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When public should remain private

Because information is part of the public record doesn't mean that it should always be published or broadcast. How do you decide?

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To quote Fox Butterfield, “. . . You've got to write what you find, warts and all, if you believe it to be accurate.”

Oh, come on. No reporter, no newspaper — not even The New York Times— uses all the information all of the time.

The road from reporting to publishing is paved with selected facts and cropped pictures. Editorial judgment creates news stories out of the mix; relevancy provides the framework by which journalists decide what stays in, what gets cut.

That's what upsets me about Butterfield's story. There is the clear implication that all that information about the woman's adolescence and lifestyle is relevant in considering if she was raped. Would it be relevant that a man who said he was mugged or sexually assaulted had a



Rape reporting will be set back years if victims think that public dissection of their personal lives in the media could result.

Butterfield points out that the information about the alleged victim that he shared with the nation was a matter of public record. But just because information is public doesn't mean that it's justifiable to make it even more public by printing it or broadcasting it.

When people say that their privacy was invaded by a news story, they are almost always complaining about something that is technically public, not private. So how do you determine what goes in a story, what stays out?

In addition to the acid test of relevancy, the damage factor should also be considered. If someone is going to be hurt by what gets printed or broadcast about them, then journalists need to provide a reason — a good reason — for going with it. “That’s my job,” doesn’t cut it. Nor do appeals to First Amendment freedoms.

There are exceptions. As Butterfield notes, his news colleagues would not have been so critical had his article been about Gary Hart. “They would have applauded us for finding out who he was,” he said. And rightly so.

There’s a big difference between what the public needs to know about a politician and what the public needs to know about a crime victim.

Public officials and politicians who seek such office should never expect journalists to be discreet about their secrets. Public officials can’t represent their constituencies if they’re concerned with appeasing those who might embarrass them.

Politicians don’t give up the right to have affairs. Or their right to abuse drugs or alcohol. They do give up their right to keep it from the people they represent.

Interestingly, as journalists across the country wrung their hands in ethical angst over this Florida woman’s profile, every major news organization published a new sex scandal concerning U.S. Senator Charles Robb. Few people except Senator Robb and his staff seemed to think the story was out of line.

For very different reasons, the public needs to know everything discoverable about those convicted of violent or major crimes. What leads someone to become a serial killer? What sort of rage creates a rapist? Anything, from the reflections of neighbors to the criminal’s hobby, is a potential piece of the puzzle.

But no one, other than politicians and criminals, deserves to have his or her dirty laundry aired by news media. Reporters and editors have to be particularly careful with crime stories.

When someone is charged with a crime, the name of the party is relevant. So are the details of the alleged crime. It’s only with this information that concerned citizens can come forward to



its use implies that it is relevant to the crime.

If the public has the right to know the name of the accused, does it also have the right to know the name of the accuser?

There's room for disagreement among reasonable newsrooms. But whatever the policy, it must be fair and consistent. If names are omitted on the basis of the alleged victim's vulnerability, then newsrooms should protect the identities of those who report domestic violence as well as those who report rape.

I haven't heard a good reason yet for making rape victims unique in this respect. But nor have I heard a good reason for making them the subject of profiles.

Maybe it's good for the nation's journalists to see that even The New York Times struggles, that even that organization makes mistakes.

"NBC said it first!" was a poor excuse for the Times's publication of the woman's name. If her identity was to be used, then spare us the school yard justification and offer a reason based on fairness.

The fact that something is "public" does not justify using it. In this arena, The New York Times has something to learn from all the small town editors who are used to being held accountable for their editorial judgments. Some news, they would tell the Times, isn't "fit to print."

This article comments on "Profile of controversy," an article about publishing the name of the Kennedy rape claimant.

For Butterfield's response, see "[What the media all missed.](#)"

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