida, Georgia, and South Carolina—have established criminal fines or prison sentences for identifying sexual assault victims in the media.²³ But U.S. Supreme Court decisions in cases based on these laws have critics questioning their effectiveness.

In *Cox Broadcasting Corp. v. Cohn*, the Supreme Court recognized the conflict between privacy interests and freedom of the press in victim confidentiality cases that arise from publication of information that, in spite of its truthfulness, causes embarrassment or humiliation.

In the case, a 17-year-old woman had attended a party where she consumed a large quantity of alcohol, lost consciousness, and died. In an autopsy, the medical examiner found that the young woman had been sexually assaulted. Six young men who had attended the party were indicted for rape and murder. From court documents, an Atlanta television reporter learned the name of the victim and identified her in a news broadcast. Invoking a Georgia statute that forbids publication of a rape victim's name,

²²Traci Bauer, "When to name names," *Quill*, October 1991, 21-22.

²³Florida Statute § 794.03 (1976); Georgia Statute § 12-6-23 (1988); South Carolina Statute § 16-3-730 (1976). Wisconsin Statutes Annotated § 942.02 also prohibited publication of a rape victim's identity; it has been repealed.

the young woman's father brought suit against the broadcasting company for invasion of his right to privacy.²⁴

In deciding the case, Justice Byron White discussed the role of the press in informing the public of governmental operations, including judicial proceedings. Allowing a privacy action for the publication of information obtained from public records could interfere with the press's ability to fulfill this function. The public's interest in information is presumed from the state's having placed it in the public domain on official court records.²⁵

In *Cox*, White wrote:

If there are privacy interests to be protected in judicial proceedings, the States must respond by means which avoid public documentation or other exposure of private information. Their political institutions must weigh interests in privacy with the interests of the public to know and of the press to publish. Once true information is disclosed in public court documents open to public inspection, the press cannot be sanctioned for publishing it.²⁶

In the *Cox* decision, the Supreme Court found that the Georgia statute unconstitutionally restricted the right of the press to disseminate information that was available in public documents. In response, the state amended the statute, specifically exempting the publication of rape victims' names that appeared in court records that were open to public inspection.

²⁴Jerrold K. Footlick, Eleanor Clift, and Diane Camper, "The Right to Privacy," *Newsweek*, 17 March 1975, 66.

²⁵*Cox Broadcasting Co. v. Cohn*, 95 S.Ct. 1029 (1975), 1047.

²⁶Susan Cohn, "Protecting Child Rape Victims from the Public and Press after *Globe Newspaper* and *Cox Broadcasting*," *George Washington Law Review* 51, no. 2 (January 1983), 282.

While the exemption aligns the statute with the requirements established by the Supreme Court, it defeats the original statute's purpose. Georgia has taken no steps to prevent information regarding rape victims' identities from appearing in documents open to public inspection. As a result, the statute offers victims no protection from unwanted publicity.²⁷

In *The Florida Star v. B.J.F.*, the court weighed constitutional considerations against state interests in prohibiting publication of information that was obtained outside of court records.

A *Florida Star* reporter-trainee had copied the name of the victim and the details of her sexual assault from an incident report placed in the press room of the sheriff's department. The information was used by another reporter, who wrote a one-paragraph story for the paper's "Police Reports" section. This report named the victim, B.J.F., in violation of the paper's internal policy. The woman filed suit against the sheriff's department, alleging it had violated its statutory duty under Florida law to refrain from allowing the release and publication of her name in the media, and the *Florida Star*, alleging the paper had negligently violated a state law that prohibited identification of sexual assault victims.²⁸

²⁷*Ibid.*, 271.

²⁸*Arant*, 242.

The trial judge held that the *Florida Star* was negligent per se in violating the statute, and the jury awarded \$75,000 in compensatory and \$25,000 in punitive damages.

In its review of the case, the U.S. Supreme Court reversed the decision.

It was this decision that revived discussion of the treatment of rape victims in the media.

In the *Florida Star* case, the court held that the state may not punish a newspaper that publishes lawfully obtained information about a matter of public record if there is no need to further a critical state interest. Justice Thurgood Marshall, who wrote the majority opinion, indicated that the newspaper had lawfully obtained information and produced a news article of significant concern to the public: the commission and investigation of a violent crime. While the Florida public records law exempts the identity of rape victims from public disclosure, the court said it is not unlawful for the media to receive the information from officials who release it by mistake.²⁹

The Supreme Court called the commission and investigation of a crime legitimate areas of public interest and therefore news, but the court did not address whether the identity of the victim is newsworthy. Some believe the name of a rape victim whose identity adds nothing to a story is an unprivileged invasion of privacy.³⁰

²⁹*Ibid.*, 244.

³⁰*Ibid.*, 247.

Marshall did not, however, indicate that a publication might never be punished for publishing the name of a rape victim. "We accordingly do not rule out the possibility that, in a proper case, imposing civil sanctions for publication of the name of a rape victim might be so overwhelmingly necessary to advance these interests."³¹

One of these practices involves local media. A 1978 report by the U.S. Department of Justice pointed out that many newspapers and radio and television stations voluntarily refrain from publishing information about the victims of sexual assault, even though the information may be a matter of public record.³²

In a *New York Times* article, Alex S. Jones called the practice of withholding the names of rape victims relatively recent. The practice, he said, emerged in the 1960s and 1970s, hand-in-hand with a growing sensitivity to the problems faced by rape victims. They were often being characterized as being raped twice—once during their attack and again when their identities were revealed in the press.

Eugene L. Roberts, executive editor of the *Philadelphia Enquirer*, said the issue was hotly debated in the 1960s as U.S. news organizations examined ethical issues.³³

³¹The Florida Star v. B.J.F., 109 S.Ct. 2603 (1989), 2611.

³²U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, *Forcible Rape: An Analysis of Legal Issues*, 34.

³³Alex S. Jones, "Naming Rape Victim Is Still a Murky Issue for the Press," *New York Times*, 25 June 1989, A18.

Some believe this press treatment is rooted in male chauvinism. Henry G. Gay, publisher of the *Shelton-Mason County (Washington) Journal*, has this view.

"The newspaper publisher is big daddy saying 'Don't you worry, little lady,'" Gay said. "It seems unfair to me with the presumption of innocence to report one part of a trial and not the other. You're not doing your duty if you make an exception."

The *Journal* publishes the names of rape victims.³⁴

A Virginia publisher has a similar view.

In a front-page editorial, Herman J. Obermayer, editor and publisher of the *Northern Virginia Sun*, called for an end to the practice of protecting the identity of rape victims.

"Protecting the accuser's anonymity, while fully identifying the accused, is tantamount to a pretrial presumption of guilt," he said. "A malicious woman could try to make the state take away a man's freedom for life without even risking public embarrassment."

Obermayer's comments accompanied an announcement that the *Sun* would begin printing the names, ages, and addresses of rape complainants whose cases reached trial. The decision was denounced by local police,

³⁴Ibid.

prosecutors, hospital officials, and nearly all *Sun* readers who contacted the newspaper.³⁵

Naming alleged rape victims has been a long-standing policy at the *Daily Tribune* in Ames, Iowa. The 1995 publication of the name and address of an Iowa State University woman who had been raped was "not some huge, big deal," said Michael Gartner,³⁶ editor and co-owner of the newspaper.³⁷

Some Ames area officials disagree with the policy and with Gartner's assessment.

Loras Jaeger, director of public safety at Iowa State University, called it only fair to publish the names of alleged victims and alleged perpetrators in most situations. In instances of sexual assault, however, Jaeger said the *Daily Tribune's* policy directly affects a victim's decision to proceed through the law enforcement process. In a typical year, Jaeger said, 10 people at Iowa State University will report sexual assaults; 75 percent of these cases do not continue through the process, partly because of the *Daily Tribune's* practice.

³⁵"Naming Names: A stormy new rape debate," *Time*, 30 January 1978, 61.

³⁶Gartner, who has been an outspoken advocate of identifying victims in the media, will be named several times in this study. In the span of time covered by this paper, Gartner has held several positions, most recently as editor and co-owner of the *Daily Tribune* in Ames, Iowa, columnist for *USA Today*, and president of NBC News. Gartner also has served as a top executive and editor at the *Wall Street Journal*, *Des Moines Register and Tribune*, and *Louisville Times and Courier-Journal*.

³⁷Mark Fitzgerald, "Naming Alleged Rape Victims," *Editor & Publisher*, 23 December 1995, 9.

Jaeger has found that victims are reluctant to have their names printed in the initial stages of the investigation but that most victims do not oppose being identified at trial.

Lynette Ward, director of Ames' rape crisis center, vehemently opposes the *Daily Tribune's* policy, which she believes shuts down law enforcement's ability to do its job.³⁸

In a case that took place at a West Virginia university, a campus newspaper was at the center of a debate involving the publication of a rape victim's name.

In keeping with its policy, the Marshall University *Parthenon* published the name and address of an alleged rape victim; the woman did not want to be identified. Also identified was the man whom she said was her assailant.

"It was a matter of fairness," said Kevin D. Melrose, editor of the *Parthenon*. "We had to assume the accused might be innocent. I wanted us to treat a rape story like any other violent crime."

Before publishing the story, the student newspaper's editorial board had voted 4-3 to use the woman's name.

The alleged victim told a local newspaper reporter that she had been stunned to see her name in the *Parthenon*. She told Nancy Van Valkenburg of the *Huntington Herald-Dispatch* that the student newspaper made her feel as if she had been assaulted again.

³⁸Ibid.

"They endangered me by publishing my name and address for any person to read and react to," she said. "I know of several girls who haven't reported rapes because they're afraid their names will be in the paper. It's an open field now for rapists."³⁹

Laura Frank, a *Herald-Dispatch* reporter who covered the *Parthenon* story for her paper, said that other students held similar opinions in light of the college paper's decision to publish the names of rape victims.

"Students at Marshall told me that they did not want to report the crime because of the stigma," Frank said. "They also said that knowing that their name would be in the newspaper also would have stopped them."⁴⁰

The *Parthenon's* policy and its decision to name the rape victim in published reports was widely covered in newspapers and broadcast reports in West Virginia and other areas. Reaction was widespread. The university president issued an executive order to gain control of the *Parthenon*. A faculty-student budget committee recommended that the *Parthenon's* share of student fees be cut in half, resulting in a loss of some \$56,000. Demonstrators threatened to shred copies of the newspaper if its staff printed the name of another alleged rape victim. Campus police refused to provide names and addresses of all crime victims. The student who wrote the story that named the rape victim was fired as a campus lay minister of the

³⁹Allan Wolper, "Publishing an alleged rape victim's name," *Editor & Publisher*, 17 July 1993, 16.

⁴⁰*Ibid.*, 45.

Episcopal Church of America, even though he opposed the newspaper's policy.

Greg Collard, who succeeded Melrose as editor of the *Parthenon*, disregarded the recommendation of the newspaper's editorial board and changed policy regarding the naming of rape victims.

"We weren't able to do our jobs," said Collard, who originally promised to stand by his board's decision. "We had become the story."⁴¹

⁴¹*Ibid.*, 16-17.

CHAPTER 3

REVIEW OF THE LITERATURE

Because this study explores current newspaper policy making, a review of relevant literature must include three sources of information: the popular press, which has extensively covered several high-profile cases in recent years; newspaper industry publications, which discussed the coverage of these cases; and scholarly journals.

Recent widespread attention to the issue of publishing the names of victims of rape in news reports began with the publication of a column by Geneva Overholser, editor of the *Des Moines Register*. In "American Shame: The Stigma of Rape," which was printed in the *New York Times* and the *Register*, Overholser wrote:

A tenet of journalism holds that we ought to come as close as possible to printing the facts as we know them. Going against the rule in the case of rape victims feels very much to me like participating in the onus, the stigma, which I find so unjust. Editors do not hesitate to name the victim of a murder attempt. Does not our very delicacy in dealing with rape victims subscribe to the idea that rape is a crime of sex rather than the crime of brutal violence that it really is?⁴²

Overholser compared recent public disclosures of well-known rape victims with those of women who had admitted having an abortion or with

⁴²Geneva Overholser, "Why Hide Rapes?" *New York Times*, 11 July 1989, A19.

homosexuals who identified themselves assertively and proudly. Their testimony, she said, increased public awareness and helped society's understanding to grow and mature.

She pointed out, however, that these individuals had offered their stories voluntarily. "It is not for the newspaper editor, eyes fixed on distant virtue, to sacrifice today's unwilling victims," Overholser wrote.⁴³

Overholser's words prompted Nancy Ziegenmeyer, a 29-year-old Grinnell, Iowa, woman who had been abducted and raped, to approach the newspaper and make her story—and her name—public.

The details of Ziegenmeyer's rape were included in a five-part series published in the *Register* in February 1990. The series reported the circumstances of her rape, her efforts to recover and learn more about the crime and the legal process, the court delays and postponements, and the trial.

The series received the Pulitzer Prize for public service in 1991. Naming the rape victim, the Pulitzer board said, "prompted widespread reconsideration of the practice of concealing the identity of rape victims."⁴⁴

The *Register* series did not mince words; it referred to her attacker's penis and the fact that he ejaculated. It stated that he ordered Ziegenmeyer to perform oral sex and that he attempted anal intercourse with her.⁴⁵

⁴³Ibid.

⁴⁴Debra Gersh and Tony Gase, "7th annual Pulitzer Prize winners," *Editor & Publisher*, 13 April 1991, 7.

⁴⁵Jane Schorer, "It couldn't happen to me: One woman's story," *Des Moines Register*, [1990], 4.

In the final stages of the project, Overholser had gathered together the editing staff to discuss, among other things, the explicit language used in the stories.

We hassled quite a bit on how to describe the rape itself. I felt very strongly that we needed to hold to the power of it, and the plain, clean language does that. There's not a word in the description that we haven't used before in the paper. We've used penis, we've used anal intercourse. We took out some details that seemed unnecessary; for instance, there were various pants going up and down more times than they needed to.⁴⁶

Ziegenmeyer, who did not see the series before it appeared in print, admitted she was surprised at its graphic language.

"The word penis jumped right out at me, and so did the word vagina. They were certainly words I used, but I couldn't remember ever seeing them in a newspaper before," she said.⁴⁷

The response was overwhelmingly favorable, in Iowa and throughout the nation. The series was reprinted in England March 22. It was featured in a front-page story in the Sunday *New York Times* March 25, and the *Times* story was reprinted in the *International Herald Tribune*, Paris, March 28.⁴⁸

Among those who expressed support of Ziegenmeyer and the *Register* series was Michael Gartner.

⁴⁶Ibid., 155.

⁴⁷Nancy Ziegenmeyer, *Taking Back My Life*, with Larkin Warren, (New York: Summit Books, 1992), 147.

⁴⁸Ibid.

In a story printed in the *Wall Street Journal*, Gartner said:

The day is coming, and the sooner it comes, the sooner rape will lose that stigma, that sense that the victim did something wrong, somehow to be shunned or blamed Ironically, all this is going on in Iowa at the same time when the state Legislature, an overwhelmingly male body, is considering bills that would make secret addresses and telephone numbers of any victim of crime or any witness.⁴⁹

At least five readers disagreed with Gartner's comments. In a letter to the editor, Anne Seymour, director of public affairs for the National Victim Center, Fort Worth, Texas, wrote:

What Mr. Gartner suggests is putting "control" of rape victims in the hands of the news media vs. where it belongs—with the innocent victim who was violated. Victims who come forward with their stories choose to do so, and more power to them. Those who choose to remain silent are no less heroic.⁵⁰

Reader William Beck wrote:

For [Gartner] to suggest that the press, as a means of public expression, should openly announce the names of the women who have undergone the trauma is unreasonable. It took time for Nancy Ziegenmeyer to confront her rape openly. Shouldn't all women be afforded the time to do so? Why is it the place of The Press to make such a decision?⁵¹

Ziegenmeyer also disagreed with Gartner. She maintained that the decision to go public should be made by the victim, not the media.

⁴⁹Michael Gartner, "The Scarlet Letter of Rape: A Courageous Victim Fights Back," *Wall Street Journal*, 15 March 1990, A15.

⁵⁰"Viewpoint," *Wall Street Journal*, 17 April 1990, A23.

⁵¹*Ibid.*

"Rape victims need a great deal of healing before they can talk about the crimes," Ziegenmeyer said.⁵²

Before her story appeared in print, Ziegenmeyer had time to begin that healing process. She was raped November 19, 1988. Eight months later, she walked into Overholser's office, offering to tell her story. For the next seven months, she worked with *Register* reporter Jane Schorer, who wrote the stories. The series was printed in late February 1990, more than a year after she had been raped and following the conviction and sentencing of her attacker.

Ziegenmeyer said that telling her story had been the right decision for her. More than one rape victim, however, had told Ziegenmeyer they would never have reported their rapes to police if they thought their names might appear in print. Ziegenmeyer said she had felt the same way immediately after her rape.⁵³

Because she came forward and shared her story with the *Register*, Ziegenmeyer thought she would have the opportunity to review the final product. She was surprised when she was not able to read the stories before they appeared in print.

"Not once . . . did anyone say one single word or give me the smallest hint that I would have no control whatsoever over the finished product," she

⁵²Gartner, A15.

⁵³Ziegenmeyer, 206-207.

said. "I'd have to read it on Sunday, just like anybody else in Iowa, and that's all there is to it."⁵⁴

She called that action another revictimization and said she became "just another news source."⁵⁵

Initially, the *Register* had expected that the series would anger readers who would cancel subscriptions. Instead, men and women from across Iowa and the nation sent their sympathy and expressions of gratitude. The series drew hundreds of letters.⁵⁶

The popularity of the series turned Overholser, Ziegenmeyer, and Schorer into overnight celebrities. The *Register's* decision to publish the story received considerable discussion in the press. The newspaper was swamped with requests for reprints of the series, and Kelly temporary workers were brought in to handle phone calls.⁵⁷

The three women were invited to be interviewed on television and radio programs and to speak on college campuses. They were swamped with telephone calls, letters, and faxes from agents who offered them book and

⁵⁴Ziegenmeyer, 145.

⁵⁵Mark Fitzgerald, "Aftermath of the *Register's* rape series," *Editor & Publisher*, 27 October 1990, 34.

⁵⁶Sylvia Paine, "Geneva . . .," *Washington Journalism Review*, September 1990, 22.

⁵⁷Fitzgerald, 34.

television movie deals.⁵⁸ Ziegenmeyer appeared on national television programs ranging from "Good Morning America" to "Nightline."⁵⁹

Eight months after the series was published, Schorer told a group of investigative reporters and editors that she was tired of the publicity and would welcome an end to the show-business surroundings of the project.⁶⁰

Some critics say the series began Overholser's transformation into a rising superstar, a celebrity status that did not please her.

"There is fine line between being nowhere and being lionized," she said. "There's no sense to it."

She credits the popularity of the series to timing.

"I'm convinced that there is a time for everything, and it was time for this. That is why it struck people so," Overholser said.⁶¹

A few months after Ziegenmeyer was raped, a very brutal attack occurred that contributed to media discussion about the issue of naming rape victims in the press.

In April 1989, an investment banker in her late twenties was jogging alone at night in New York City's Central Park, where she was raped and severely beaten by at least six teenagers. Almost overnight, the attack became

⁵⁸Paine, 22.

⁵⁹Ziegenmeyer, 166.

⁶⁰Fitzgerald, 34.

⁶¹Paine, 22.

a national story that was closely followed by many newspapers and television stations across the country.⁶²

Although few media outlets revealed the name of the victim, two New York City television stations, WCBS and WNBC, released her name in their broadcasts. WCBS said it had made a mistake in revealing the woman's identity. The station apologized and indicated it would not broadcast the name again. In news broadcasts after it had identified the woman, WNBC did not refer on air to its action, but a spokesperson said identifying a rape victim was "contrary to station policy" and that the action would not be repeated.⁶³

Instead, the press called the woman the Central Park jogger.

From the start, race was a central issue in the coverage of this case. The Central Park jogger was white; her accused attackers were black and Hispanic.⁶⁴

While the press did not identify the victim by name, it did not conceal the identity of the youths who were charged with raping her, an action that angered editorial managers of some minority-owned newspapers. Two black-oriented newspapers, the *Amsterdam News* and the *City Sun*, did reveal the woman's name in their publications.⁶⁵

⁶²Helen Benedict, *Virgin or Vamp: How the Press Covers Sex Crimes*, (New York: Oxford University Press, 1992), 189, 191-192.

⁶³Alex S. Jones, "Most Papers Won't Name the Jogger," *New York Times*, 13 June 1990, B3.

⁶⁴Joel Kaplan, "State lawmakers are trying to seal key information in sex crimes," *ASNE Bulletin*, no. 751 (July/August 1993): 16.

⁶⁵Benedict, 244.

Wilbert Tatum, editor-in-chief of the *Amsterdam News*, confirmed the woman's name with police and printed it in his weekly newspaper.⁶⁶ Tatum said New York's mainstream press adopted a racial double standard in guarding the identity of the affluent victim while it stigmatized the lower-class black youths accused of raping her by naming them even before they were indicted.⁶⁷

Some critics called the racial and class differences between the jogger and her assailants key to coverage of the story. In the period preceding the woman's attack and continuing through the time of the trial, New York City residents were concerned with black-white relations. In her book *Virgin or Vamp: How the Press Covers Sex Crimes*, author Helen Benedict examined a number of racially motivated events that she believes affected media coverage of the Central Park rape case.

The Central Park jogger case took place during a period when racial incidents dominated New York newspaper headlines for more than a year. During that time, a black man from Howard Beach, Queens, was chased to his death on a busy road by a gang of hostile whites. Tawana Brawley, a black teenager from upstate New York, said several white policemen had raped her, scrawled racial slurs on her body, smeared her with excrement, and shoved her into a garbage bag. Blacks and whites clashed in Bensonhurst, Queens,

⁶⁶Ziegenmeyer, 214.

⁶⁷Elson, 71.

and whites in that neighborhood were tried for the racially motivated murder of Yusef Hawkins, a black teenager.

During the trials of the men accused of raping the Central Park jogger, black customers boycotted two Korean grocery stores in Brooklyn, revealing a long-held resentment between the two cultures. Theaters were showing Spike Lee's film "Do the Right Thing," which took a frank, pessimistic look at race relations and anger in New York City. Black mayor David Dinkins replaced white mayor Edward Koch, and Nelson Mandela visited the city.⁶⁸

The issue of identifying the Central Park jogger by name continued through her assailants' trials. Through her family, the woman asked that the media not use her name in reports.⁶⁹

Although the media did not publish the woman's name in coverage of the trials, newspapers were prepared to do so.

Tatum, who had initially named the woman in his newspaper, said he was ready to do so again if he thought it appropriate. Andrew Cooper, editor of the *City Sun*, however, said he strongly opposed mentioning her name again.

Many news executives, including an editor at the *New York Times*, said circumstances might make them likely to publish the woman's name. If the

⁶⁸Benedict, 190.

⁶⁹Jones, B3.

woman's name were to become fairly widely known, they said, protecting her privacy would be moot.

James P. Willse, editor of the *Daily News* in New York City, said his staff had assembled a detailed file on the Central Park jogger and could publish a biography on a moment's notice.

In a *New York Times* spot check of local newspapers and magazines, the Associated Press, television news organizations and syndicated programs such as "Hard Copy" and "A Current Affair," none seemed unconditionally opposed to naming her. No one, however, was eager to be first.⁷⁰

Edward Kosner, editor of *New York* magazine, called the media's seemingly mutual agreement to refrain from naming the jogger "old-fashioned, but . . . kind of nice."⁷¹

At least one New York newspaper speculated that the "old-fashioned" attitude would change if the competition altered its practice.

"If any of the media were to break ranks and publicize the jogger's name, it would undoubtedly cause others to rethink their policy and possibly follow suit," a *Newsday* article said.⁷²

In spite of the decision by the media to withhold the Central Park jogger's name, dissenting community members tried to force its inclusion in news broadcasts. During the trial, supporters of the defendants surrounded the

⁷⁰Jones, B3.

⁷¹Ibid.

⁷²Benedict, 230.

assistant district attorney outside the courtroom. They chanted the victim's name in an attempt to have it recorded by nearby radio and television reporters.⁷³

The decision to refrain from naming the Central Park jogger left editors open to criticism a short time later when media across the country publicized the name of another alleged rape victim. In that case, the media identified the woman who accused William Kennedy Smith, a nephew of Senator Edward Kennedy, of raping her March 30, 1991, at the Kennedy family's Palm Beach, Florida, home.

"People have said it gives the impression that you will protect a middle-class white woman who is raped by poor blacks, but you will not protect a woman who was involved in an alleged rape with wealthy politicians, the Kennedys," said Irene Nolan, managing editor of the *Louisville Courier-Journal*.

"I do think there's a perception there that's unfortunate, and I do wish in retrospect that we had started out with the Central Park jogger case," she said.⁷⁴

The disparity was apparent when *Times* reporters covered the sentencing of some of the defendants who were convicted of attacking the Central Park jogger. In those reports, the *Times* continued to observe its policy that shields

⁷³Barbara Kantrowitz and others, "Still Shocking After a Year," *Newsweek*, 23 July 1990, 49.

⁷⁴Dunstan A. McNichol, "Stalemate on naming names," *Editor & Publisher*, 10 August 1991, 13.

the identities of complainants in sex crimes⁷⁵ and did not identify the Central Park jogger by name. Less than five weeks later, however, the *Times* identified Patricia Bowman⁷⁶ as Smith's accuser.

In the Smith case, the Kennedy name landed the story on the front pages of newspapers around the world. Eight days after the incident, the *Sunday Mirror*, a London, England, tabloid, published Bowman's name, photograph, and a risqué account of the incident. On April 15, the *Globe*, a Florida-based supermarket tabloid, printed the woman's name and photograph, citing the London tabloid as its source of information. The next day, "NBC Nightly News" reported the woman's name on its evening newscast.⁷⁷

"While Smith has become a household name," NBC news anchor Tom Brokaw said in the broadcast, "the identity of the woman has been withheld by the media until now, and this has renewed the debate over naming names of rape victims."⁷⁸

⁷⁵"On Names in Rape Cases," *New York Times*, 17 April 1991, A17.

⁷⁶Although Patricia Bowman did not initially agree to identification in the media, she did appear on ABC's "Prime Time Live" and was interviewed by the press following the trial. Bowman told ABC she was "terrified" that future rape victims would refuse to report attacks "because of what's happened to me." She gives speeches for the National Victim Center on keeping victims' names out of the media and has participated in forums during which she discusses her views on the intrusiveness of the press.

⁷⁷Fox Butterfield and Mary B.W. Tabor, "Woman in Florida Rape Inquiry Fought Adversity and Sought Acceptance," *New York Times*, 17 April 1991, A17.

⁷⁸Margaret Carlson, "Should This Woman Be Named?" *Time*, 29 April 1991, 28.

In explaining the action, NBC News President Michael Gartner said network officials believed “we should report this news to our viewers” because the woman’s name was known in the Palm Beach area.

“We believe that in this case, as in all news events, the more we tell our viewers, the better informed they will be in making up their own mind about the issues involved,” Gartner said.⁷⁹

Prior to broadcasting the name of Smith’s accuser, NBC notified affiliate stations of its decision on the afternoon preceding the broadcast. WPTV, the NBC affiliate in West Palm Beach, issued an on-air objection before the network news broadcast. “WPTV vigorously disagrees with NBC’s decision, and we have voiced our objection to the network,” anchor Jim Sackett told viewers.⁸⁰

ABC News, CBS News, and CNN did not broadcast the name of the woman.⁸¹ The Associated Press and United Press International did not identify the woman in its reports, while Gannett News Service, which supplies wire copy to Gannett papers, moved the name in an advisory only. UPI managers, however, said the service would have used the woman’s name if more news organizations had done so.⁸²

⁷⁹Deirdre Carmody, “News Media’s Use of Accuser’s Name Is Debated, *New York Times*, 18 April 1991, A22.

⁸⁰Ibid.

⁸¹Ibid.

⁸²Traci Bauer, “Wire services thrust into the victim-naming fracas,” *The Quill*, October 1991, 22.

Ironically, at the time Bowman's name was printed, Smith had not yet been charged with a crime; he was charged with second degree criminal sexual battery six weeks after the alleged attack.⁸³

On the day following the NBC broadcast, the *New York Times*—considered by many as the country's "newspaper of record"—also published the woman's name.

Because she had already been identified in a national broadcast, Allan Siegal, assistant managing editor of the *Times*, said it would be an "empty gesture" to withhold her name. He said the *Times* had an obligation to tell its readers "what we know."⁸⁴

The *Times* article discussed Bowman's working-class upbringing in Ohio, her poor high school record, and her daughter, who was born out of wedlock. It mentioned her parents' failed marriage and her mother's remarriage to a tire company executive, and it included an interview with an unidentified individual who said Bowman "had a little wild streak" in high school and liked to drive fast cars, go to parties and skip classes with her friends.⁸⁵

To many, said *Maclean's* magazine, the story carried a not-so-subliminal message: The woman deserved it.⁸⁶

⁸³Bill Turque, Spencer Reiss, and Peter Katel, "No One Would Believe Her," *Newsweek*, 20 May 1991, 31.

⁸⁴Carlson, 29.

⁸⁵Butterfield and Tabor, A17.

⁸⁶Fred Bruning, "Sleaze: seductive, but morally grave," *Maclean's*, 13 May 1991, 11.

Following the *Times*' publication of the woman's name, several other newspapers and magazines also identified her. Geneva Overholser said the *Register* identified the woman because her name had already been made public by the *Times* and NBC News.⁸⁷

While her newspaper published the name of the alleged victim, Overholser called the *Times* story "a regrettable formulation of reporting."

"It unwittingly rang all the bells of what happens to rape victims," she said.⁸⁸

The *Times* decision to publish Bowman's name drew criticism from other media professionals and from its own reporters and columnists.

Under the headline "Tarting Up the Gray Lady of 43rd Street," *Time* magazine remarked that the *Times* seemed to have lost its more common resemblance to the *Congressional Record* and had become more like its distant cousins, the tabloids.⁸⁹

Joan W. Konner, dean of the Columbia University Graduate School of Journalism, said critics "were disappointed that the one who has always stood for a certain kind of standard altered that standard."⁹⁰

⁸⁷Traci Bauer, "When to name names," 22.

⁸⁸*Ibid.*, 23.

⁸⁹Richard Lacayo, "Tarting Up the Gray Lady of 43rd Street," *Time*, 6 May 1991, 44.

⁹⁰William Glaberson, "Times Article Naming Rape Accuser Ignites Debate on Journalistic Values," *New York Times*, 26 April 1991, A14.

On its pages, the *New Republic* cautioned its journalistic sibling: "The *Times*, in case the *Times* has forgotten, is the newspaper of record. When the *Times* respects your privacy, it's being respected in a way that commands respect. And when the *Times* violates it, it stays violated."⁹¹

Newsweek magazine commented that "virtually everyone in journalism now agrees that the nation's most highly regarded newspaper has egg on its face."

Syndicated columnist Mike Royko called the *Times* decision to identify the woman "part of an outbreak of galloping journalistic idiocy."⁹²

Columns published on the *Times* opinion pages also criticized the newspaper for its action.

Susan Estrich, a law professor, author, and rape victim, disagreed with the *Times'* decision to follow NBC's lead.

"NBC News jumped off the Empire State Building," Estrich wrote. "So the *New York Times*, like any thoughtful toddler, decided it had to follow suit."⁹³

Perhaps the most unexpected protest came from within the *Times* itself. On April 19, 1991, top managers met with 400 staff members, many of whom objected to the details included in the story about the woman and disagreed with the decision to name her.

⁹¹"Palm Beach Story," *New Republic*, 13 May 1991, 10.

⁹²*Ibid.*

⁹³Susan Estrich, "The Real Palm Beach Story," *New York Times*, 18 April 1991, A25.

One *Times* staff member told the *Washington Post*, "I'm still mad. They don't understand they set it up to look like the slut asked for it. We came here because we didn't want to work for people who would run stories like that."⁹⁴

Anna Quindlen, a *New York Times* columnist, felt the newspaper had made a mistake.

If we were to change that policy, there could not be a worse case in which to do so than this one. For NBC to change it in a case involving one of America's most powerful families inevitably suggested that the alleged victim had lost her privacy because of the Kennedy prestige. For the *New York Times*, a paper that has been justly proud of taking the lead on matters of journalistic moment, to announce that it was forced to follow was beneath its traditions. To do so in a story that contained not only the alleged victim's "wild streak" but the past sexual history of her mother could not help suggesting that the use of the name was not informative but punitive.⁹⁵

Some *Times* staff called the decision sexist. They claimed that male editors had made a distinction between "date rape" in the Palm Beach case and "stranger rape" in the Central Park case.⁹⁶

Times management explained its position in an editors' note printed April 26, 1991. The note said the previous *Times*' article "drew no conclusions about the truth of her complaint to the police. But many readers inferred that its very publication . . . suggested that the *Times* was challenging her account."

⁹⁴Tony Case, "N.Y. Times criticized for printing victim's name," *Editor & Publisher*, 27 April 1991, 11-12.

⁹⁵Anna Quindlen, *Thinking Out Loud* (New York: Fawcett Columbine Books, 1993), 73.

⁹⁶Edwin Diamond, "The Times' 'Wild Streak,'" *New York*, 13 May 1991, 36.

The note indicated that no such challenge was intended and that the woman's name was disclosed only after her identity received detailed nationwide publicity.⁹⁷

While some notable media identified Bowman during the investigation and trial of the Smith case, the majority of American media did not. Even during her testimony, which was covered on the Courtroom Television Network and broadcast by CNN, Bowman's face was electronically blurred and a 20-second delay allowed her name to be dropped by the television censor.⁹⁸ During some portions of her testimony, CNN drew nearly 3.2 million viewers, nine times what the news network normally draws during those hours.⁹⁹

Following Bowman's identification in the media, Florida state attorney David H. Bludworth, prosecutor in the Smith case, explored options for prosecuting the newspaper and broadcast outlets that had revealed her name.

Under a 1911 Florida law, news organizations are prohibited from identifying rape victims by name. Violation of the statute is a second-degree misdemeanor punishable by a maximum of 60 days in jail and a fine of up to \$500.

⁹⁷"Editors' Note," *New York Times*, 26 April 1991, A2.

⁹⁸David A. Kaplan and others, "Case No. 91-5482 Comes to Trial," *Newsweek*, 9 December 1991, 25.

⁹⁹Richard Lacayo, "Trial by Television," *Time*, 16 December 1991, 30.

Instead of accusing a newspaper or broadcast network with violation of the law, Bludworth filed a petition asking the court to rule on the constitutionality and applicability of the statute.

Legal scholars called Bludworth's move highly unusual. Generally, the defendant in such an action would raise these questions of law, and Bludworth had asked the court to address the issues rather than decide to charge the offending media himself.¹⁰⁰

The circuit court judge turned down Bludworth's request.¹⁰¹

Bludworth did file charges against the *Globe*, the Florida-based tabloid that was the first in the United States to reveal Bowman's name.¹⁰²

Smith's televised trial lasted four days. The six jurors reached a unanimous verdict to acquit the defendant in less than a quarter hour.¹⁰³

Because of the potential audience size of the news organizations that chose to identify her, Bowman's name was widely publicized. Most news organizations, however, were deferential toward the woman. Although the *New York Times* named her in initial reports, newspaper management reversed the decision in later coverage. Even after Smith's acquittal, most news organizations continued to withhold Bowman's name.¹⁰⁴

¹⁰⁰Robert Suro, "Ruling Is Sought on Rape Name Law," *New York Times*, 19 April 1991, B6.

¹⁰¹"No Hearing on Rape Victim Law," *New York Times*, 27 April 1991, A11.

¹⁰²Bauer, "When to name names," 21.

¹⁰³Marci McDonald, "Beyond the Trial," *Maclean's*, 23 December 1991, 16.

¹⁰⁴Richard Zoglin, "Was She Right to Go Public?" *Time*, 30 December 1991, 61.

Following Smith's acquittal, the *Washington Times* reversed the practice it had followed throughout the criminal trial. Editor Wesley Pruden said that in choosing to identify Bowman at that point in the process, he had not attempted to follow the lead of other newspapers. (Earlier, he had blasted those publications in an opinion column.) Rather, he said, the decision to identify Smith's accuser was prompted by the results of the trial.

"The long-standing policy of the *Washington Times* is to withhold the names of all rape victims," Pruden wrote in a note to readers. "The names of the male defendants are routinely used, and if a defendant is acquitted, the woman is then identified."

Pruden maintained that Bowman was "no longer the victim but the victimizer, whether she intended to be or not. In the eyes of the law, William Kennedy Smith suffered at the hands of a false accuser."¹⁰⁵

Some believed that Bowman continued that role after Smith's acquittal. As a result of her interview with Diane Sawyer on "Prime Time Live," critics maintained that Bowman was retrying the case in the court of public opinion.

Bowman said she came forward because she was terrified that future rape victims would refuse to report attacks "because of what's happened to me."¹⁰⁶

¹⁰⁵Tony Case, "Debate persists," *Editor & Publisher*, 21 December 1991, 25-26.

¹⁰⁶Zoglin, 61.

Her mother called Bowman's appearance on national television "part of the healing process."¹⁰⁷

Another woman who accused a well-known man of rape also revealed her name in a national news broadcast following the court decision. Desiree Washington, an 18-year-old contestant in the Miss Black America beauty pageant, said heavyweight champion Mike Tyson raped her in an Indianapolis hotel room.

In this case, however, Tyson was convicted of one count of rape and two counts of criminal deviate sexual conduct. The press did not print Washington's name until she identified herself following the trial.

The rape occurred three months after the media revealed Bowman's name.

Washington, a freshman student at Providence College, appeared on the news show "20/20." She told interviewer Barbara Walters that when she went to Tyson's hotel room near 2 a.m. on July 19, 1991, "I wasn't thinking that this man, my father's hero, a celebrity, would do something like this to me."¹⁰⁸

Some Tyson supporters accused Washington of seeking fame by bringing charges against the boxer. Washington said she did so because "it was the

¹⁰⁷Amy Bernstein, "A Face and a Name," *U.S. News & World Report*, 30 December 1991/6 January 1992, 30.

¹⁰⁸Ira Berkow, "A Champ Named Desiree," *New York Times*, 25 February 1992, B9.

right thing to do." Washington said she hoped to inspire other rape victims to come forward.¹⁰⁹

Unlike its decision to identify the accuser in the Smith case, the *New York Times* did not print Washington's name until she had identified herself. In a brief item on its opinion page, the newspaper commended her action.

In allowing her photograph to appear on a magazine cover and agreeing to be interviewed on television, Desiree Washington is saying something that urgently needs to be said: She's not ashamed of being a rape victim. Nor should she be. The shame belongs to her rapist.¹¹⁰

Unlike Bowman, Washington was presented in the press as the perfect victim: a scholarship student at a Roman Catholic college and an all-American girl who played softball, ushered at her church, and volunteered as a Big Sister. In high school, she was a cheerleader, class president, and outstanding sophomore student.¹¹¹

In the Tyson case, the press focused more attention on the boxer, whose sexual appetites and failed marriage were already well publicized. Tyson allegedly boasted of all-night sexual marathons with two dozen prostitutes. He had been called a pincher, a threatener, and a "serial buttocks fondler" of

¹⁰⁹"Desiree Washington," *People*, 28 December 1992/4 January 1993, 66.

¹¹⁰"The Shame of Rape," *New York Times*, 16 February 1992, sec. 4, p. 14.

¹¹¹Todd Barrett, "He Started Laughing, Like It Was a Game," *Newsweek*, 10 February 1992, 30.

women. Stories also pointed out that Tyson hurt people for a living—and a lavish living, at that.¹¹²

Although the Smith and Tyson date rape cases occurred back to back, the accusers received vastly different treatment in the press.

In part, this treatment may have been due to the perceived reputations of the women. Bowman had been characterized as a “party girl”; Washington had been portrayed as a “good girl.”

In part, it may have been due to the social status of the men. Smith was a member of a family of considerable influence; Tyson was a fatherless street thug from the Brooklyn ghetto.

And in part, it may have been because the press had found a more colorful victim: Mike Tyson.

Some scholars contend that press coverage of the Tyson trial provided a venue for the press to present an even broader drama that violated, degraded, and debased the boxer. In stories about this case, two portraits of Tyson emerged: one of a crude, sex-obsessed, violent savage who could barely control his animal instincts and that of a victim of terrible social circumstances who was saved from the streets by a kindly overseer but eventually faltered and fell to the connivance of others.¹¹³

¹¹²Richard Corliss and Sophronia Scott Gregory, “In Judgment of Iron Mike,” *Time*, 10 February 1992, 77.

¹¹³Jack Lule, “The Rape of Mike Tyson: Race, the Press and Symbolic Types,” *Critical Studies in Mass Communication*, 12 (1995): 176, 181.

While the media may have furthered this stereotyping, the practice was initiated by Tyson's own attorney. In his defense of the boxer, Vincent Fuller implied that Tyson was society's worst nightmare—a vulgar, socially inept, sex-obsessed black athlete.

Fuller also elicited testimony that implied Washington should have recognized that she was placing herself in compromising circumstances when she entered Tyson's hotel suite. He attempted to depict both the defendant and his accuser as animals: the black man for his crude sexual demands and the black woman for eagerly acceding to them.¹¹⁴

An additional issue emerged in the coverage of the Tyson trial: that of placement. Because Tyson is an athlete, many newspapers placed stories about the crime on their sports pages.

One scholarly study that examined Tyson trial coverage based its findings on stories printed in five newspapers during a nine-month period. During the study period, the researcher found that most news stories on the rape case appeared in the sports section. Of 568 stories published about the case during this period, 458 (81 percent) were placed on sports pages.¹¹⁵

One of those papers, the *Boston Globe*, received more than 100 complaints about story placement.

¹¹⁴Sonja Steptoe, "A Damnable Defense," *Sports Illustrated*, 24 February 1992, 92.

¹¹⁵Lule, 181.

"This was not a sports event. It was a criminal charge of rape," said Sharon Vardaitra, director of the Boston Area Rape Crisis Center. "To put it in sports and talk about it in terms of it being a sports event is really to downplay the seriousness of the crime."

Patricia Ireland, president of the National Organization for Women, told the *Globe* she believed that sports page placement conveyed the feeling that "boys will be boys."

Globe editor John Driscoll responded: "Tyson's sports celebrity status is what made it news, and we see the sports section as a depository for stories on business, lifestyle, and, yes, inappropriate behavior involving athletes."¹¹⁶

The *Hartford Courant* also included trial coverage on its sports pages, but when Washington revealed her name and allowed a magazine to run her story and photograph, that story was placed in the *Courant's* main news section.¹¹⁷

Fred McGunagle, a Cleveland-area news media critic, disagreed with newspapers' decisions to include the Tyson case coverage in their sports sections. "It's a crime story, and crime stories go in the main news section."¹¹⁸

¹¹⁶Tom Witosky, "Beyond the Games," *Nieman Reports* 46, no. 1 (Spring 1992): 28.

¹¹⁷Henry McNulty, "Did the Tyson trial belong in the sports section?" *Editor & Publisher*, 29 February 1992, 5, 34.

¹¹⁸*Ibid.*, 5.

Following his conviction, Tyson was sentenced to serve six years in prison and was fined \$30,000.¹¹⁹ He served three years. Both Washington and the Miss Black America Pageants filed civil suits against him.¹²⁰

Although these highly visible cases have focused considerable attention on the issue of identifying rape victims by name in the press, interviews with newspaper editorial managers seem to indicate that the press as a whole continues to afford anonymity to alleged rape victims.

A 1991 article in a publication of the American Society of Newspaper Editors recounted the policies or opinions of 18 newspaper managers. Of these, 13 indicated their newspapers did not routinely identify rape victims by name. One appeared to favor identification. Information provided by the other individuals did not clearly indicate their practice.¹²¹

While the *New London Day* does not identify rape victims by name, its editor and publisher, Reid MacCluggage, said he has mixed emotions:

We don't name the victim unless he or she goes public. We don't even do it at the trial level. Intellectually, I think we should use the name. It conforms to all of our other policies. But in this society, in this culture, at this time, there is still a stigma attached to rape. . . . It's unfortunate that newspapers, ours included, feel the need to take this kind of action, but we do because it's a cultural reality that the victim suffers far more than he or she should in a crime like this. It gets much tougher, say, if someone prominent is raped; it becomes a hard decision because of the news value.¹²²

¹¹⁹Richard Corliss and David E. Thigpen, "The Jock as Fallen Idol," *Time*, 6 April 1992, 60.

¹²⁰Richard Corliss, "Tragedy of an Ex-Champ," *Time*, 26 August 1991, 67.

¹²¹"18 editors discuss how they cover rape," *ASNE Bulletin* 753 (July/August 1991): 16-19.

¹²²*Ibid.*, 17.

Ellen Goodman, associate editor of the *Boston Globe*, sees the need to adopt new policies regarding the identification of rape victims.

Since the 1970s, the media have held a consensus of sensitivity on the issue of naming alleged rape victims. . . . Gradually, big stories and social change have sorely tested this consensus. The media have often itched to print what they know. Some . . . have argued that it is unfair to use the name of the accused but not the accuser. Explain the double standard to William Smith, they say. . . . The Palm Beach story makes the best possible case for those who want to name names. But the notion that we can judge these cases one by one doesn't work. Would women's privacy be "safe" as long as they didn't accuse famous men? Who would decide when the public's right to know overwhelmed the right to privacy?¹²³

While newspapers have been surveyed about their policies and practices, the number of individual circumstances makes it nearly impossible to identify newspapers that clearly do not identify rape victims by name. On some occasions, policy and practice do not match.

For example, some newspapers editors will not identify an alleged rape victim in a criminal trial, but they will consider identifying the individual if he or she files a civil suit.

While many newspaper editors say they will not identify victims by name, the numbers appear to have grown.

A 1990 survey of 158 city and metro editors at daily newspapers conducted by an Indiana University graduate student found that 43.6 percent believed victims should be named only in exceptional cases; 39.7 percent said they

¹²³*Ibid.*, 18.

should be named only with their permission; 9.6 percent said they should never be named; and 7.1 percent said they should be named regularly.¹²⁴

In 1989, Deni Elliott, executive director of the Institute for the Study of Applied and Professional Ethics at Dartmouth College, estimated that no more than 5 percent to 10 percent of American newspapers report rape victims' names.¹²⁵

In 1983, Carol Oukrop, journalism chairperson at Kansas State University, surveyed 375 newspapers about rape coverage practices. Only one of the newspapers surveyed identified a rape victim without consent, a practice the paper later dropped.¹²⁶

Some professors of journalism ethics believe that extensive media coverage can cause additional trauma for the victim.

"I think it should be handled like murder, a major story, except you withhold the identity of the victim, said Fred Friendly, professor emeritus of journalism at Columbia University. "It's a horrible, horrible crime, and you need to find out the alleged perpetrator. That's the point, isn't it?"¹²⁷

¹²⁴Ibid., 15.

¹²⁵Alex S. Jones, "Naming Rape Victim Is Still a Murky Issue for the Press," *New York Times*, 25 June 1989, A18.

¹²⁶Diane Katz, "Does it help or hurt to keep rape victims' names secret?" *Detroit News*, 15 April 1990, 13A.

¹²⁷Greg Lopez, "News stories add to victim's horror, ethics experts say," *Detroit News*, 4 December 1988, 12A.

Don Fry, head of the ethics center at Pointer Institute, St. Petersburg, Florida, said victims of rape deserve restraint by the media. Like Overholser, he predicted that newspapers will eventually treat rape victims like victims of other crimes—after society begins to treat them that way.

“People still look at sex as a taboo subject,” Fry said. “You can write articles about condoms, but when you get down to real people and their sex lives, a curtain comes down. Ten years from now, though, that will have broken down.”¹²⁸

In the last decade, media coverage and societal perceptions of rape have certainly changed. The tabloid-style reporting exhibited during the Smith and Tyson trials serves as graphic illustration of that shift.

In a content analysis of crime stories conducted in the 1970s, Heath, Gordon, and LeBailly studied the media’s portrayal of rape and its relationship to furthering common myths and stereotypes about the crime. In their study, the researchers considered all crime stories published in major metropolitan papers in Chicago, Philadelphia, and San Francisco between Nov. 1, 1977, and April 30, 1978.¹²⁹

What Heath, Gordon, and LeBailly found may have limited application when considering contemporary media. In light of recent rape trial coverage,

¹²⁸Ibid.

¹²⁹Linda Heath, Margaret T. Gordon, and Robert LeBailly, “What Newspapers Tell Us (And Don’t Tell Us) About Rape,” *Newspaper Research Journal* 2 (July 1981): 48.

their findings may in fact reflect a “kinder and gentler” time in rape reporting.

While newspapers primarily depended on police blotters for information about rapes, the researchers found that newspapers presented a fairly accurate picture of the crime. Because of space limitations, newspapers reported on only the most serious rapes that were reported to police. The researchers suggested that newspapers could temper the inexorable view of rape that resulted from this emphasis on the most heinous crimes by integrating stories of less serious rapes with coverage of more serious ones.¹³⁰

Heath, Gordon, and LeBailly concluded that the newspaper articles performed a “watchman” function and provided information that enabled readers to put crimes into perspective and assess their own risk of victimization. While they said newspapers did not commonly report the names and addresses of rape victims, the researchers suggested that certain details of the crime be presented in a way that would not breach victims’ privacy. They also suggested that legal restraints might enable the media to provide readers with an accurate picture of the crime without infringing on victims’ privacy.¹³¹

Since the Smith and Tyson trials, several states have attempted to prevent the media from naming rape victims in their reports. Because

¹³⁰Ibid., 54.

¹³¹Ibid., 55.

legislators recognize that efforts to prevent publication may infringe on the media's First Amendment rights, some states have taken aim at police and prosecutors, prohibiting them from releasing information that identifies victims of sexual assault.¹³²

One survey found that female respondents would be more likely to report sexual assaults if legislation protected their identities.

In a survey conducted by the National Victim Center and the Crime Victims Research and Treatment Center, two-thirds of the 4,008 respondents believed they would be more likely to report sexual assaults if there were a law banning disclosure of their names.

In a separate survey of rape crisis agencies, 40 percent said they believed sexual assault victims were more concerned now than in the past with their names being made public.¹³³

While lawmakers may wish to legislate the privacy of victims, a survey by Wolf, Thomason, and LaRocque found that most newspaper editors are willing to voluntarily respect crime victims' right to privacy.

The researchers surveyed 205 editors or managing editors of daily newspapers; 54.6 percent responded. The survey gathered data on newspaper policy regarding the identification of all crime victims. Specifically, the researchers sought information on how newspapers handled identification of

¹³²Kaplan, 15.

¹³³Elizabeth Culotta, "Naming Alleged Rape Victims: Two Policies Within 30 Miles," *Washington Journalism Review*, July/August 1992, 14.

victims, newspaper policy guiding the issue, requests by victims for anonymity, the relationship between newspaper size and policy on victim identification, and the personal opinion of the newspaper editors regarding the trend of using fewer names and addresses of victims relative to the public's right to know.

Of the newspaper editors surveyed, 46 percent handled identification of crime victims on a case-by-case basis. In rape cases, the respondents printed neither the names nor addresses of victims.¹³⁴

Wolf, Thomason, and LaRocque found that editors were making decisions about publishing the names and addresses of crime victims on a case-by-case basis and that they continued to move toward less specific ways of identification. The researchers found that 85 percent of the respondents favored increased attention to privacy rights of victims.¹³⁵

For some newspapers, the issue of identifying victims of rape may be strongly influenced by the opinions of their readers. Several polls have found the public less than receptive to media decisions to identify rape victims by name.

After NBC and the *New York Times* identified Bowman, the New York *Daily News*, *USA Today*, and the National Victim Center conducted surveys

¹³⁴Rita Wolf, Tommy Thomason, and Paul LaRocque, "The Right to Know vs. the Right of Privacy: Newspaper Identification of Crime Victims," *Journalism Quarterly* 64 (Summer-Autumn 1987): 504.

¹³⁵*Ibid.*, 507.

to measure public opinion. Each survey indicated that the majority of respondents opposed the reporting of victims' names.¹³⁶

"The calls were running a little better than 4 to 1 against running her name," said Fran Wood, *Daily News* deputy managing editor for features.¹³⁷

Another survey conducted by the Times Mirror Center for People and the Press found that 70 percent of 1,206 adults surveyed disapproved of the media's decision to publish or air Bowman's name.¹³⁸

While Heath, Gordon, and LeBailly found that newspapers presented a fairly accurate picture of rape, a study by Schwengels and Lemert suggested that news stories about rape portrayed a "reality" that differed from police reports.

Their study of rape coverage in the *Eugene Register-Guard* explored whether the media provided women with fair warning about the dangers of rape in their communities. The researchers compared police reports of completed rapes in Lane County, Oregon, with newspaper coverage. They attempted to assess the relationship between victims and rapists, to determine whether victims were involved in activities outside their homes prior to their attack, and to determine whether a weapon was used.¹³⁹

¹³⁶Case, "N.Y. Times criticized for printing victim's name," 11.

¹³⁷Carmody, A22.

¹³⁸Debra Gersh, "Public cites commercial motives of the press," *Editor & Publisher*, 1 June 1991, 13.

¹³⁹Marlyss Schwengels and James B. Lemert, "Fair Warning: A Comparison of Police and Newspaper Reports About Rape," *Newspaper Research Journal* 7, no. 3 (Spring 1986): 35.

Schwengels and Lemert found that more than half the 89 rape cases reported during the study period were committed by persons known by the victim; 21 of the 26 “intimate acquaintance” rapes were committed by family members. In comparison, 62 percent of the published newspaper reports involved rapes committed by strangers.¹⁴⁰

In their desire to shield youthful incest victims from identification, Schwengels and Lemert suggested, newspapers are not alerting parents to potential dangers by failing to include reports of these crimes on their news pages.

Instead, the researchers found that rape victims depicted in newspapers are primarily single and younger than 35, yield when neither a weapon nor physical force are used, do not try to defend themselves, suffer no injuries, are not treated at hospitals, and are almost always alone with the rapist. In comparing police reports and newspaper accounts, Schwengels and Lemert found that these characteristics did not match reality, leading them to question whether the media gives women fair warning about the risk of rape in their surroundings.¹⁴¹

But does recent national coverage of several prominent rape cases match the “reality” of rape coverage across the country? If an individual reports a

¹⁴⁰*Ibid.*, 37.

¹⁴¹*Ibid.*, 42.

rape to a police agency, can that person expect to be named in local news pages? Will she or he face public disclosure of the most intimate life details?

If one examined only the practices of certain national media that covered the William Kennedy Smith and Mike Tyson cases, it would appear that the media have abandoned their tradition of protecting the identity of the rape victim. It would seem that the paternalistic attitude that newspapers once held for rape victims is something of the past.

Likewise, it would seem that women themselves are assuming a more aggressive stance as victims. Nancy Ziegenmeyer shared the most intimate details of her attack in a five-part newspaper series. Patricia Bowman and Desiree Washington both appeared in nationally televised interviews to encourage victims to report rapes.

But the attention that these particular cases received represents the extreme—essentially big media covering big cases involving big names. Not all of these elements were present even in these select cases. For example, the public did not know Nancy Ziegenmeyer until she agreed to tell her story to the *Des Moines Register*. But none of these situations represented the norm in rape reporting, where cases receive minimal mention—if any—in local newspapers.

The manner in which the media descended on these stories—surrounding courthouses with remote television equipment, gathering old high school stories from long-lost friends, and tracking down a victim as she

prepared to change planes in an airport—showed newspapers taking a much more aggressive position in the coverage of rape stories.

The media did more than just cover these notable stories; it also covered itself. When Ziegenmeyer's story was published, Overholser and Schorer became as newsworthy as the victim. After the *New York Times* printed its scathing story on Bowman, media from across the country converged on a *Times* staff meeting, interviewing reporters who abhorred their employers' decision. In addition, numerous opinion columns commented on what appeared to be a change in media tradition. It seemed that a policy of anonymity had been exchanged for one of exploitation.

The media were not alone in their recognition of a changing practice. The public also questioned the media's wisdom in identifying rape victims by name. Opinion polls showed that the public did not support the new practice.

Even in these very visible cases, had a change in policy truly taken place? Were most newspapers following the lead of NBC News and the *New York Times* in identifying victims in these rape cases? And were these prominent cases causing newspaper managers to reexamine their policies regarding the identification of rape victims?

This research will assess how daily newspapers in the United States handled the well-publicized Central Park jogger, William Kennedy Smith, and Mike Tyson cases and whether these newspapers are deserting the long-standing tradition of withholding the names of rape victims from their news pages.

These questions were designed to collect data to assess these conditions:

- **Do U.S. daily newspapers identify rape victims by name in published reports?**

Coverage of several recent notable cases made it seem as if many media outlets were revealing the names of rape victims. How many newspapers actually do identify rape victims by name?

- **Do newspaper managers base their decisions to identify rape victims on an established policy that is part of their publications' management procedure, or do they make decisions on a case-by-case basis?**

When the *New York Times* published the news story that named Bowman and provided details of her apparently troubled past, the newspaper's editors had decided to name the woman in this instance and had not altered the newspaper's long-standing policy regarding victims of rape. In fact, after the *New York Times* was soundly criticized by readers and staff, the newspaper reversed its decision and later omitted her name from news coverage. In this instance, the newspaper's editors had decided to include the woman's name after it had been made public by other media. Although the Central Park jogger's name had been published in two New York newspapers with local distribution, the *Times* had not used that woman's name in its coverage.

It seems that some newspapers' decisions to include Bowman's name were made in this situation alone. Thus, the papers appeared to make these kinds of decisions on a case-by-case basis. Do newspapers that identify rape victims by name do so in every rape case, or do they decide to identify rape victims based on the merits of each case?

- **Are U.S. daily newspapers altering their policies or are they continuing the long-standing tradition of withholding names of rape victims from published news reports?**

Since 1989 when Geneva Overholser suggested that newspapers should identify victims of rape in the same way they do victims of all other crimes, several noteworthy cases and countless newspaper, magazine, and journal articles have addressed the issue of identification. The *New York Times*' decision to reveal Patricia Bowman's name surely suggested to other newspaper editors that the long-standing tradition of anonymity might be outdated.

Did these recent noteworthy rape cases cause newspaper managers to reexamine their policies regarding the identification of rape victims and, perhaps, to alter these policies?

- **Have managers of publications with established policies regulating the identification of rape victims sought input from their staff, community, and victims in setting these policies?**

When this country was founded, its leaders recognized the necessity of a free press, unfettered by governmental restraint and able to perform a "watchman" function for the people. For more than two hundred years, the press has enjoyed the guarantees afforded by the First Amendment; however, the privileges provided by the Constitution do not come without responsibility to the community served by the press. Consequently, a local newspaper cannot wholly disregard the beliefs and wishes of its own community.

In establishing policy regarding identification of rape victims, do newspapers gather input from victims within their own communities? Do newspapers seek the insight of counselors or agency personnel who help rape victims through their ordeal? And does the press talk with members of its own staff to gather their input on the issue of identifying rape victims by name in their publications?

- **Did newspapers follow their policies regarding identification of rape victims in several well-publicized cases that renewed news industry discussion about the issue of identification of rape victims by name?**

Although many newspapers have long-standing policies that protect the identities of rape victims, some of these publications clearly abandoned these policies when covering the William Kennedy Smith case. Most notable was the *New York Times*, but surely others followed the lead of the major media outlets that revealed Patricia Bowman's name.

Did newspapers follow their policies regarding identification of rape victims when this notable—and unusual—case occurred, or did managers cover the story differently because of the intense publicity it received?

- **Does the size of a newspaper's circulation appear to affect the decision to print or withhold the names of rape victims?**

The media that identified Patricia Bowman by name were larger outlets that reached audiences across the nation and beyond. For these media, Patricia Bowman was not a local woman who lived within their community—a community made up of the victim's relatives, friends, and neighbors.

Yet for the majority of daily newspapers, the coverage of rape involves publishing information about someone who lives within a newspaper's

neighborhoods. For these local publications, circulation size might affect editors' decisions to publish the names of rape victims. Smaller newspapers covering smaller communities might follow a more conservative practice regarding publication of rape victims' names. In smaller communities where residents have a smaller chance of remaining anonymous, newspapers might have even greater interest in protecting the identities of rape victims.

CHAPTER 4

METHOD

To learn about the policies of U.S. daily newspapers and assess the decision-making processes used to establish these policies, data for this study were gathered through a mail survey of ranking editorial managers of 300 U.S. daily newspapers. Data collection began November 11, 1995, and ceased January 3, 1996.

To assemble a pool of participants for this study, the researcher used *Editor & Publisher International Year Book 1995*. All U.S. daily newspapers were sorted into three circulation groups: 25,000 or less, between 25,000 and 100,000, and 100,000 and greater. These groupings were established in an effort to determine whether the size of a newspaper's circulation affects its practice regarding identification of rape victims in published reports. Using a table of random numbers to select study participants, the researcher chose 100 newspapers from each circulation group. The researcher chose this number with the intent that mailing 100 surveys per group would produce acceptable response numbers within a limited budget.

The researcher also used the *Editor & Publisher International Year Book 1995* to collect the names, titles, and addresses of each newspapers' highest-ranking staff editorial manager—such as editor, managing editor, editor and publisher, or executive editor.

Each subject received a survey package that included a cover letter (Appendix B) that explained the scope of the study and a one-page survey (Appendix A) designed as a self-mailer that could be completed, stapled or taped shut, and returned by mail. Each letter and envelope addressed the newspaper editor by name. All envelopes and surveys were stamped with first-class postage. The package also included a printed envelope (Appendix D) that alerted the recipient to its contents.

All surveys were returned to the School of Journalism office at Michigan State University.

Copies of a test survey were mailed to 20 newspaper editorial managers who were not among those selected for the final study. Because this initial mailing was conducted to test for the readability and comprehension of the instrument and was not intended to collect data, only Michigan newspapers were used and no effort was made to choose participants from three separate circulation groups; however, all circulation groups were represented in the test mailing.

All Michigan newspapers not chosen for the final survey mailing were placed in this test pool, and a table of random numbers was used to select those who would receive this initial mailing.

Test surveys were mailed October 21, 1995, and editors were asked to return their copies by October 31, 1995. Nine replies were received. As a result of responses to the initial mailing, the researcher altered the survey

instrument, omitting questions that were repetitive and tightening language in other questions.

The 300 study surveys and accompanying letters were mailed November 11, 1995, requesting return by November 24, 1995. A second mailing of surveys with a letter reminding editors about the project (Appendix C) was sent November 25, 1995, to 177 newspapers that had not responded. These surveys asked editors to return the survey "today."

All survey responses were confidential, but each survey was numbered to enable the researcher to determine which newspaper managers had responded. The two sets of surveys were marked in different colors, allowing the researcher to identify whether editors responded to the first or second request for information. More editors responded to the first request, with 130 surveys returned from the first mailing and 38 surveys returned from the second mailing.

Survey responses were received steadily throughout the 7½-week survey period, which encompassed a number of holidays beginning with Thanksgiving and ending with the new year.

For those editors whose newspapers did not identify rape victims by name and who did not choose to elaborate on their answers, the survey could take as few as three minutes to complete. Editors also could expand on their answers in an "other" choice, which was included on nearly all the questions, and on a blank panel that invited them to provide additional comments on the issue of naming rape victims in the press.

CHAPTER 5

RESULTS OF DATA ANALYSIS

This chapter provides the results of the data analyses used to answer the research questions posed for this study, which was conducted to determine the practices daily newspapers follow in regard to the identification of rape victims and their policies governing these practices.

A total of 300 editorial managers were asked to complete a survey developed by the researcher to obtain information from newspapers about their policies and practices relative to identification of rape victims. Of this number, 168 editors returned their completed surveys for a response rate of 56.0%.

The newspapers were divided into three groups based on circulation. The returned surveys by size of circulation are presented in Table 1.

Table 1. Participants, by size of circulation

| Size of Circulation | Number | Percent |
|----------------------------|--------|---------|
| 25,000 or Less | 47 | 28.0 |
| Between 25,000 and 100,000 | 69 | 41.0 |
| 100,000 or Greater | 52 | 31.0 |
| Total | 168 | 100.0 |

The largest number of respondents (n=69, 41.0%) came from the newspaper group with circulations between 25,000 and 100,000. Fifty-two (31.0%) of the responding editors worked for newspapers with circulations of 100,000 or greater, and 47 (28.0%) editors were from newspapers with circulations of 25,000 or less.

Research Questions

Six research questions were posed for this study. Data obtained from individual survey questions were used to answer the research questions. To provide additional information, cross-tabulations by size of newspaper circulation were used.

In some instances, responses resulted in cells with no or few expected frequencies. Wimmer and Dominick indicate that small samples such as these may skew the distribution when calculating chi-square, resulting in Type II error. Consequently, small samples may not furnish significant results in cases that could have yielded such results if a larger sample had been used.¹⁴² To address this issue, the researcher grouped response categories where appropriate to arrive at a chi-square value that might achieve statistical significance.

¹⁴²Roger D. Wimmer and Joseph R. Dominick, *Mass Media Research: An Introduction*, 3d ed., (Belmont, Calif.: Wadsworth Publishing Co., 1991), 235-236.

Research question 1. Do U.S. daily newspapers identify rape victims by name in published reports?

Of the survey respondents, only 2 (1.2%) said their newspapers identify rape victims by name in published reports. A total of 155 (92.2%) respondents generally do not identify victims by name: 78 (46.4%) do not identify victims by name; 57 (33.9%) do not print names unless the victim agrees to identification; and 20 (11.9%) generally do not identify victims by name but may do so in special circumstances.

Of the survey participants, 11 (6.5%) chose "other" as their response. Two of these editors said they will identify victims who file a civil suit. Two said they publish wire service reports that identify rape victims by name in cases that receive national coverage. Several respondents said this decision depends on a variety of circumstances.

Based on the responses of the survey participants, it appears that U.S. daily newspapers continue the tradition of withholding names of rape victims from published reports; however, some editors apparently are willing to make exceptions to this practice based on individual circumstances.

Research question 2. Do newspaper managers base their decisions to identify rape victims on an established policy that is part of their publications' management procedure, or do they make decisions on a case-by-case basis?

A series of questions was asked to determine which criteria newspaper managers use in deciding whether to identify rape victims by name. The second survey item asked editors to identify the reasons behind their practice. Their responses are presented in Table 2.

Table 2. How practice resulted, by size of circulation

| How practice resulted | Size of Circulation | | | | | | | |
|---|-----------------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Policy | 39 | 83.0 | 58 | 85.3 | 39 | 75.0 | 136 | 81.4 |
| Decision made on a case-by-case basis | 7 | 14.9 | 5 | 7.4 | 5 | 9.6 | 17 | 10.2 |
| Other | 1 | 2.1 | 0 | 0.0 | 0 | 0.0 | 1 | 0.6 |
| Combination of policy and decision made on a case-by-case basis | 0 | 0.0 | 5 | 7.4 | 8 | 15.4 | 13 | 7.8 |
| Total | 47 | 100.0 | 68 | 100.0 | 52 | 100.0 | 167 | 100.0 |
| Missing | Circulation 25,000 or less | | 0 | | | | | |
| | Circulation 25,000<>100,000 | | 1 | | | | | |
| | Circulation >100,000 | | 0 | | | | | |

Chi-square = 2.168, d.f. = 2, P = .338

The majority of the editors (n=136, 81.4%) indicated they base their decisions to identify (or not identify) rape victims on policy. Of this number, 39 (83.0%) editors were from newspapers with circulations of 25,000 or less, 58 (85.3%) editors were from newspapers with circulations between 25,000 and 100,000, and 39 (75.0%) editors were from newspapers with circulations of more than 100,000. Of the 17 (10.2%) who reported their decisions are made on a case-by-case basis, 7 (14.9%) were editors of newspapers with circulations of 25,000 or less, 5 (7.4%) were from newspapers with circulations between 25,000 and 100,000, and 5 (9.6%) were from newspapers with circulations of 100,000 or greater. One (2.1%) editor who chose the "other" response cited

tradition among Missouri newspapers as the reason for his or her newspaper's practice. One editor did not respond to this question.

The fourth survey item requested information from editors who indicated their decisions to identify rape victims in published reports were made on a case-by-case basis. The question focused on which instances might affect that decision. Responses were cross-tabulated by size of newspaper circulation, and results of this analysis are presented in Table 3.

**Table 3. Instances that affect decisions to publish a name,
by size of circulation**

| Instances that affect decisions to publish a name | Size of Circulation | | | | | | | |
|--|---------------------|--------------|-------------------------------|--------------|-----------------------|--------------|-----------|--------------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Victim agrees to identification | 6 | 40.0 | 11 | 40.7 | 13 | 54.2 | 30 | 45.5 |
| Crime occurred in a very public manner | 2 | 13.3 | 0 | 0.0 | 0 | 0.0 | 2 | 3.0 |
| Other | 2 | 13.3 | 2 | 7.4 | 4 | 12.5 | 8 | 12.1 |
| Victim agrees/ victim identified in other media/crime occurred in a very public manner | 2 | 13.3 | 7 | 25.9 | 3 | 12.5 | 12 | 18.2 |
| Victim agrees/ victim is identified in other media | 2 | 13.3 | 2 | 7.4 | 1 | 4.2 | 5 | 7.6 |
| Victim agrees/ crime occurred in a very public manner | 1 | 6.7 | 5 | 18.5 | 3 | 12.5 | 9 | 13.6 |
| Total | 15 | 100.0 | 27 | 100.0 | 24 | 100.0 | 66 | 100.0 |

The largest group of respondents (n=30, 45.5%) base their decision to identify rape victims on whether the victim agrees to identification. Of this number, 6 (40.0%) were from newspapers with circulations of 25,000 or less, with 11 (40.7%) from newspapers with circulations between 25,000 and 100,000, and 13 (54.2%) from newspapers with circulations of 100,000 or greater. Two (13.3%) editors of newspapers with circulations of 25,000 or less reported they identify rape victims if the crime occurs in a very public manner.

Of those newspapers that print the names of rape victims, the editors were asked when their newspapers publish those names. Their responses were cross-tabulated by the size of the newspaper circulation, and the results of this analysis are presented in Table 4.

Table 4. When a newspaper publishes rape victims' names, by size of circulation

| When a newspaper publishes rape victims' names | Size of Circulation | | | | | | | |
|--|---------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| When a rape is reported | 0 | 0.0 | 0 | 0.0 | 1 | 11.1 | 1 | 4.2 |
| When a suspect is arrested | 1 | 11.1 | 0 | 0.0 | 0 | 0.0 | 1 | 4.2 |
| Following the suspect's trial | 3 | 33.3 | 0 | 0.0 | 0 | 0.0 | 3 | 12.5 |
| During the trial | 2 | 22.2 | 0 | 0.0 | 1 | 11.1 | 3 | 12.5 |
| Other | 3 | 33.3 | 6 | 100.0 | 7 | 77.8 | 16 | 66.7 |
| Total | 9 | 100.0 | 6 | 100.0 | 9 | 100.0 | 24 | 100.0 |

The majority of the editors chose “other” as their response to this question. The reasons they supplied included: case-by-case decision, could be any of the above (depends on circumstances), if the victim goes public or the victim is slain, when asked by the victim, if the victim agrees or insists, when news circumstances dictate, victim is identified by other media (case-by-case decision), and each case is evaluated separately.

Six editors indicated that their decision to publish the victim’s name is tied to the defendant’s trial. Three (12.5%) editors said they will publish the victim’s name during the trial, and 3 (12.5%) said they will publish the victim’s name following the trial.

One (4.2%) newspaper will publish the victim’s name when the rape is reported, and 1 (4.2%) will publish the name when a suspect is arrested.

For some newspapers, the issue of identification may be irrelevant if reporters are unable to obtain the names of victims from police reports. The respondents were asked if local law enforcement agencies provide their newspapers with the names of rape victims. Cross-tabulations were used to summarize their responses to this question, which are presented in Table 5.

Table 5. Whether local law enforcement agencies provide newspapers with names of rape victims, by size of circulation

| Local law enforcement agencies provide newspapers with names of rape victims | Size of Circulation | | | | | | | |
|--|-----------------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes | 13 | 28.3 | 24 | 35.8 | 15 | 30.0 | 52 | 31.9 |
| No | 16 | 34.8 | 21 | 31.3 | 11 | 22.0 | 48 | 29.4 |
| Some do, some do not | 16 | 34.8 | 21 | 31.3 | 23 | 46.0 | 60 | 36.8 |
| Other | 1 | 2.2 | 1 | 1.5 | 1 | 2.0 | 3 | 1.8 |
| Total | 46 | 100.0 | 67 | 100.0 | 50 | 100.0 | 163 | 100.0 |
| Missing | Circulation 25,000 or less | | 1 | | | | | |
| | Circulation 25,000<>100,000 | | 2 | | | | | |
| | Circulation >100,000 | | 2 | | | | | |

Chi-square = 2.08, d.f. = 2, P = .353

The largest group of respondents (n=60, 36.8%) reported that some law enforcement agencies provide their newspapers with names of rape victims, and some do not. Of this number, 16 (34.8%) of the editors were from newspapers with circulations of 25,000 or less, 21 (31.3%) were from newspapers with circulations between 25,000 and 100,000, and 23 (46.0%) were from newspapers with circulations of 100,000 or greater. Of the 52 (31.9%) newspaper editors who indicated that local law enforcement agencies provide names of rape victims, 13 (28.3%) were from newspapers with circulations of 25,000 or less, 24 (35.8%) were from newspapers with circulations between 25,000 and 100,000, and 15 (30.0%) were from newspapers with circulations of 100,000 or greater. Sixteen (34.8%) editors from newspapers with circulations

of 25,000 or less, 21 (31.3%) from newspapers with circulations between 25,000 and 100,000, and 11 (22.0%) from newspapers with circulations of 100,000 or greater indicated that local law enforcement agencies do not provide the newspapers with names of rape victims. The "other" response was reported by 1 (2.2%) editor whose newspaper had a circulation of 25,000 or less, 1 (1.5%) from a newspaper with a circulation between 25,000 and 100,000, and 1 (2.0%) from a newspaper with a circulation of 100,000 or greater.

If the majority of U.S. newspapers reversed their policy and decided to identify rape victims by name, the practices of many local law enforcement agencies would not allow reporters to obtain these names after crimes occur. Because most newspapers do not use these names, however, law enforcement officials may be withholding these names from reports simply because they know their local newspapers will not use the information.

Based on responses gathered in the survey, U.S. newspapers adhere to established policy when deciding whether to publish the names of rape victims, and the majority do not identify rape victims by name. Fewer editors make these decisions on a case-by-case basis. Some newspapers combine policy with case-by-case evaluation when determining whether to publish the names of rape victims.

Of those newspapers that may identify victims when circumstances warrant, the decision to reveal the victim's name is often based on his or her consent. A rape that occurs in a public manner or involves a well-known person may influence a newspaper's decision to publish the name of the

victim. Editors also say they will identify a victim if other media have already done so. Identification by other media, they said, makes the issue moot.

Research question 3. Are U.S. daily newspapers altering their policies or are they continuing the long-standing tradition of withholding names of rape victims from published news reports?

In gathering information on newspaper policy, researchers have found that most newspapers have long followed a tradition of withholding the names of rape victims from publication. For some publications, this is a matter of newspaper policy; for others, it is a legal requirement.

The editors were asked to indicate the length of time their newspapers have followed this practice. Responses were cross-tabulated by circulation size of the newspapers, and results of this analysis are presented in Table 6.

Table 6. Length of time practice has been followed, by size of circulation

| Length of time practice has been followed | | Size of Circulation | | | | | | | |
|---|-----------------------------|---------------------|-------|-------------------------------|-------|-----------------------|-------|-------|-------|
| | | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | | N | % | N | % | N | % | N | % |
| 1 to 5 years | | 5 | 10.6 | 7 | 10.3 | 7 | 13.5 | 19 | 11.4 |
| More than 5 years | | 42 | 89.4 | 61 | 89.7 | 45 | 86.5 | 148 | 88.6 |
| Total | | 47 | 100.0 | 68 | 100.0 | 52 | 100.0 | 167 | 100.0 |
| Missing | Circulation 25,000 or less | | 0 | | | | | | |
| | Circulation 25,000<>100,000 | | 1 | | | | | | |
| | Circulation >100,000 | | 0 | | | | | | |

Chi-square = .329, d.f. = 2, P = .848

The majority of the editors (n=148, 88.6%) reported that their newspapers had followed current practices regarding the publication of rape victims' names for more than five years. Of this number, 42 (89.4%) were editors of newspapers with circulations of 25,000 or less, 61 (89.7%) of newspapers with circulations between 25,000 and 100,000, and 45 (86.5%) of newspapers with circulations of 100,000 or greater. One editor did not respond to this question.

The editors also were asked if they planned to review existing policy within the next six months. Their responses were cross-tabulated by the size of the newspapers' circulation and are presented in Table 7.

Table 7. Newspaper management's plan to review existing policy within six months, by size of circulation

| Newspaper management's plan to review existing policy within six months | Size of Circulation | | | | | | | |
|---|-----------------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes | 2 | 4.3 | 4 | 5.8 | 2 | 3.9 | 8 | 4.8 |
| No | 44 | 93.6 | 62 | 89.9 | 46 | 90.2 | 152 | 91.0 |
| Other | 1 | 2.1 | 3 | 4.3 | 1 | 2.0 | 5 | 3.0 |
| Policy reviewed constantly | 0 | 0.0 | 0 | 0.0 | 2 | 3.9 | 2 | 1.2 |
| Total | 47 | 100.0 | 69 | 100.0 | 51 | 100.0 | 167 | 100.0 |
| Missing | Circulation 25,000 or less | | 0 | | | | | |
| | Circulation 25,000<>100,000 | | 0 | | | | | |
| | Circulation >100,000 | | 1 | | | | | |

Chi-square = 5.45, d.f. = 2, P = .762

The majority of the editors (n=152, 91.0%), including 44 (93.6%) whose newspapers have circulations of 25,000 or less, 62 (89.9%) with circulations between 25,000 and 100,000, and 46 (90.2%) whose newspapers have circulations of 100,000 or greater, indicated they do not plan to review their existing policy on publishing the names of rape victims. Of the 8 (4.8%) editors who indicated a policy review will take place within the next six months, 2 (4.3%) were from newspapers with circulations of 25,000 or less, 4 (5.8%) were from newspapers with circulations between 25,000 and 100,000, and 2 (3.9%) were from newspapers with circulations of 100,000 or greater. Five (3.0%) editors indicated "other" as their response to this question, with 1 (2.1%) from a newspaper with a circulation of 25,000 or less, 3 (4.3%) from newspapers with circulations between 25,000 and 100,000, and 1 (2.0%) from a newspaper with a circulation of 100,000 or greater. Two (3.9%) editors from newspapers with circulations of 100,000 or greater indicated their policy on reporting the names of rape victims is subject to constant review.

The newspaper editors who indicated they were planning policy review were asked whether they thought their newspapers were likely to alter their policies. While 8 editors indicated that policy review was planned, 56 editors responded to this question. This discrepancy may have resulted from misreading the question and responding inappropriately. The responses from the 56 editors were cross-tabulated by the size of the newspapers' circulation. Table 8 presents the results of this analysis.

Table 8. If policy review is planned, likelihood that newspaper will change policy, by size of circulation

| If policy review is planned, likelihood that newspaper will change policy | Size of Circulation | | | | | | | |
|---|---------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Not very likely | 2 | 11.8 | 4 | 18.2 | 3 | 17.6 | 9 | 16.1 |
| Other | 0 | 0.0 | 1 | 4.5 | 2 | 11.8 | 3 | 5.4 |
| No review planned, not very likely | 15 | 88.2 | 17 | 77.3 | 12 | 70.6 | 44 | 78.5 |
| Total | 17 | 100.0 | 22 | 100.0 | 17 | 100.0 | 56 | 100.0 |

The largest group of respondents (n=44, 78.5%) came from those editors who said no policy review is planned; they reported that a change in policy regarding reporting the names of rape victims is not very likely. Of this number, 15 (88.2%) were from newspapers with circulations of 25,000 or less, 17 (77.3%) were from newspapers with circulations between 25,000 and 100,000, and 12 (70.6%) were from newspapers with circulations of 100,000 or greater. Two (11.8%) editors from newspapers with circulations of 25,000 or less, 4 (18.2%) editors from newspapers with circulations between 25,000 and 100,000, and 3 (17.6%) editors from newspapers with circulations of 100,000 or greater indicated policy review is planned and it is not very likely that policies will change. Three (5.4%) editors, 1 (4.5%) from a newspaper with a circulation between 25,000 and 100,000 and 2 (11.8%) from newspapers with a circulation of 100,000 or greater, responded "other" to this question.

Consequently, newspaper managers appear to accept that withholding the names of rape victims from publication is appropriate policy and have no plans to alter that policy.

While managers at most newspapers have the ability to set policy that governs whether their publications will identify rape victims by name, laws in some states prohibit newspapers from identifying victims by name. Question 15 asked the editors if any law prohibits them from publishing names of rape victims. Their responses were cross-tabulated by the size of their newspapers' circulations, and results are presented in Table 9.

Table 9. Newspapers prohibited by law from publishing names of rape victims, by size of circulation

| Newspapers prohibited by law from publishing names of rape victims | Size of Circulation | | | | | | | |
|--|-----------------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes/State | 3 | 6.4 | 3 | 4.5 | 3 | 5.9 | 9 | 5.5 |
| Yes/Local | 0 | 0.0 | 1 | 1.5 | 0 | 0.0 | 1 | 0.6 |
| No | 44 | 93.6 | 63 | 94.0 | 48 | 94.1 | 155 | 93.9 |
| Total | 47 | 100.0 | 67 | 100.0 | 51 | 100.0 | 165 | 100.0 |
| Missing | Circulation 25,000 or less | | 0 | | | | | |
| | Circulation 25,000<>100,000 | | 2 | | | | | |
| | Circulation >100,000 | | 1 | | | | | |

The majority of respondents (n=155, 93.9%) reported that no laws prohibit them from publishing the names of rape victims in their news reports. Of this number, 44 (93.6%) were editors of newspapers with circulations of 25,000

or less, 63 (94.0%) of newspapers with circulations between 25,000 and 100,000, and 48 (94.1%) of newspapers with circulations of 100,000 or greater. One (1.5%) editor of a newspaper with a circulation from 25,000 to 100,000 indicated that local law prohibits the newspaper from publishing the names of rape victims. There were 9 (5.5%) editors who said that state law prohibits them from publishing the names of rape victims. Three (6.4%) of the newspaper editors who provided this response were from newspapers with circulations of 25,000 or less, 3 (4.5%) were from newspapers with circulations between 25,000 and 100,000, and 3 (5.9%) were from newspapers with circulations of 100,000 or greater.

Consequently, few newspapers are prohibited by law from publishing the names of rape victims. For most U.S. daily newspapers, the issue of identification is one addressed by individual papers whose managers have the ability to set their own policies regarding this issue.

Although several rape cases in the last five years received inordinate coverage in the media, it appears this pervasive coverage did not prompt U.S. daily newspapers to alter their policies. A full 88.6% of the papers surveyed have followed their policy regarding publication of names of rape victims for more than five years. While widely read newspapers such as the *New York Times* printed victims' names in opposition to their own policy in recent notable cases, U.S. newspapers apparently did not see any reason to alter their practice based on coverage of these cases.

Newspapers managers do not generally continue to review their policies regarding identification of rape victims, and few editors foresee changes in their policies. The highly visible rape cases that have been covered in the national media in recent years apparently have had no influence on newspaper policies regarding the identification of rape victims.

Research question 4. Have managers of publications with established policies regulating the identification of rape victims sought input from their staff, community, and victims in setting these policies?

Newspapers do not exist in a vacuum. These publications maintain an important role in their communities. Throughout this country's history, the press has been afforded critical freedom that allows it to exist without government interference. While the press has been allowed considerable freedom to perform its role in society, it must also recognize its responsibility to the needs and interests of the community of readers it serves.

To answer this research question, editors were asked several questions regarding the amount of input they receive from representative boards, community groups, and others.

One question asked the editors if their newspapers have representative boards of community members that offer input on policy. Responses were cross-tabulated by the size of the newspapers' circulation, and the results of this analysis are presented in Table 10.

Table 10. Newspapers with representative boards
that give input on newspaper policy, by size of circulation

| Newspapers with representative boards that give input on newspaper policy | Size of Circulation | | | | | | | |
|--|-----------------------------|-------|-------------------------------|-------|-----------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes | 6 | 12.8 | 12 | 18.2 | 10 | 19.6 | 28 | 17.1 |
| No | 41 | 87.2 | 52 | 78.8 | 37 | 72.5 | 130 | 79.3 |
| Other | 0 | 0.0 | 2 | 3.0 | 4 | 7.8 | 6 | 3.7 |
| Total | 47 | 100.0 | 66 | 100.0 | 51 | 100.0 | 164 | 100.0 |
| Missing | Circulation 25,000 or less | | 0 | | | | | |
| | Circulation 25,000<>100,000 | | 3 | | | | | |
| | Circulation >100,000 | | 1 | | | | | |

Chi-square = 3.23, d.f. = 2, P = .199

The majority of the respondents (n=130, 79.3%) reported they do not have a representative board that provides input regarding newspaper policy. Of this number, 41 (87.2%) were from newspapers with circulations of 25,000 or less, 52 (78.8%) were from newspapers with circulations between 25,000 and 100,000, and 37 (72.5%) were from newspapers with circulations of 100,000 or greater. Twenty-eight (17.1%) editors—including 6 (12.8%) from newspapers with circulations of 25,000 or less, 12 (18.2%) from newspapers with circulations between 25,000 and 100,000, and 10 (19.6%) from newspapers with circulations of 100,000 or greater—reported they have a community panel that offers input on newspaper policy.

Two (3.0%) newspaper editors from publications with circulations between 25,000 and 100,000 and 4 (7.8%) editors from newspapers with

circulations of 100,000 or greater indicated “other” as their response to this question. Two of these editors said their publications use focus groups or surveys to measure reader opinion. One editor said his or her readers actively provide input or feedback. Another editor said that members of the community are invited to participate in discussions when the process seems useful.

Those newspaper managers whose publications have representative boards were asked if those boards participated in the discussion that led to the adoption of policy regarding publication of rape victims’ names. Their responses are provided in Table 11.

Table 11. Newspapers with representative boards that participated in discussion leading to policy decisions regarding publication of rape victims’ names, by size of circulation

| Newspapers with representative boards that participated in discussion leading to policy decisions regarding publication of rape victims’ names | Size of Circulation | | | | | | | |
|---|---------------------|-------|-------------------------------|-------|-----------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes | 1 | 12.5 | 1 | 9.1 | 0 | 0.0 | 2 | 6.7 |
| No | 7 | 87.5 | 10 | 90.9 | 10 | 90.9 | 27 | 90.0 |
| Other | 0 | 0.0 | 0 | 0.0 | 1 | 9.1 | 1 | 3.3 |
| Total | 8 | 100.0 | 11 | 100.0 | 11 | 100.0 | 30 | 100.0 |

Two (6.7%) newspaper managers indicated that their representative boards were participants in discussion that led to establishment of policy regarding publication of rape victims' names. Of this number 1 (12.5%) was from a newspaper with a circulation of 25,000 or less, and 1 (9.1%) was from a newspaper with a circulation between 25,000 and 100,000. Seven (87.5%) editors of newspapers with circulations of 25,000 or less, 10 (90.9%) from newspapers with circulations between 25,000 and 100,000, and 10 (90.9%) from newspapers with circulations of 100,000 or greater indicated their representative boards had no input into policy formation regarding the publication of rape victims' names. One (9.1%) editor from a newspaper with a circulation of 100,000 or greater indicated "other" as the response to this question.

It would seem that two groups—victims themselves and counselors who help these victims recover from rapes—would have a strong interest in expressing their opinions about newspaper policy governing the decision to identify rape victims by name.

One survey question asked the editors if they sought input from victims in formulating their policy regarding the publication of rape victims' names. Their responses were cross-tabulated by the size of their newspapers' circulations, and the results of this analysis are presented in Table 12.

Table 12. Newspapers that sought input from victims of rape in formulating policy regarding identification of rape victims, by size of circulation

| Newspapers that sought input from victims of rape in formulating policy on identification of rape victims | | Size of Circulation | | | | | | | |
|---|-----------------------------|---------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | | N | % | N | % | N | % | N | % |
| Yes | | 5 | 12.2 | 10 | 14.7 | 12 | 24.0 | 27 | 17.0 |
| No | | 36 | 87.8 | 54 | 79.4 | 35 | 70.0 | 125 | 78.6 |
| Other | | 0 | 0.0 | 4 | 5.9 | 3 | 6.0 | 7 | 4.4 |
| Total | | 41 | 100.0 | 68 | 100.0 | 50 | 100.0 | 159 | 100.0 |
| Missing | Circulation 25,000 or less | | | 6 | | | | | |
| | Circulation 25,000<>100,000 | | | 1 | | | | | |
| | Circulation >100,000 | | | 2 | | | | | |

Chi-square = 3.01, d.f. = 2, P = .222

The majority of editors (n=125, 78.6%) indicated they did not seek input from rape victims in formulating their policies regarding publication of names. Of this number, 36 (87.8%) were from newspapers with circulations of 25,000 or less, 54 (79.4%) were from newspapers with circulations between 25,000 and 100,000, and 35 (70.0%) were from newspapers with circulations of 100,000 or greater. Among the 27 (17.0%) editors who sought this input, 5 (12.2%) were from newspapers with circulations of 25,000 or less, 10 (14.7%) were from newspapers with circulations between 25,000 and 100,000, and 12 (24.0%) were from newspapers with circulations of 100,000 or greater. Four (5.9%) editors of newspapers with circulations between 25,000 and 100,000 and 3 (6.0%) from newspapers with circulations of 100,000 or greater used "other"

as their response to this question. Most of these editors said that while they did not actively seek victims' input, the newspapers were aware of their concerns.

The survey also asked if newspapers sought input from rape counseling services in formulating policy regarding identification of rape victims. Responses to this question were cross-tabulated by the size of the newspaper circulation, and Table 13 presents the results of this analysis.

Table 13. Newspapers that sought input from rape counseling services in formulating policy regarding identification of rape victims, by size of circulation

| Newspapers that sought input from rape counseling services in formulating policy regarding identification of rape victims | | Size of Circulation | | | | | | | |
|---|-----------------------------|---------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | | N | % | N | % | N | % | N | % |
| Yes | | 4 | 9.3 | 14 | 20.6 | 11 | 21.6 | 29 | 17.9 |
| No | | 37 | 86.0 | 52 | 76.5 | 36 | 70.6 | 125 | 77.2 |
| Other | | 2 | 4.7 | 2 | 2.9 | 4 | 7.8 | 8 | 4.9 |
| Total | | 43 | 100.0 | 68 | 100.0 | 51 | 100.0 | 162 | 100.0 |
| Missing | Circulation 25,000 or less | | | 4 | | | | | |
| | Circulation 25,000<>100,000 | | | 1 | | | | | |
| | Circulation >100,000 | | | 1 | | | | | |

Chi-square = 3.10, d.f. = 2, P = .213

Editors provided similar responses for the questions about the input sought from rape victims and rape counselors. Of the 29 (17.9%) respondents who sought input from rape counseling services, 4 (9.3%) were from

newspapers with circulations of 25,000 or less, 14 (20.6%) were from newspapers with circulations between 25,000 and 100,000, and 11 (21.6%) were from newspapers with circulations of 100,000 or greater. The majority of managers (n=125, 77.2%) did not seek input from rape counseling services in policy making regarding the identification of rape victims, with 37 (86.0%) from newspapers with circulations of 25,000 or less, 52 (76.5%) from newspapers with circulations between 25,000 and 100,000, and 36 (70.6%) from newspapers with circulations of 100,000 or greater. Two (4.7%) editors from newspapers with circulations of 25,000 or less, 2 (2.9%) editors from newspapers with circulations between 25,000 and 100,000, and 4 (7.8%) editors from newspapers with circulations of 100,000 or greater indicated "other" as their response to this question.

As in the case of rape victims, newspaper editors who chose the "other" response indicated they did not actively seek input from rape counseling services but said they were aware of their concerns.

The survey also asked newspaper editors if staff input was encouraged regarding the decision to publish the names of rape victims. Their responses were cross-tabulated by the size of the newspapers' circulation. Table 14 presents the results of this analysis.

**Table 14. Newspapers that encourage staff input
regarding the decision to publish names of rape victims,
by size of circulation**

| Newspaper staff input encouraged regarding decision to publish names of rape victims | Size of Circulation | | | | | | | |
|--|---------------------|-------|-------------------------------|-------|-----------------------|-------|-------|-------|
| | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes | 6 | 60.0 | 11 | 84.6 | 12 | 100.0 | 29 | 82.9 |
| No | 4 | 40.0 | 2 | 15.4 | 0 | 0.0 | 6 | 17.1 |
| Total | 10 | 100.0 | 13 | 100.0 | 12 | 100.0 | 35 | 100.0 |

Chi-square = 6.38, d.f. = 2, P = .04

The majority of the editors (n=29, 82.9%) who responded to this question reported that staff members were encouraged to provide input regarding decisions to publish the names of rape victims. Of this number, 6 (60.0%) were from newspapers with circulations of 25,000 or less, 11 (84.6%) were from newspapers with circulations between 25,000 and 100,000, and 12 (100%) were from newspapers with circulations in excess of 100,000. Four (40.0%) editors of newspapers with circulations of 25,000 or less and 2 (15.4%) editors of newspapers with circulations between 25,000 and 100,000 indicated they did not encourage input from newspaper staff members regarding decisions about publication of the names of rape victims.

When the responses of the newspaper managers were examined as a group, it appeared that newspaper policy makers do not actively seek the input of the communities they cover when establishing newspaper policy. In the case of policy governing the identification of rape victims, newspapers did

not seek input from rape victims themselves, rape counseling services, and members of the community.

Newspapers managers do, however, invite staff participation when establishing newspaper policy.

Research question 5. Did newspapers follow their policies regarding identification of rape victims in several well-publicized cases that renewed news industry discussion about the issue of identification of rape victims by name?

While newspapers apparently have followed a long-standing tradition and have refrained from publishing the names of rape victims, that practice did not seem apparent in several cases that received considerable coverage in the national media. While local newspapers might profess that they refrain from identifying victims in local rape cases, many seemingly had abandoned this policy in the cases of William Kennedy Smith, Mike Tyson, and the Central Park jogger.

Respondents were asked if they also followed their practice regarding the identification of rape victims for coverage of national stories. Their responses were cross-tabulated by size of the newspapers' circulation, and results of this analysis are presented in Table 15.

Table 15. Newspaper practice followed for national stories, by size of circulation

| Newspaper practice followed for national stories | | Size of Circulation | | | | | | | |
|--|-----------------------------|---------------------|-------|----------------------------|-------|--------------------|-------|-------|-------|
| | | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | | N | % | N | % | N | % | N | % |
| Yes | | 28 | 63.6 | 48 | 71.6 | 43 | 86.0 | 119 | 73.9 |
| No | | 14 | 31.8 | 16 | 23.9 | 6 | 12.0 | 36 | 22.4 |
| Other | | 2 | 4.5 | 3 | 4.5 | 1 | 2.0 | 6 | 3.7 |
| Total | | 44 | 100.0 | 67 | 100.0 | 50 | 100.0 | 161 | 100.0 |
| Missing | Circulation 25,000 or less | | | 3 | | | | | |
| | Circulation 25,000<>100,000 | | | 2 | | | | | |
| | Circulation >100,000 | | | 2 | | | | | |

Chi-square = 1.66, d.f. = 2, P = .411

The majority of the editors (n=119, 73.9%) reported that they follow their practice regarding the identification of rape victims in both local and national stories. Of this number, 28 (63.6%) were editors of newspapers with circulations of 25,000 or less, 48 (71.6%) of newspapers with circulations between 25,000 and 100,000, and 43 (86.0%) of newspapers with circulations of 100,000 or greater. Of the 36 (22.4%) editors who indicated they do not follow the same practice in national stories, 14 (31.8%) were from newspapers with circulations of 25,000 or less, 16 (23.9%) were from newspapers with circulations between 25,000 and 100,000, and 6 (12.0%) were from newspapers with circulations of 100,000 or greater. The "other" response was chosen by 2 (4.5%) editors of newspapers with circulations of 25,000 or less, 3 (4.5%) editors of newspapers with circulations between 25,000 and 100,000, and 1 (2.0%) editor of a publication with a circulation of 100,000 or greater.

The newspaper editors also were asked whether they had identified the victims by name in the William Kennedy Smith, Mike Tyson, and Central Park jogger cases. Their responses were cross-tabulated by the size of the newspaper circulation and presented in Table 16.

Table 16. Newspaper practices involving identification of rape victims in several well-known cases, by size of circulation

| Size of Circulation | | | | | | | | |
|--|----------------|------|----------------------------|------|--------------------|------|-------|------|
| Newspaper practices involving identification of rape victims in well-known cases | 25,000 or less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Mike Tyson | | | | | | | | |
| Yes | 24 | 57.1 | 54 | 78.3 | 31 | 63.3 | 109 | 68.1 |
| No | 6 | 14.3 | 9 | 13.0 | 14 | 28.6 | 29 | 18.1 |
| Didn't cover | 5 | 11.9 | 3 | 4.3 | 0 | 0.0 | 8 | 5.0 |
| When victim went public | 0 | 0.0 | 0 | 0.0 | 1 | 2.0 | 1 | .06 |
| Used AP reports | 4 | 9.5 | 2 | 2.9 | 1 | 2.0 | 7 | 4.4 |
| Don't remember | 3 | 1.6 | 1 | 1.4 | 2 | 4.1 | 6 | 3.8 |
| N = 160, chi-square = 4.50, d.f. = 2, P = .105 | | | | | | | | |
| William Kennedy Smith | | | | | | | | |
| Yes | 24 | 54.5 | 42 | 60.9 | 25 | 52.1 | 91 | 56.5 |
| No | 5 | 11.4 | 21 | 30.4 | 18 | 37.5 | 44 | 27.3 |
| Didn't cover | 7 | 15.9 | 3 | 4.3 | 0 | 0.0 | 10 | 6.2 |
| When victim went public | 0 | 0.0 | 0 | 0.0 | 3 | 6.3 | 3 | 1.9 |
| Used AP reports | 4 | 9.1 | 2 | 2.9 | 1 | 2.1 | 7 | 4.3 |
| Don't remember | 4 | 9.1 | 1 | 1.4 | 1 | 2.1 | 6 | 3.7 |
| N = 161, chi-square = 4.81, d.f. = 2, P = .9 | | | | | | | | |
| Central Park Jogger | | | | | | | | |
| Yes | 14 | 32.6 | 16 | 23.5 | 5 | 10.4 | 35 | 22.0 |
| No | 11 | 25.6 | 36 | 52.9 | 39 | 81.3 | 86 | 54.1 |
| Didn't cover | 11 | 25.6 | 6 | 8.8 | 1 | 2.1 | 18 | 11.3 |
| Used AP reports | 3 | 7.0 | 2 | 2.9 | 1 | 2.1 | 6 | 3.8 |
| Don't remember | 4 | 9.3 | 8 | 11.8 | 2 | 4.2 | 14 | 8.8 |
| N = 159, chi-square = 15.60, d.f. = 2, P = <.0001 | | | | | | | | |

In the cases of Mike Tyson (n=109, 68.1%) and William Kennedy Smith (n=91, 56.6%), the majority of editors indicated they reported the rape victims' names in their newspapers. They said they did not, however, report the name of the rape victim identified as the Central Park jogger (n=86, 54.1%).

Twenty-four (57.1%) editors of newspapers with circulations of 25,000 or less reported the name of the victim in the Tyson case, with 54 (78.3%) editors of newspapers with circulations between 25,000 and 100,000 and 31 (63.3%) editors of newspapers with circulations of more than 100,000 reporting the woman's name in this case. Of the 29 (18.1%) editors who did not report the victim's name in the Tyson case, 6 (14.3%) were from newspapers with circulations of 25,000 or less, 9 (13.0%) were from newspapers with circulations between 25,000 and 100,000, and 14 (28.6%) were from newspapers with circulations of 100,000 or greater. Eight (5.0%) of the editors indicated they did not cover this case—five (11.9%) from newspapers with circulations of 25,000 or less and 3 (4.3%) from newspapers with circulations between 25,000 and 100,000. One (2.0%) editor of a newspaper with a circulation of 100,000 or greater indicated that he or she reported the rape victim's name when the victim went public. Of the 7 (4.4%) editors who indicated they used Associated Press stories in reporting the Tyson case, 4 (9.5%) were from newspapers with circulations of 25,000 or less, 2 (2.9%) were from newspapers with circulations between 25,000 and 100,000, and 1 (2.0%) was from a newspaper with a circulation of 100,000 or greater. Six (3.8%) editors, including 3 (1.6%) from newspapers with circulations of 25,000 or less,

1 (1.4%) from a newspaper with a circulation between 25,000 and 100,000, and 2 (4.1%) from newspapers with circulations of 100,000 or greater, indicated they did not remember what they reported.

The majority of respondents (n=91, 56.5%) said they reported the name of the woman in the William Kennedy Smith case. Of this number, 24 (54.5%) were from newspapers with circulations of 25,000 or less, 42 (60.9%) were from newspapers with circulations between 25,000 and 100,000, and 25 (52.1%) were from newspapers with circulations of 100,000 or greater. There were 44 (27.3%) editors who did not report the woman's name in the Smith case, with 5 (11.4%) editors of newspapers with circulations of 25,000 or less, 21 (30.4%) editors of newspapers with circulations between 25,000 and 100,000, and 18 (37.5%) editors of newspapers with circulations of 100,000 or greater. Seven (15.9%) editors of newspapers with circulations of 25,000 or less and 3 (4.3%) editors of newspapers with circulations between 25,000 and 100,000 indicated they did not cover this case. Three (6.3%) editors of newspapers with circulations of 100,000 or greater said they did not report the name of the woman until she went public. Of the 7 (4.3%) editors who indicated they used the Associated Press reports in this case, 4 (9.1%) were from newspapers with circulations of 25,000 or less, 2 (2.9%) from newspapers with circulations between 25,000 and 100,000, and 1 (2.1%) from a newspaper with a circulation of 100,000 or greater. Four (9.1%) respondents from newspapers with circulations of 25,000 or less, 1 (1.4%) respondent from a newspaper with a circulation between 25,000 and 100,000, and 1 (2.1%) respondent from a

newspaper with a circulation of 100,000 or greater indicated they did not remember if they reported the woman's name.

The case of the Central Park jogger elicited different responses from the editors—and the only clearly statistically significant response in the study. The majority of the editors (n=86, 54.1%) reported they did not publish the name of the rape victim, with 11 (25.6%) editors of newspapers with circulations of 25,000 or less, 36 (52.9%) editors of newspapers with circulations between 25,000 and 100,000, and 39 (81.3%) editors of newspapers with circulations of 100,000 or greater. Eleven (25.6%) editors of newspapers with circulations of 25,000 or less, 6 (8.8%) editors of newspapers with circulations between 25,000 and 100,000, and 1 (2.1%) editor of a newspaper with a circulation of 100,000 or greater indicated they did not cover this case.

In this case, 35 (22.0%) editors indicated they reported the name of the rape victim. Of this number, 14 (32.6%) were from newspapers with circulations of 25,000 or less, 16 (23.5%) were from newspapers with circulations between 25,000 and 100,000, and 5 (10.4%) were from newspapers with circulations of 100,000 or greater. Of the 6 (3.8%) editors who reported they used Associated Press stories, 3 (7.0%) were from newspapers with circulations of 25,000 or less, 2 (2.9%) were from newspapers with circulations between 25,000 and 100,000, and 1 (2.1%) was from a newspaper with a circulation of 100,000 or greater. Four (9.3%) editors of newspapers with circulations of 25,000 or less, 8 (11.8%) editors of newspapers with circulations between 25,000 and 100,000, and 2 (4.2%) editors of newspapers with

circulations of 100,000 or greater did not remember if they reported the rape victim's name in this case.

Reliance on memory may affect reliability of the answers provided by editors in the survey. While 35 of 159 respondents said they identified the Central Park jogger by name, wire services did not release her name, and it is doubtful that many media outside the New York City area reported her name. Although the *New York Times* and other newspapers reported Patricia Bowman's name before she went public after the Smith trial, the *Times* and others did not reveal Desiree Washington's name until she went public following the Tyson trial. However, 1 survey respondent said his or her newspaper revealed Washington's name when she went public, but 109 respondents said they published her name throughout coverage of the case.

As it appears from these results, reporting rape victims' names in cases that attract national attention was not consistent. When the individuals involved were well-known—in these two cases, the male defendants—there was a greater chance the rape victim's name would be published. When neither the rape victim nor the aggressor was well-known, the name of the victim was not published.

Research question 6. Does the size of a newspaper's circulation affect the decision to print or withhold the names of rape victims?

In the first question on the survey, the editors were asked if their newspapers identify rape victims by name in published reports. The breakdown by size of circulation is presented in Table 17.

Table 17. Newspapers that identify rape victims by name, by size of circulation

| Newspapers that identify rape victims by name | Size of Circulation | | | | | | | |
|--|---------------------|--------------|-------------------------------|--------------|-----------------------|--------------|------------|--------------|
| | 25,000 or Less | | Between 25,000 and 100,000 | | 100,000 or Greater | | Total | |
| | N | % | N | % | N | % | N | % |
| Yes | 0 | 0.0 | 2 | 2.9 | 0 | 0.0 | 2 | 1.2 |
| No | 31 | 66.0 | 33 | 47.8 | 14 | 26.9 | 78 | 46.4 |
| No, unless victim agrees | 7 | 14.9 | 24 | 34.8 | 26 | 50.0 | 57 | 33.9 |
| Other | 6 | 12.8 | 2 | 2.9 | 3 | 5.8 | 11 | 6.5 |
| Generally no, but yes in special circumstances | 3 | 6.4 | 8 | 11.6 | 9 | 17.3 | 20 | 11.9 |
| Total | 47 | 100.0 | 69 | 100.0 | 52 | 100.0 | 168 | 100.0 |

Chi-square = .378, d.f. = 2, P = .828

None of the editors of the smaller and larger newspapers reports the names of rape victims as a matter of policy. Two (2.9%) editors of newspapers with circulations between 25,000 and 100,000 indicated they report the names of rape victims.

As one might predict, newspapers with smaller circulations that may be published in smaller communities are likely to withhold the names of rape victims from publication. Of those newspapers with circulations of 25,000 and less, no newspapers identify rape victims by name. In this circulation group, 41 (87.3%) respondents said their newspapers generally do not report the names of rape victims: 31 (66%) do not report names, 7 (14.9%) do not report names unless the victim agrees, and 3 (6.4%) generally do not report the names of victims but may in special circumstances.

In this circulation group, 6 (12.8%) chose "other" as their response. Two of these newspapers do not identify local victims but use names in national stories. Two newspapers will use names if the case reaches trial. The other newspapers evaluate their decisions as stories develop.

In the circulation group between 25,000 and 100,000, 2 (2.9%) newspaper editors said their publications identify rape victims by name. Sixty-five (94.2%) respondents generally do not report the names of rape victims: 33 (47.8%) do not report names, 24 (34.8%) do not report names unless the victim agrees, and 8 (11.6%) generally do not report the names of victims but may in special circumstances. Of this group, 2 (2.9%) chose "other" as their response. One editor said identification may occur in a rare circumstance; the other said a victim who recants or files a civil suit may be identified.

In the largest circulation group, no newspapers surveyed identify rape victims by name as a matter of policy. In this group, 49 (94.2%) respondents said their newspapers generally do not report the names of rape victims: 14

(26.9%) do not report names, 26 (50%) do not report names unless the victim agrees, and 9 (17.3%) generally do not report the names of victims. In this group, 3 (5.8%) chose "other" as their response. Editors in this circulation group again cited special circumstances and a victim's decision to file a civil lawsuit as reasons to identify the victim by name.

Although a sizable number of newspaper editors said their newspapers do not identify rape victims by name as a matter of policy, that percentage decreases as circulation increases. Of the newspapers surveyed, 66% of the smaller newspapers, 47.8% of the midsize newspapers, and 26.9% of the larger newspapers do not publish names. Perhaps greater significance should be attached to the number of papers that do not publish the names of rape victims as a matter of policy but will consider publication in special circumstances: 34.1% of the smaller newspapers, 49.3% of the midsize newspapers, and 51.6% of the larger newspapers.

While newspaper editors say their publications do not identify rape victims by name, these newspapers have allowed for publication of victims' names when victims agree to identification or special circumstances warrant identification.

Summary

Results of the data analysis found few instances in which statistical significance was demonstrated at the .05 confidence level. Only those questions related to newspaper coverage of the Central Park jogger case and

staff input in the policy-making process exceeded the chi-square value of 5.991 for values with two degrees of freedom. The chi-square values of several other questions neared that level. Consequently, the lack of statistical significance indicates that differences in the sample are probably due to chance. Any differences among newspapers based on size probably do not exist in the population.

While some variation was found among newspapers based on size in their policies and practices regarding the reporting of rape victims' names in published reports, there seems to be a general trend to respect the right of privacy of the rape victim and not report his or her name in local cases. In light of recent events, the decision to report the name of the victim in cases that gain nationwide—and even international—coverage appears to be related to the celebrity status of the individuals involved in the case.

The conclusions and recommendations that can be obtained from these findings will be discussed in Chapter 6.

CHAPTER 6

CONCLUSION

This study supports what has long been known about the media and its treatment of crime victims: U.S. daily newspapers follow established policies that continue to shield the identity of victims of rape. Of the survey respondents, 46% said their newspapers do not print the names of rape victims. Another 52% said they generally do not print names, but these editors are open to exceptions to this policy. They said they will consider printing a victim's name if she or he agrees to identification or if the case involves special circumstances.

On the surface, these results seem to support the belief that newspapers continue a tradition that protects victims of rape from identification in the media. But the number of editors who are willing to identify victims in exceptional circumstances may indicate that times—and tradition—are changing.

While the newspapers within that 52% may not actively seek out victims of rape to request permission to identify them in news reports, those publications do not oppose printing victims' names. In most instances, however, that decision is tied to the victim's permission.

Whatever practice they follow, 81% of the respondents clearly rely on established policy.

For the majority of the respondents, recent coverage of the Smith and Tyson trials, among other national cases, did not appear to affect the policies of these publications. A total of 88% of the newspapers have followed their policies regarding identification of rape victims for more than five years.

The survey, however, did not collect data on the number of victims who may have chosen to identify themselves or about circumstances that led to the publication of victims' names. An examination of these subjects may reveal a change in victims' perceptions regarding the stigma that society may attach to the crime. These are areas that need further study.

Many newspaper managers do not see a need to alter their policies; 91% of the respondents do not plan to review their present policies.

While the effects of these newspaper policies are far-reaching, the media have set these policies with minimal effort to gather input from the people who are directly affected by their decisions. It seems that some members of the media fit publisher Henry Gay's description of a "big daddy" who presumes to know what is best for victims.

Although nearly 83% of the respondents indicated they sought staff input on the issue of identification, only 17% discussed policies with rape victims themselves. Similarly, less than 18% of the editors sought input from the counselors who help rape victims with their healing process.

The tradition of protecting the victims of rape has survived in spite of debate. When a victim is murdered, mugged, assaulted, or robbed, critics maintain, newspapers generally identify these individuals by name. When

the crime involves a sexual assault, however, most victims are afforded special—even secretive—treatment. Critics question how the media can protect the victims of rape while it names victims of other crimes. Some maintain that this secrecy reinforces the stigma that society attaches to victims of rape.

In one national case, the victim was identified by some media and protected by others. Patricia Bowman, who did not consent to identification, was named by a number of print and broadcast media. During television coverage of the trial, her face was electronically shielded from viewers, and a broadcast delay allowed censors to remove her name from audio transmission.

Most media managers would say Bowman's case involved special circumstances that centered on its link to the Kennedy family. They also would say that the widespread identification that resulted from several early stories that made the issue of identification moot.

Still others might cite intense media competition as the driving force behind identifying the woman.

It is impossible to examine the issue of identifying rape victims by name without considering the critical role of competition. Before the advent of national newspapers such as *USA Today* and 24-hour news coverage provided by CNN, most media competition was confined to relatively narrow regions. Increasingly sophisticated technology has helped “shrink” the globe, and producers of around-the-clock newscasts need material to fill endless

programs. Today, tabloid television blurs the lines between entertainment and news. Consequently, some media outlets are taking extraordinary measures to gain their shares of a limited audience.

Those factors surely played a role in the handling of the national cases examined in this study.

In the case of the Central Park jogger, newspaper editors admitted they had assembled information about the victim and were ready to identify her by name if someone else stepped forward to take the lead.

No one did.

One of the survey respondents could easily have been among them. "We won't be first," the editor said about following newspaper policy in the case of national stories.

When Bowman, a Palm Beach, Florida, socialite, accused a member of one of the country's most famous families of rape, highly influential media were ready to make the first move. In this case, Bowman was identified even before Smith was charged with her rape.

The Smith case seemed to stir the media into a feeding frenzy. Reporters peered through windows, sifted through garbage, and surrounded a courthouse, all in an effort to unearth information about Bowman's past.

While NBC News and the *New York Times* were first to reveal Bowman's name, surely hundreds of other newspapers followed their lead. In the survey alone, 56% of the newspaper editors said they published the woman's name. Another 4.3% used Associated Press reports, which identified

the woman, and 6.2% said they identified her when she went public following Smith's acquittal.

Whatever defense the *Times* used to justify its identification of Bowman, it reversed its practice when Mike Tyson was charged with raping a teen-aged beauty pageant contestant. The *Times* did not identify Desiree Washington by name until after Tyson's conviction, when she announced her appearance on a television news.

This case also was covered by many newspapers who responded to the survey. Of these editors, 68% said they identified Washington by name in their coverage of the case.

For most newspapers, these notable rape cases took place someplace else. Because neither victims nor defendants were members of their communities, editors undoubtedly drew less criticism from readers than if the subjects had been local.

Most of the newspapers surveyed, however, follow the same policy in all instances. In the survey, 73.9 percent of the editors said their policy applies to both local and national cases. For most of the respondents, this means that their newspapers do not print the names of rape victims unless the victims agree to identification or the case involves special circumstances.

For some respondents, however, local rape cases cannot be treated the same as national cases.

One survey respondent wrote: "In an area of small communities, we would cause too much anguish if we were in the forefront of changing this

policy. We will identify rape victims if the victim asks us to do so or if the victim becomes a plaintiff, e.g., a civil suit against a public agency."

The editor of a smaller paper said: "When I worked in South Florida, competition often made us hold our noses and publish."

Another editor said: "If the rape takes place in New York, we can report the intimate details, including the identities of the victims. If it happens 10 miles down the road, [readers] don't want the identity of the victim published, even when everyone in town knows the victim's name."

Although editors and reporters may easily distinguish between rapes that happen "in New York" and those that take place in their own communities, readers and prospective victims may not understand the reasoning behind local newspaper policy or may not be able to recognize the boundaries that separate "New York" cases from local cases. Individuals who were exposed to every detail in the Smith and Tyson cases—from the sand in Bowman's undergarments to Washington's feminine hygiene products—may fear that their lives and bodies will be bared to the public if they report crimes against them.

Law enforcement officials and rape counselors have said that victims' fears of seeing their names in local newspapers affect their decision to report rapes to police.

While American society in the '90s may no longer accept the quaint idea that a rape victim is "damaged goods," some may still place blame on the victim. These people may question the validity of a date rape charge. They

may still espouse the idea that a victim asked for it by the type of clothing she wore or the company he kept.

Surely these societal attitudes contribute to factors that deter rape victims from reporting their crimes. In spite of the relationship between information and the elimination of stigma associated with the crime, rape remains among the most underreported of crimes.

Throughout its history, the American press has invoked the public's right to know as its credo. It places this duty to the public at the core of its purpose, and the press has carried out this role admirably. It has uncovered governmental scandal, unsafe practices, health risks, and corruption. It has toppled a president and warned the public about issues that affect their health, their money, and their lives.

But in the case of victims of rape, the press's effort to shed light on a crime may be telling the public more than it wishes to know. Several polls have indicated the public generally agrees that victims of rape should be allowed their privacy.

While many may agree that the public has a right to know the details of a crime in order to protect themselves, some are beginning to question whether the public has a need to know the intimate details of a person's life. Or a desire to know.

Yes, times may be changing rapidly. The wealth of information provided by the media is surely helping the public protect itself from everything from deadly diseases to consumer fraud. But in this information age, it is critical

that we recognize the need for rape victims to control their own lives and retain their right to privacy.

One survey respondent explained it this way: "I do not believe this question can ever be resolved in a way that will ever put my mind at ease. Our only policy is to err toward the peace of the victim."

APPENDICES

No. _____
☐ If you wish to receive information about the survey results, please check here.

Additional comments regarding the identification of rape victims is helpful. If you wish to add more, please use this space.
Thank you for your assistance in this research effort.

Linda A. Norlock
School of Journalism
305 Communication Arts Building
Michigan State University
East Lansing, MI 48824-1212

Please return survey today

NAMING NAMES:
A Survey About Identifying Rape Victims by Name

A Survey of Newspaper Policy Regarding Identification of Rape Victims

1. Does your newspaper identify rape victims by name in published reports? (circle number)
1 YES 2 NO
3 NO, UNLESS THE VICTIM AGREES
4 OTHER (please explain)
2. Is this practice the result of: (circle number)
1 ESTABLISHED NEWSPAPER POLICY
2 DECISION MADE ON A CASE-BY-CASE BASIS
3 OTHER (please explain)
3. How long have you followed this practice? (circle number)
1 LESS THAN ONE YEAR
2 ONE TO FIVE YEARS
3 MORE THAN FIVE YEARS
4. If decisions are made on a case-by-case basis, which instances might affect your decision to publish a name?
1 VICTIM AGREES TO IDENTIFICATION
2 VICTIM IS IDENTIFIED BY OTHER MEDIA
3 CRIME OCCURRED IN A VERY PUBLIC MANNER
4 OTHER (please explain)
5. Do you follow this practice for national stories? (circle number)
1 YES 2 NO
6. Does newspaper management plan to review the existing policy within the next six months? (circle number)
1 YES 2 NO
3 OTHER (please explain)
7. If policy review is planned, is it likely that your newspaper will change its policy? (circle number)
1 LIKELY 2 NOT VERY LIKELY
3 OTHER (please explain)
8. Are you prohibited by law from publishing the names of rape victims? (circle number)
1 YES: 2 STATE LAW 3 LOCAL ORDINANCE
4 NO
9. Do you have a representative board of community members who give input on newspaper policy? (circle number)
1 YES 2 NO
3 OTHER (please explain)
10. If you have a representative board, did that board participate in discussion leading to your policy regarding publication of rape victims' names. (circle number)
1 YES 2 NO
3 NOT APPLICABLE
4 OTHER (please explain)

- 11. Did you seek input from rape counseling services in formulating any policy that your newspaper has regarding the identification of rape victims? (circle number)**
- 1 YES 2 NO
- 3 OTHER (please explain)
- 12. Did you seek input from victims of rape in formulating this policy? (circle number)**
- 1 YES 2 NO
- 3 OTHER (please explain)
- 13. Did you identify by name the victims in these cases? (circle number)**
- Mike Tyson 1 YES 2 NO
 3 DIDN'T COVER THIS STORY
- William Kennedy Smith 1 YES 2 NO
 3 DIDN'T COVER THIS STORY
- Central Park Jogger 1 YES 2 NO
 3 DIDN'T COVER THIS STORY
- 14. If your newspaper identified any of these persons by name, did you do so: (circle number)**
- 1 IN ACCORDANCE WITH EXISTING POLICY
- 2 BECAUSE OTHER MEDIA/WIRE SERVICES WERE USING NAME
- 3 BECAUSE VICTIM WENT PUBLIC
- 4 OTHER (please explain)
- 15. Do local law enforcement agencies provide your newspaper with names of rape victims? (circle number)**
- 1 YES 2 NO
- 3 SOME AGENCIES DO; SOME DO NOT
- 4 OTHER (please explain)
- 16. Do the media contribute to the stigma of rape by refraining from publishing the names of rape victims? (circle number)**
- 1 YES 2 NO
- 3 NO OPINION

If your newspaper publishes the names of rape victims, please answer questions 17 through 19.

- 17. Do your reporters contact rape victims for permission to use their names in the paper? (circle number)**
- 1 YES 2 NO
- 3 OTHER (please explain)
- 18. Does your newspaper publish rape victims' names: (circle number)**
- 1 WHEN A RAPE IS REPORTED
- 2 WHEN A SUSPECT IS ARRESTED
- 3 FOLLOWING THE SUSPECT'S TRIAL
- 4 DURING THE TRIAL
- 5 OTHER (please explain)
- 19. Is newspaper staff input encouraged regarding the decision to publish the names of rape victims? (circle number)**
- 1 YES 2 NO

NAMING NAMES:

A Survey About Identifying Rape Victims by Name

School of Journalism
Michigan State University
East Lansing, Michigan 48824-1212
517/772-5016

James H. Denley, editor
The Birmingham News
2200 N. Fourth Avenue
Birmingham, Alabama 35202

Dear Mr. Denley:

William Kennedy Smith and Mike Tyson. Desiree Washington and Nancy Ziegenmeyer. News reporters through the centuries have recognized that names make news. But in the 1990s, it seems that some news professionals are divided on one issue involving names: whether to name victims of sexual assault in news pages and broadcast reports.

The issue has been the subject of some study, both in scholarly journals and by some professional organizations made up of people who report the news. None of those studies and informal polls, however, has explored the subject relative to news executives and policy making.

I'm seeking your input to help me explore this link. As a former editor and city editor, I'm no stranger to newsroom policies. Throughout my graduate study at Michigan State University, my research interests have revolved around practical issues—things that have application in today's newsroom. My thesis, "Naming Names: A Survey of U.S. Daily Newspaper Policy Regarding Identification of Rape Victims," will gather input on this subject that I want to share with practicing news professionals.

I would appreciate your participation in this study. Completing the survey should only take minutes, and you can staple or tape it closed and return it in the mail. You may be assured of complete confidentiality. The questionnaire has an identification number for mailing purposes only. This is so that I can check your name off the mailing list when your response is returned. Your name will never be placed on the questionnaire. The mailing list will be destroyed at the conclusion of the project.

To allow you to share directly in the results, I will send you a report if you wish to receive one. You may indicate this by checking the box on the survey.

I greatly appreciate your effort. Thank you for your assistance.

Sincerely,

Linda A. Norlock

NAMING NAMES:

A Survey About Identifying Rape Victims by Name

School of Journalism
Michigan State University
East Lansing, Michigan 48824-1212
517/772-5016

James H. Denley, editor
The Birmingham News
2200 N. Fourth Avenue
Birmingham, Alabama 35202

Dear Mr. Denley:

A few weeks ago, you received a survey inviting you to participate in a study of news executives and their role in policy making regarding the identification of victims of sexual assault in news pages and broadcast reports. The issue has been the subject of some study, both in scholarly journals and by some professional organizations made up of people who report the news.

I have enclosed a second copy of this survey and again request your input to help me explore this critical issue. As a former editor and city editor, I'm no stranger to newsroom policies. Throughout my graduate study at Michigan State University, my research interests have revolved around practical issues—things that have application in today's newsroom. My thesis, "Naming Names: A Survey of U.S. Daily Newspaper Policy Regarding Identification of Rape Victims," will gather input on this subject that I want to share with practicing news professionals.

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**Linda A. Norlock
School of Journalism
Michigan State University
305 Communication Arts Building
East Lansing, Michigan 48824-1212**

COMMENTS

Surveys included space for respondents to offer additional information or opinions. Following are their comments.

A-8: On question #1, I chose “request” instead of “agree” because I did not want to make it seem that we would ask anyone for permission to identify them. This seems highly unlikely. If approached, however, we might consider identification. Also, it is interesting to note that we receive names of victims routinely, through police reports and court records.

A-12: It’s a lot easier to use names in a non-competitive market such as ours. When I worked in South Florida, competition often made us hold our noses and publish.

A-85: In an area of small communities, we would cause too much anguish if we were in the forefront of changing this policy. We will identify rape victims if:

- (1) Victim asks us to do so.
- (2) Victim becomes a plaintiff, e.g., civil suit against public agency.

B-115: I honestly believe we fall into the ever-growing and popular trap of “blaming” the media when we ask if the media contributes to the stigma of rape by not publishing names. This is a stigma society has assigned, and if it is ever to change, which it may not, it will need to be spearheaded by society—not the media. Those that have been raped are victims. There are many other victims in which we do not publish names. Rape is a very personal, traumatic experience and what right does the media have in “outing” such victims if they want to remain anonymous—which most do. Is this being responsible?

B-121: We identify rape victims only on the approval of the executive editor or publisher. We would deviate from the policy only for extraordinary reasons, perhaps a victim is a public figure or official.

Because of the stigma of being the victim of the crime, we should continue discussions, as a news staff, on what is the best policy.

B-101: What a newspaper feels is appropriate publicity in cases of sexual assault must be influenced by what readers feel. This is one of those instances when logic and such concepts as social responsibility take a back seat to what our customers tell us is right. If the rape takes place in New York, we can report intimate details, including identities of victims. If it happens 10 miles down the road, they don't want the identity of the victim published even when everyone in town knows victim's name. It is not unlike our policy on news obituaries in dealing with the deaths of ordinary citizens, we almost never report unflattering information. Everyone who dies has something redeeming said about him. Once a columnist wrote the deceased like to drink a beer now and again. We were bombarded by offended readers, including those who drank beer with him.

Go figure.

B-134: This survey does not take into account the extenuating circumstances we weigh when making news judgments. We do not sit and wait for a rape to happen so we can publish a name. We look at all aspects of the crime. What, for example, would we gain by withholding the name if the suspect raped and murdered the victim? Of course, we'd use the victim's name. Meanwhile, there is growing pressure to discontinue printing of suspect's name until conviction because of the "stigma" associated with a person accused of committing such a crime.

B-139: The difficult area for us is "spousal rape." If you name the suspect and indicate that the rape involved is spousal rape, you have, in effect, named the victim.

If you do not indicate that the alleged victim is a spouse, the story is misleading.

We handle these stories on a case by case basis.

B-164: This paper also has a policy, of about 5 years, of not naming those accused of sex crimes—"usually" is our caveat—until they have been convicted. While there are exceptions, we have stuck with it. It was brought about by two "not guilty" verdicts in high profile rape cases in three months.

B-173: I do not believe this question can ever be resolved in a way that will ever put my mind at ease. Our only policy is to err toward the peace of the victim.

C-269: This has been overblown as an issue because of a couple of high-profile cases. The truth is, not publishing victims' names has had zero negative effect. Publishing them would cause great anguish to the victim, with no rational return on the cost.

We do publish victims' names when they agree to be identified, but we seek that agreement only for feature-length special cases. Recently, we published a story about a 16-year-old girl who had been sexually molested; she wanted her story to be told, and it was a powerful one. But in routine news briefs or stories? No.

The greater problem is not in criminal cases. It is in civil cases. In these, individuals assert themselves into the public newstream (sic) in hopes of recovering money. We tend to handle these on a case by case basis, but again, with a view toward probably not publishing the name.

C-249: I get frustrated with surveys like this! I suspect most papers have to deal with a lot of variables and don't appreciate categorical responses leading to false "trend" surveys.

C-225: The issue is more complicated than simply asking about "rape." We're more often dealing with a rape "allegation." Also, we often are dealing with allegations of sexual assault, and it's sometimes difficult to determine if the act alleged constitutes sexual assault. I can cite three examples off the top of my head. If you want details, you can call me.

C-203: This survey seems to confuse rape "victims" with rape *accusers*.

There is no "rape victim" until the crime of rape has been proved, which by definition occurs at the conclusion of the judicial process—not before, and certainly not at the time a mere accusation of rape is made.

It is by no means clear to me that the press should withhold the names of women who accuse men of "rape." Prior to a conviction, the accusation of that crime carries no more weight than an accusation of any other crime—embezzlement, for example. We would not allow people who accuse others of embezzlement to remain anonymous. Is it reasonable to allow women to

hide behind a shield of anonymity when accusing men of "rape," while at the same time ensuring that the man's name will become public?

An accuser is not a "victim" unless a rape has actually occurred. A women's accusation of rape does not constitute proof of rape. At the least, if rape-allegation stories continue to treat the woman's name as confidential, they should describe her as the "accuser" rather than as the "victim." Too often, the evidence shows that the *man* was the victim—of *her* false accusations.

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