



Integrity on Deadline: ABC News and the Duke Lacrosse Photographs Teaching Note

Introduction

The media loves crime stories. Ranging from the prosaic and routine to the bizarre and extreme, the real life drama that lies at the heart of crime news provides compelling material for both journalists and their audiences—particularly in a competitive ratings climate where sensationalism sells. But the turbulent subject matter can also present media with a host of ethical, practical and theoretical challenges, especially if the offense is a sex crime.

This case study focuses on ABC News and its early coverage in 2006 of a highly sensitive story: the alleged rape of an exotic dancer by members of Duke University's lacrosse team. The incident had a racial element as well; the dancer was black, and all but one of the team members were white. Finally, Duke was a wealthy, elite university located in a city of poor residents, many of them minorities.

The case centers on one dilemma that the network faced when it covered the story: whether or not to air photographs snapped at the party where the alleged crime occurred. NBC News had already scooped its rival by airing the pictures on the East Coast, but it had not yet done so on the West Coast. This presented ABC with a chance to at least match its competition. But ABC, like the other networks, had a policy not to identify rape victims unless they agreed to go public. Network executives in charge of editorial quality had to consider what exactly the policy meant, and how iron-clad it should be. They also considered the quality of the photos, and what they would add to public knowledge.

Students step into the role of ABC executives who must decide what to do with the photographs. They must weigh when a self-imposed policy is best ignored, taking into consideration prevailing cultural norms and competitive pressures. In doing so they gain insight into a part of journalism that often remains behind the scenes—the Standards and Practices unit of

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television news networks—and are made aware of the myriad considerations that go into putting a sex crime story on the air.

Teaching Objective

This case was designed as a prism through which to examine the history and complexities of covering sex crimes in the US. It also serves as a vehicle for gaining insight into the pressurized environment of making nuanced editorial decisions on deadline. Students should begin to develop sensitivity to the most common journalistic errors in covering sex crimes, with a view to avoiding them in the future.

ABC's deliberations take place within the context of declining fortunes for the once invincible network triumvirate that it had formed with NBC and CBS in earlier decades. Students are encouraged to consider the predicament of the networks amid increasing competition, falling market shares, dropping advertising revenues, and the implications (as reporter Lara Setrakian notes) of "everyone fishing from the same pond."

A related subject is the commercial nature of media, and the issue of how profit imperatives affect journalistic behavior. For example, ABC clearly wants to be financially successful and competitive. Students should think about how these concerns may in turn affect decision-making and news judgment, particularly with regard to sex-crime reporting.

The case also raises fundamental questions about the role of media in society. For example, students may have very different opinions about whether ABC should air the pictures depending on whether they see the press' as a conduit for information that the public then judges for itself, or as a filter that weighs the veracity, merits and drawbacks of material before bringing it to public attention.

It is apparent throughout the case that a host of different motives are driving events, not least those of the accuser, the district attorney, the defense lawyers and ABC itself. Students are encouraged to consider the importance of examining motivation when seeking to understand and report news, especially sex crimes. For example, the press began to scrutinize District Attorney Mike Nifong's motives only once DNA tests failed to link the lacrosse players to the alleged victim. Should the media have been skeptical earlier, or would that have seemed to undermine the accuser's claims? How important is it for journalists to consider the motivation of a particular party before airing a story, or is the fact that an accusation has been made reason enough to report the information?

Such questions dovetail well with thinking about sexual assaults in relation to other crimes covered by media, thereby helping students contextualize the subject and recognize the variations that exist beneath the broad umbrella term "sex crime." For example, do media treat sex crimes

like any other offense? Should they be treated according to the same principles and rules, or are they fundamentally different—and if so, in what way?

Instructors may find it useful to refer to the “New England Cable News and the Terry Glenn Story” case study (CSJ-08-0004.0). The case focuses on how NECN handled sexual misconduct charges leveled against Terry Glenn, a member of the much-celebrated New England Patriots football team, and is a good comparative example for the Duke case, with which it shares several themes.

Class Plan

The case study can be used in a class on covering gender and race; about deadline writing; about broadcast news; or on the ethics of journalism.

Study questions. The instructor could help students prepare for discussion by assigning the following question in advance:

Instructors may find it useful to engage students ahead of class by asking them to post brief responses (no more than 250 words) to the questions in an online forum. Writing short comments challenges students to distill their thoughts and express them succinctly. The instructor can use the students’ work both to highlight talking points ahead of class, and to identify particular students to call upon during the discussion. Instructors may find it beneficial to ask students in class to recapitulate their online arguments and responses—rather than simply reading the homework—in order to keep the discussion spontaneous and lively.

1) In covering a rape, journalists have long been divided over whether to name the accuser if the accused is named, arguing that it is unfair to reveal the identity of one but not the other. As Geneva Overholser says: “The media cannot have the wisdom to decide who to protect when there has been no determination of guilt or innocence.” What do you think? What are the pros and cons of revealing the identity of a rape victim?

In-class questions. The online blog posts are a useful starting point for preliminary discussion, after which the instructor could pose any of the following questions in order to promote an 80-90 minute discussion. The choice of questions will be determined by what the instructor would like the students to learn from the class discussion. In general, choosing to discuss three or four questions in some depth is preferable to trying to cover them all.

a) What are the main steps in the Duke lacrosse rape case story’s media evolution? List on board.

b) ABC faces three main choices: airing the photos without blurring the faces, airing the photos and blurring the faces, and not airing the photos at all. Which course of action should they take? What are the pros and cons of each position? List on board.

c) How important is it that NBC has already published the photos, thereby putting them in the public domain? In general, is a news organization absolved of the moral and practical responsibility of using material if it is already public?

d) ABC's policy is to shield the identity of an alleged sex crime victim unless s/he agrees to go public, and to refrain from publishing details about the victim's life. But what about the accused—should that person's identity also be protected until a formal charge or court verdict? Once again, news outlets face several choices: protect the identity of just the accuser, name both accuser and accused, or name neither. What are the merits and disadvantages of each position? List on board.

e) Several news outlets report incriminating evidence about the accuser, including the fact that she had been arrested for stealing a car three years earlier (ABC did not report that information, sticking to its policy of shielding the alleged victim's identity). However, on April 7, ABC's "World News Tonight" reported that 15 out of the 47 lacrosse players had been in minor trouble with the law. On April 5, ABC aired an email written by one lacrosse player that mentioned "killing a stripper," and began to report on the affluent backgrounds of two lacrosse players charged on April 17. Was ABC's decision fair? Is the personal history of either accuser or accused relevant in covering a sex crime?

f) The story contains several familiar news frames or narratives. What are they and how do you think they influence the story? List on board (for example: race, class, male-dominated college sports culture, privilege vs. poverty).

g) Was there another course of action that Smith could have taken? (e.g. allow ABC.com to use the pictures, but keep them off the broadcast, or use some photos but not all?)

Photos in Class: The time-stamped photographs from the party are a useful discussion tool, which can be used in various ways. Instructors may want students to view the pictures prior to class so that they come prepared to talk about their substance and nature. Or teachers may prefer to initially withhold the images in order first to have a more theoretical, generalized discussion. Introducing the images part way through the class can help stimulate the conversation by forcing students to apply the theoretical views expressed earlier to the reality of the photographs' content.

Post Class Activities

The Duke case centers on a false accusation of rape. However, as the case study notes, studies show that women seldom fabricate rape charges. As a result, teachers may wish to stress the anomalous nature of the Duke lacrosse story in order to give students a more representative view of sexual misconduct allegations—the majority of which are credible. They may also want to assign a post-class activity for homework, or an in-class presentation the next week.

To broaden the issues raised by the Duke case, an instructor can ask students to investigate for themselves the media coverage of another sex crime. Examples can be domestic or international; involve famous or anonymous people; have female or male victims; have resulted in conviction or acquittal. Possible choices include the Kobe Bryant case, rape allegations leveled by students against teachers, the William Kennedy Smith case, allegations of rape against Catholic priests, or the rape charges leveled against Israeli President Moshe Katsav or South African politician Jacob Zuma.

Students should critically assess the media coverage, and pay specific attention to whether the press identified the accuser and accused. What was gained or lost by their choice? Should public officials always be named in such cases? How do attitudes towards rape or sexual behavior in different cultures and countries affect media coverage of sex crimes?

Suggested Readings

Helen Benedict, *Virgin or Vamp: How the Press Covers Sex Crimes*, Oxford University Press, 1993.

SYNOPSIS: This book focuses on the press coverage of four major sex crime cases and argues that they are biased—infused with a narrative of a loose or virginal woman pitted against an unwilling or monstrous man. Such uninformed coverage, Benedict argues, perpetuates myths that are harmful to victims of these crimes. She suggests a number of solutions for reporters covering such stories in order to avoid further harming the victims, defendants or public understanding. The book provides useful context for the sexual allegations leveled against the Duke players, as well as background on how media have tended to portray sex crimes in the past.

Rachel Smolkin, "Justice Delayed," *American Journalism Review*, August/September 2007.

SYNOPSIS: This should be assigned only *after* the case discussion. In the wake of rape charges being dismissed against members of Duke University's lacrosse team, Smolkin takes the media to task for "coverage that—albeit with admirable exceptions—all too eagerly embraced the inflammatory statements of a prosecutor in the midst of a tough election campaign." The piece,

and particularly Smolkin's criticism of journalists for having "quickly latched onto a narrative too seductive to check: rich, wild, white jocks had brutalized a working class, black mother of two," is a useful complement to, and illustration of, Benedict's "Virgin or Vamp" and its central arguments.

<http://www.ajr.org/Article.asp?id=4379>

See also: Sally Dadisman, "Naming Names," *American Journalism Review*, June/July 2007.

SYNOPSIS: In this article that also focuses on the Duke lacrosse scandal, Dadisman asks whether news organizations should identify the accuser in the case.

Chris Greer, *Sex Crime and the Media: Sex offending and the press in a divided society*, Willan Publishing, 2003.

SYNOPSIS: This book focuses on the representation of sex crimes in Northern Ireland and, in particular, "the nature of press narratives, the messages they ultimately impart and the implications of these for public perceptions and social responses to sexual offending in contemporary society." The book discusses a range of sex crimes, including consensual homosexual encounters, prostitution and serial rape. The Northern Ireland focus provides a good comparative study against which to consider US media coverage, while its broader themes and issues are intended to address "issues relevant to advanced capitalist societies across the globe."

Poynter Online: Various

SYNOPSIS: This online resource for journalists and journalism teachers provides a variety of short articles and discussions that focus on the media coverage of specific sex crimes, as well as more theoretical consideration of press coverage of rape. Examples include:

i) Kelly McBride, Covering the Kobe Story

<http://www.poynter.org/column.asp?id=53&aid=42536>

ii) Kelly McBride, Duke Lacrosse Case: Should We Name the Accuser?

http://www.poynter.org/content/content_view.asp?id=116123

iii) To name or not to Name: Decision-making Resources

http://www.poynter.org/content/content_view.asp?id=72875

iv) Rape in the News: An Evolving Standard

http://poynter.org/content/content_view.asp?id=117068

v) Naming the Accuser: Discuss Your Verdict Now

<http://www.poynter.org/column.asp?id=53&aid=70535>

vi) Rape and American Journalism

<http://www.poynter.org/column.asp?id=53&aid=13193>

vii) Naming Rape Victims

<http://www.poynter.org/column.asp?id=36&aid=4010>

viii) Survivors Speak

http://www.poynter.org/content/content_view.asp?id=7700

ix) Name the Accuser and the Accused

<http://www.poynter.org/column.asp?id=54&aid=42260>