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### Anonymity for rape victims . . .

#### *Should the rules change?*

**The names of rape victims traditionally have been withheld by the news media to “protect” them. Does this special treatment actually do rape victims a disservice by separating them from other victims of violent crimes?**

*By Deni Elliott*

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*Author bio information is from the time of article submission and may not be current.*

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It seems that the jogger assaulted recently in Central Park suffered a fate worse than death. If she had merely been beaten and had her skull crushed, or if she had died from her injuries, every newsroom would have called her by name. But, since she was raped, most did not.

The names of rape victims continue to be the best kept secrets in the nation’s newsrooms. The convention of withholding names is so widely accepted that most of the New York media that identified the jogger did so only once, and later apologized for their error. The few that purposely used her name found themselves justifying their actions to other news organizations as well as the audience.

It is a matter of policy or tradition, not law. Only two states, Florida and South Carolina, still prohibit the publication of rape victims’ names and the constitutionality of those statutes is



The decision not to print rape victims' names is a matter of "sense and sensibility," said Bruce Sanford, counsel to the Society of Professional Journalists. It is common sense, he said, to appreciate the sensibilities of the community. Journalists exercise enormous self-censorship, said Sanford, but, because the public cannot see what is not published, "The public never gives the news media much credit for self-restraint."

Alex Jones, who has reported on the news media for The New York Times for the past six years, said that it's easy to understand why editors do not want to publish the names of rape victims. "It is a visceral effort to protect them," he said, "but, on the other hand, it is very difficult to justify publishing the names of alleged rapists from the time that they are arrested." Although Jones believes that "the growing power of women" is reflected in the policy most newsrooms have of not naming rape victims, others contend that policy is discriminatory both to alleged victims and alleged assailants.

Michael Gartner, president of NBC news, said that media should identify victims of rape, although he appreciates the pain for those initially identified. "Rape is a crime in which people still tend somehow to blame the victim," he said. "One reason is that the press puts this mystery around it by refusing to name the name."

He said that he didn't think that he would have the courage to be the first editor in the community to name rape victims, or even the second or third.

Some editors are trying to put such a policy into practice.

Michael Rouse is the new managing editor at the Fayetteville (NC) Observer. He expects that newspaper, like others he has edited, will carry his distinctive policy of naming both the prosecuting witness and defendant when covering rape trials.

"Why should you treat one in such a way that you don't treat the other and imply that she is the one that is stigmatized?" asks Rouse. "I don't think that the stigma of rape is what it used to be, but there is a hell of a stigma with the charge of raping somebody."

When Rouse was managing editor of the Durham (NC) Morning Herald in the 70's, he "instituted a policy that if a woman reported a rape and nobody was charged, her name wasn't used. She hadn't pointed a finger at anybody, hadn't placed anybody in jeopardy. However, if she made an accusation against another person, setting the wheels of justice in motion against him, we felt that both parties should be treated equally." That policy was refined in 1978 so that the exact addresses of victims were no longer used. The policy was dropped when Rouse left the paper.

Current executive editor, William Hawkins, said he was "told by journalism professors and the prosecutor that there had been cases that did not go to trial in this area because of the paper's policy." He cited the social stigma associated with rape as the reason for withholding the names of victims. Charles Gay, editor of the Shelton-Mason (WA) County Journal has upheld a policy of naming rape victims despite petitions and picketing from the community.



person would be named. Our argument, of course, is that the trials to determine if she is a victim.”

Other editors suggest that news organizations perpetuate dangerous myths by treating rape as something different from other violent crimes.

Don Marsh, editor of *The Charleston (WV) Gazette*, who said he gave up his policy of identifying rape victims because of community pressure, contends that “there is something counterproductive in our joining in with the principle that we do incredible damage” to identifying women as rape victims. He said that the special treatment by the news media inhibits society from treating rape as a violent crime.

Mary Beusoleil until recently managing editor at *The (NH) Valley News*, agrees. “I think that newspapers should have a victims’ policy, not a rape victims’ policy.”

“The not-naming policy contributes to the perception that rape is a different type of crime and helps to perpetuate the notion that there is some blame or disgrace attached.”

Nevertheless, *The Valley News* withheld the names of rape victims during her tenure. “They were willing to support the notion in principle, but not willing to lead the charge,” said Beusoleil.

Irene Nolan, managing editor of *The Courier-Journal*, Louisville, KY, is another editor who disagrees with her newspaper’s policy of withholding the names of rape victims, but who believes that community sensitivities should be taken into account.

“At this point in time, I think that the reaction of the community would be extreme and I can’t make a case to push ahead,” she said.

But, it is clear to Nolan that the feelings of rape victims are not unique. “We have calls all of the time from crime victims who describe many of the same feelings that rape victims have – they feel violated, they are terrified that their attacker will come back.

We tell them that we are sorry, but that it is news of record.”

Any justifiable guidelines for not naming the adult victims of sexual assault must rest on some reason other than the feelings of the victims. All victims of violent crimes feel violated and vulnerable.

Editors and news directors can protect themselves against charges of sexism and unfairness to criminal defendants by treating all victims of sexual assault alike. How would a male alleged victim of sexual assault be treated? Would his case come to trial and conviction without his identity being disclosed?

How are alleged rapists and their accusers treated in news stories concerning acquittal? If the justification for a no-name policy is to encourage victims to come forward with honest charges,



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For further analysis of this issue, see "[An exception to the Rule.](#)"

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