

“The problem with you journalists is that you have confused the right to do something with the right thing to do.” *Justice Potter Stewart*

CASE STUDY: A Congressman’s Past

WHAT: You’ve learned that a Democratic member of the U.S. Congress, up for re-election to his fourth term, had been accused by an ex-girlfriend of a sexual assault some 28 years previously. But criminal charges never were filed, and neither the congressman, David Wu, nor his accuser wanted to discuss the case now, only weeks before the 2004 election.

The (Portland) Oregonian spent months trying to discover the truth about this persistent rumor. On Oct. 12, 2004, it published an article more than 3,000 words long explaining what it found out. On that same day, Congressman Wu held a news conference to say he did something regrettable in his youth, but he didn’t think it was relevant now. Other media picked up the story, of course, and his Republican opponent used it in her campaign.

Here’s a summary: Wu and his ex-girlfriend were science majors at Stanford University. She broke up with him in the spring of 1976. That summer, Wu was questioned by Stanford campus police after his ex-girlfriend said he tried to force her to have sex with him. Wu told police it was consensual. He was not arrested. The woman declined criminal prosecution and didn’t file a formal disciplinary complaint.

Wu refused to be interviewed or to answer written questions about the incident when *The Oregonian* asked him about it 28 years later. Wu’s ex-girlfriend also declined to comment, either in person or through a representative. Stanford officials wouldn’t discuss it either, citing university policy and student confidentiality laws.

So how did *The Oregonian* get its story? Here are some quotes from its article:

“Reporters contacted scores of former Stanford students, current and retired university officials and professors, law associates, and former campaign staffers and friends of Wu to determine what occurred. ... “The account that follows is based on recollections of the Stanford patrol commander, the woman's counselor, two professors who supervised dormitories at the time and several classmates who were on campus that year.”

Question: Should *The Oregonian* publish this story?

WHO: The decision-makers are newsroom managers and executives at *The Oregonian*. If they decide to do a story, the other competing news outlets in Portland face the decision of how to follow the story.

The stakeholder with the most to lose if the story appears clearly is Congressman David Wu. His accuser, who remained unnamed and uninterested in having the story pursued,

also has a stake. The public has a stake in this story, especially those who live in Congressman Wu's district and will be deciding whether to re-elect him. His opponents in the election have a stake. Stanford University and its reputation could take a hit. Some readers might think your newspaper has a biased agenda, because it endorsed Wu's Republican opponent, Goli Ameri. There may be others. Think of as many as you can, and consider their varying degrees of involvement — harm or benefit — from the publishing of this story.

WHY: Clearly, there is a truth here that has gone unreported for a generation. And a journalist's primary obligation is to tell the truth. But how important a truth is it? Consider the possible consequences of your reporting. The congressman could lose his seat. His long-ago accuser might be badgered by other media organizations. Should you be concerned about that? Are you trying to salvage your reputation after an alternative weekly won a Pulitzer the previous year for a sex abuse story involving a former Oregon governor? Examine competing principles and decide what's the best outcome.

HOW: Considering the Potter Stewart quote at the beginning of this case, ask yourself "what is the right thing to do?" Do you pursue the story and publish it or not? Explain your reasoning.