



**Integrity on Deadline:
ABC News and the Duke Lacrosse Photographs
Epilogue**

ABC News Senior Vice President for Editorial Quality Kerry Smith did not have much doubt about the decision she would make. She opted not to run the photographs taken at the lacrosse team party. Instead of showing the photos, ABC reporters described them. Smith explains that, to her, the photographs looked ambiguous and thus not newsworthy:

The pictures were very difficult, I think, for the producers and the reporters who were putting the story on the air. They weren't so difficult for me sitting here. When I looked at the pictures, I had one group saying she doesn't look distressed, and another group saying she looks like she's bending down and grimacing. You could read those pictures either way.¹

Smith also considered the motive behind the leaked pictures. "Pictures are leaked by people who think it supports their case," she notes. Her job was to judge whether the photos were compellingly newsworthy, or merely tantalizingly availability. She also kept in mind what precedent she would set if she ran the photographs. She worried about the chilling effect on future rape victims if the network were to change its mind about protecting an alleged rape victim and use the pictures. She clarifies:

They would say 'Well halfway through, you changed your mind,' and you did. You don't get to explain all the reasons why. So I think it's actually a pretty significant decision if you change your mind.

Senior producer Eric Avram was admittedly disappointed. "Using the pictures would have changed our coverage for the next eight, nine months—until the end," he comments, because

¹ Casewriter Rachel Templeton's interview with Kerry Smith on October 6, 2007, in New York City, NY. All further quotes from Smith, unless otherwise attributed, are from this interview.

every time the photos were shown, ABC News would have been credited as often as NBC News.² His counterparts at NBC, he recounts, “didn’t understand how we couldn’t be airing them.” As he puts it:

We’re doing a story about the timeline, we’ve done all this reporting on the timeline, we have pictures that purport to be the timeline which we’d gone to great lengths to verify as much as you can, and we would put all the caveats where we should. Why wouldn’t we use it?

But Avram accepted Smith’s decision. “She is looking at it from an ABC News as a whole perspective,” he notes.

It’s not clear that [Smith’s decision] was wrong. What did ABC really lose? We did the story, we reported on what we saw. [The photos] were kind of tacky to look at at 7 in the morning over breakfast.

Lara Setrakian, a reporter on the team, says she was “very proud of us that we didn’t play those pictures, frankly. Because they’re kind of seedy... My gut tells me, what do we really achieve by showing people these photos? I don’t really see anything there.”³ She adds that the reporting team, while proud of getting the photos, was well aware that “there were very young reputations at stake, people in college.” The photographs would have incriminated the party-goers along with the alleged victim. Blurring the faces, she argues, “is just kind of weird looking.”

Newsweek magazine, which also received the photos, declined to print them and instead described them in its May 1, 2006 issue.⁴ Meanwhile, the case against the lacrosse team players unraveled. District Attorney Mike Nifong had overreached; the alleged victim had lied. In December 2006, Nifong dropped rape charges against the three lacrosse players he had claimed were guilty. The North Carolina bar filed ethics charges against Nifong and, in January 2007, Nifong asked to be taken off the case. On April 11, 2007, North Carolina Attorney General Roy Cooper announced that he had dismissed all charges against the lacrosse players.

² Casewriter Rachel Templeton’s interview with Eric Avram on October 13, 2007 in New York. All further quotes from Avram, unless otherwise attributed, are from this interview

³ Casewriter Rachel Templeton’s telephone interview with Lara Setrakian on October 19, 2007. All further quotes from Setrakian, unless otherwise attributed, are from this interview.

⁴ See: <http://www.newsweek.com/id/47592>