



**Public Death, Private Life:
Army Major Alan Rogers and the *Washington Post*
Teaching Note**

Case Summary

The nature of media is to publicize, to move information from obscurity into the broader public sphere. This dissemination process can, however, be complex, raising a range of practical and ethical issues for journalists who must weigh the merits of publicity against the right to privacy. Few areas are more sensitive in this regard than a person's sexual orientation. For journalists, deciding when and how to broach this subject can be difficult, requiring them to navigate a variety of thorny political and social issues.

This case focuses on the *Washington Post* when it faced such a quandary in early 2008. In March, a source advocating for gays in the military told the newspaper that Army Major Alan Rogers, a local soldier recently killed in Iraq, was likely the highest-ranking gay fatality of the war. Such a story would clearly be newsworthy given the military's "don't ask, don't tell" policy towards homosexuals, providing a clear example of someone who challenged conventional stereotypes of gay servicemen as unreliable soldiers and inadequate leaders. But as reporting progressed, it became unclear whether Rogers was in fact gay, and even if he were, whether he would have wanted his sexuality publicized.

Students trace the story from inception, through reporting, to the moment when a final editorial decision must be made. Underlying the work of the reporters and editors in the case is a central dilemma: whether to cover Rogers' funeral like that of any soldier buried at Arlington Cemetery, or to report on his death in the context of gender and gays in the military.

This Teaching Note was written by Danielle Haas for the Knight Case Studies Initiative, Graduate School of Journalism, Columbia University. Funding was provided by the John S. and James L. Knight Foundation. (0609)

Copyright © 2009 The Trustees of Columbia University in the City of New York. No part of this publication may be reproduced, revised, translated, stored in a retrieval system, used in a spreadsheet, or transmitted in any form or by any means (electronic, mechanical, photocopying, recording, or otherwise) without the written permission of the Case Studies Initiative.

Teaching Objectives

This case highlights the conflicts that can arise in journalism between its essentially public nature and the private worlds that it covers. Use the case as a vehicle for discussing the challenges of deciding where the line lies between the rights of an individual and the public's right to know, as well as the wider responsibility of news organizations to publish, or in some cases withhold, information it has learned while reporting a story. Also use the case as a platform for discussing the social role of media outlets—specifically, whether they should try to reflect policy and public opinion, or shape it. Additionally, the case can prompt discussion about the value of editorial guidelines, and what to do when an atypical case arises. Finally, use the case to drive discussion about the ambiguities inherent in reporting on gender and sexuality.

News organizations frequently cover events that were not intended to be public, or people who did not expect, and don't want to have their lives exposed to media glare. In such instances, deciding how—indeed, if at all—to cover a story can be challenging for journalists who must balance their own interests as professional storytellers against those of their subjects and the public. Discuss these issues, and the tension that exists between providing an historical record and respecting the wishes of individuals, including those who may not want details of their lives exposed.

One reason why the *Washington Post* reporters feel the story is important is that it could have significant ramifications for policy relating to gays in the military. What is the role of the press in such a situation? Is it legitimate to want to advance a policy or cultural conversation? Consider whether news organizations should aim to shape, or merely reflect, public attitudes and policy, and the implications of each choice.

Gender issues lie at the heart of the case. Although Rogers clearly supported gay rights, and was identified as gay by various friends, his sexual orientation remains unclear. Even if he were gay, it is uncertain whether he would have wanted to be publicly identified as such. Focus on the complexities of covering the often-blurry subject of sexual orientation. How does it compare with covering other complex and sometimes charged topics such as race, class, and religion? When is it relevant or “newsworthy” to disclose personal details about somebody? Consider cases of both public figures (like politicians) and private citizens (like Rogers).

The journalistic norm of objectivity requires “balanced” reporting, in which opposing sides of an issue are given equal weight. But is this practice suited to the subject of gay soldiers and the US military policy of “don't ask, don't tell?” Consider situations where there is a clear preponderance of evidence in favor of one side, or where presenting equally weighted opinions could be misleading, or even perpetuate an injustice. Talk about the limits of objectivity within the context of previously divisive issues such as segregation and women's rights.

The *Post*'s editorial guidelines forbade "outing" gay people without their consent, but did not address what to do if the subject is deceased. Consider the role, and the usefulness of editorial guidelines. How flexible should they be, what broad issues should they address, and by what process should they be established?

Class Plan

Use this case in a course about reporting on gender, ethnicity or race; about editorial decisionmaking and guidelines; or about ethics in journalism.

Pre-class. Help students prepare for discussion by assigning the following question in advance:

- 1) What is a reasonable standard for verifying someone's sexual orientation?

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 craft 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 aloud—in order to keep the discussion spontaneous and lively.

In-class questions. The homework assignment is 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) Enterprise reporter Donna St. George decides that it would not be "possible, or easy, or appropriate" to ask about Roger's sexuality at his official military funeral at DC's Arlington National Cemetery. Was this a missed opportunity, given that at least 150 people were there, including many fellow soldiers who would have known Rogers on the job? How else might St. George have investigated the extent to which "don't ask, don't tell" impacted Roger's professional life, whether he adhered to the policy, and whether his colleagues thought he was gay?
- b) For St. George, Shay Hill's claim that he had known that his former college roommate was gay, coupled with reports that Rogers had told some other people about his sexual orientation, was enough to confirm his homosexuality. Do you agree?

- c) Assistant Managing Editor Robert McCartney believes that Rogers' actions outside the military, especially his AVER membership and his thesis on the effect of "don't ask, don't tell," reveal that he was not only gay but comfortable being identified as such. Executive Editor Leonard Downie is less certain, pointing out that his own affiliation with numerous journalistic associations does not mean that he is Asian, Hispanic or gay. Whose position do you find more plausible?
- d) Rogers' [retired] gay military friends and acquaintances "would like him to be identified as gay." In addition, the executor of his will did not oppose such a move. Were these strong enough reasons to identify Rogers as a homosexual in the paper, as McCartney asserted?
- e) Rogers did not explicitly state whether he was comfortable being "outed" after his death. But by being discreet while he was alive, and choosing to tell some people but not others, did he implicitly indicate a preference for keeping his sexuality a secret? In addition, McCartney attributes Rogers' behavior to the impact of "don't ask, don't tell." Was this a fair assumption?
- f) Similarly, do you agree with McCartney that "the unknowable risk of dishonoring Rogers' desires and thus committing an ethical violation is outweighed by the news value and public policy?"
- g) Would excising mention of Rogers' sexuality be as significant an omission as McCartney and Downie suggest? Would doing so render the story "untrue," or misrepresent who Rogers was, and what he believed in?
- h) Since nobody in Rogers' life opposed a story that mentioned his sexual orientation, McCartney believes that the paper has grounds to out Rogers. Do you agree in this instance, and more generally, that the absence of resistance constitutes a kind of tacit agreement? What are the implications of this rationale, and is it strong enough to become a permanent *Post* guideline for disclosing information about the dead?
- i) Could the paper have told Rogers' story in such a way that it neither explicitly outed him as gay nor avoided the issue? Could it, for example, have told a powerful story about the impact of "don't ask, don't tell" by describing Roger's many pockets of friends and the confusion surrounding his sexuality? To what extent is ambiguity a part of the story to emphasize, not resolve?
- j) Rogers had no close living relatives to offend or potentially embarrass if the *Post* outed him. Did this make the decision to do so easier or harder, given that the newspaper had no way of definitively knowing what he wanted?

- k) One thing that Rogers left clear was the intended beneficiary of his will. The case does not answer the question of whether Hill would lose the pension he stood to inherit if Rogers were outed. To what extent would and should it make a difference to the *Post's* decision?

Suggested Readings

Edward Alwood, *Straight News: Gays, Lesbians, and the News Media*, New York: Columbia University Press, 1996.

SYNOPSIS: A former CNN reporter, Alwood traces the history of gays in media from the 1940s to the 1990s. He argues that media tended to perpetuate anti-gay stereotypes for much of this time, flippantly portraying homosexuals as criminals or mentally ill beneath glib headlines such as "Homo Nest Raided, Queen Bees Are Stinging Mad" (New York Daily News, 1969). He describes as a turning point the 1969 Stonewall rebellion, and later says the AIDS epidemic triggered a genuine sympathy and shift in newsroom attitude. He also cites the role played by particular editors and gay journalists in precipitating this change. He traces the causes of hostile press coverage to what he sees as the structural media bias in favor of the status quo and establishment, as well as the "myth of objectivity" that has led journalists to balance stories about homosexuals with anti-gay comments.

Laura Castaneda and Shannon Campbell, *News and Sexuality: Media Portraits of Diversity*, Thousand Oaks, California: Sage Publications, 2006.

SYNOPSIS: Several chapters focus on historical aspects of media representation, while others address more contemporary news coverage, including gays in the military, gay marriage, hate crimes, outing, and transgender issues. Particularly relevant to the case is chapter 10, "Media Coverage of the U.S. Ban on Gays in the Military."

Larry Gross, *Up From Invisibility: Lesbians, Gay Men and the Media in America*, New York: Columbia University Press, 2001.

SYNOPSIS: Gross examines a variety of media, including books, journalism, advertising, and films, and traces the role they have played in transforming gays and lesbians from an invisible minority into a vocal and influential social and political force. Although much of his focus is on primetime television, he also addresses print media, from the advocacy role of fringe publications

such as *Vice Versa*, to the changing tenor of coverage in the *New York Times*, which initially depicted the city's gay presence as a social threat, only to later adopt a more receptive stance.

See also: Larry Gross, *Contested Closets: The Politics and Ethics of Outing*, Minneapolis: University of Minnesota Press, 1993, in which Gross, who ultimately defends "outing," reaches back to the 19th century to provide an historical context for the practice, and charts the controversy in the mainstream as well as gay and lesbian press.

Other Resources

Ask Not, 2008 (Documentary), dir. Johnny Symons.

SYNOPSIS: Clearly advocating a pro-gay position, this 73-minute documentary explores the "don't ask, don't tell" policy and its impact on gay and lesbian members of the military. The film includes interviews with military experts and a handful of the 12,000 servicemen and women who have been discharged for being gay since the policy came into effect. It also examines the efforts of gay veterans and youth organizers to overturn the policy via speaking tours at college campuses and demonstrations at military recruitment offices.

Outrage, 2009 (Documentary), dir. Kirby Dick.

SYNOPSIS: In this controversial, 86-minute documentary, director Kirby Dick "outs" allegedly closeted gay lawmakers who vote against gay issues. In doing so, Kirby aims to not only show their supposed hypocrisy, but the alleged reluctance of media to cover or even acknowledge the homosexuality of prominent figures who have not identified themselves as such. Use the film and its unapologetic "outing" philosophy as a launching pad for discussing the practice, and the implications of revealing other people's sexuality without their consent. Also explore reactions to the film, including that of Congress, and controversy at National Public Radio over how it handled a review of the movie, which triggered debate about privacy and the public's right to know.

See:

Alicia C. Shepard, "Outrage over NPR's Handling of Outrage," *National Public Radio*, May 22, 2009.

http://www.npr.org/ombudsman/2009/05/outrage_over_nprs_handling_of.html

Andrea Seabrook, "On The Hill, Gays Now Find Acceptance ... Mostly," All Things Considered, *National Public Radio*, May 15, 2009.

<http://www.npr.org/templates/story/story.php?storyId=104196355>