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Debate on Naming Rape Accusers Continues

By Robin Hindery, WeNews Correspondent

(WOMENSENEWS) – A Colorado sexual assault case that for months has been the object of national scrutiny has spurred the latest round of a decades-old debate: Should news media publish the names of the accusers in cases of alleged rape.

Last week, the spotlight fell on the Poynter Institute, a well-respected journalism education organization based in St. Petersburg, Fla.

Geneva Overholser, a veteran journalist and former board member, resigned when the institute's top brass insisted that the name of the young woman who accused basketball star Kobe Bryant of rape be excised from her weekly column. By moving into civil court, Overholser contended in her column, the accuser took a "voluntary step further into the public limelight."

"It is my view that it is standard practice in most media to name both plaintiff and defendant in a civil suit," she told *Women's eNews*.

Overholser has been a vocal proponent of naming both the accuser and the accused in rape cases since 1989, when she served as editor of the Des Moines Register. The paper won the Pulitzer Prize in 1991 for its publication of a rape victim's personal story that included the victim's name with her consent. Overholser argues that the practice of suppressing the accuser's name only serves to strengthen the stigmatization of rape victims, the majority of whom are women.

"An awful lot of cruelty surrounds the crime of rape," Overholser wrote in her Poynter column, *Journalism Junction*, in July of 2003. "Cruelty feeds on ignorance. And I have yet to see ignorance effectively addressed by secrecy."

The editors of Poynter's online publication, Julie Moos and Bill Mitchell, along with a group of about 25 Poynter faculty and staff, deliberated over whether to permit Bryant's accuser's name in the column, which was posted on September 17. They ultimately decided that "the journalistic purpose to be achieved by naming the accuser is outweighed by the potential harm that could result from doing so," according to a statement that ran below the column.

The choice, in this individual case, was not a difficult one, Mitchell told *Women's eNews*. The editors asked Overholser to provide evidence of a conversation with Bryant's accuser about being named, which she declined to do, Mitchell said.

"Who knows whether a conversation with the accuser would have changed our decision in this case?" he said. "But I do know that we were not going to proceed . . . without a lot more reporting to determine, among other things, a feel for the harm we might do by naming her."

[*Women's eNews* commentator Lorraine Dusky did interview Wednesday the woman's attorney, Lin Wood. The accuser is aware, Wood said, she would gain credibility if she revealed her identity, and she may eventually do so. However, "the tenor of the public debate still indicates that there are still real concerns for her safety." Two men are in jail for making criminal threats against the accuser.]

In response, Overholser ended her relationship with Poynter. A note at the bottom of the Overholser column, signed by the institute's editors, quoted her as saying: "There is little to recommend continuing to write the column for Poynter unless I can say what I believe." Overholser is not paid for the column.

Stigma Still Exists

Over the years, much light has been shed on the crime of rape, ranging from increased availability of and improvement in the quality of support resources for victims to discussions of safe, preventive behavior on college campuses. Yet the stigma surrounding accusers still exists. It appears in the harsh examination of a plaintiff's sexual history in court, or in the cruel insults – "slut," "liar" – scrawled in a high-school bathroom stall.

Journalists on one side argue there is a need to protect rape victims, that the naming of accusers serves no greater purpose and will only cause pain. In her 1992 book, "Virgin or Vamp: How the Press Covers Sex Crimes," journalist and author Helen Benedict called the naming of rape victims without their consent "punitive." She said: "To name a rape victim is to guarantee that whenever somebody hears her name, that somebody will picture her in the act of being sexually tortured."

Davia Temin agrees with Benedict. The New York-based marketing strategist and public affairs counselor saw firsthand the hugely varied yet always agonizing experiences of female rape victims through her work in the 1970s and 1980s as a rape counselor at Columbia University's women's counseling project. [Temin is a board member of *Women's eNews*.]

Temin argues naming victims will add to the already large number of women who never report the crime to police, therefore allowing more rapists to go unpunished. In 2001, only about 39 percent of sexual assaults were reported to law enforcement, according to the Bureau of Justice Statistics' National Crime Victimization Survey that year.

Naming victims “just doesn’t hold any humanistic value,” Temin said. “It’s like victimizing them a second time.”

Sarah Graham Miller, communications director for the Washington-based Rape, Abuse and Incest National Network, added that many who oppose the naming of rape victims without their consent are nonetheless hopeful that more and more victims will come forward on their own and identify themselves. By letting their names be published, she said, they show the world they have nothing to be ashamed of and they “let other victims know that they are not alone.”

The Kobe Bryant case has been scrutinized on many levels, but its role in the victim-naming debate became more complex recently as it moved out of criminal court and into civil court, where the accuser has filed under the name “Jane Doe.” Those who argue on behalf of naming say that as a plaintiff in a civil case, she has crossed over into a more public realm, and should therefore be identified. They also point out that the name is a “fig leaf,” her name can easily be found online, due to the allegedly accidental release of identification documents by the court on three separate occasions.

Others Say Naming Could Impact Society

Still others look away from individual cases and toward the bigger picture of the effect naming could possibly have on society’s overall view of rape victims. Like Overholser, they suggest that the shielding of accusers implies a need for keeping them hidden, as though they are somehow damaged, which in turn opens the door for detractors to label their reluctance to step forward an indication that the charge is false.

From a purely journalistic standpoint, some question whether journalists can do their job in a fair and consistent manner if accusers’ names are withheld. Many contend that it creates imbalance within the media to hold the accused accountable, but not the accuser.

“You’re guilty once you’re (publicly) accused of rape,” said Stephen Isaacs, a professor at Columbia University’s Graduate School of Journalism who teaches a course on journalistic ethics. He said in a phone interview that the gravity of the accusation is such that even those who aren’t convicted are forever branded.

In an e-mail, Overholser added that the media cannot have the wisdom “to decide whom to protect when there has been no determination of guilt of innocence.”

Isaacs, who largely credits Overholser for “educating” him on the multiple sides of the naming issue, said that many journalists and news organizations fail to question the standard practice of withholding names in rape cases, thus straying from their central obligation: “to report.” Every year he presents his students with writings from those who have challenged that practice, believing himself, he said, that the current standard within the mainstream media is “paternalistic, sexist and journalistically wrong.”

The debate is one that is not likely to be resolved soon and, though the numbers of reported sexual assault cases has declined over the past decade, the incidence in the U.S. is still alarmingly high. In 2001, there were 248,000 reported sexual assaults, and 66 percent of those were committed by a person known to the victim, according to the National Crime Victimization Survey.

Overholser hopes that eventually naming names will become standard practice, one that will diminish the stigma and shame that continues to loom over victims' heads as they weigh the decision to come forward.

“On all the tough problems, from AIDS to teen suicide to drug addiction to priests who abuse children,” she wrote in her 2003 column, “society has made progress when the truth is told. When real people talk about real experiences. When names are named.”

Robin Hindery is a writer for *Women's eNews* in New York City.

For more information:

Women's eNews – Kobe Bryant Owes an Apology to All U.S. Women:
<http://www.womensenews.org/article.cfm/dyn/aid/1998>

The Poynter Institute – Time to Name the Accuser:
<http://www.poynter.org/column.asp?id=54&aid=71537>

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