

**Testimony on Bills 1351 and 1362**  
**before Pennsylvania House Judiciary Committee**  
**James C. Kevlin, Editor, Pottsville Republican**  
**Sept. 25, 1991**

Thank you for allowing me to speak to you today.

My name is Jim Kevlin, and I am editor of the Pottsville Republican, a 30,000-circulation daily newspaper in Schuylkill County. I am here on behalf of the Pennsylvania Society of Newspaper Editors -- which includes 185 editors throughout the state -- and on behalf of our readers.

Bills 1351 and 1362 are efforts to muzzle citizens and -- in the case of 1362 -- impose prior restraints on people who report the news. To say we're concerned, or very concerned, is too mild. These bills are a first step -- a big first step -- down a slippery slope.

What I hope to give you is the grassroots perspective of a country editor, in touch with his readers, who would have to live with Bills 1351 and 1362 if they were to become law. As such, I have several objections to the impact and potential impact of the bills.

\* \* \*

On a practical level, Bills 1351 and 1362 serve no purpose. They are a solution in search of a problem. No newspaper or broadcast outlet in Pennsylvania is routinely reporting the names of rape victims.

Beyond that, the issue is evolving in the other direction -- as it should be. Rape victims -- even in Pottsville, Pa. -- are seeking to tell their stories. They are refusing to accept the stigma society places on them. Admit it: We still blame the victim -- and Bills 1351 and 1362 would enshrine this stigma in law.

We all are familiar with the celebrated story of Nancy Ziegenmeyer, the rape victim who broke the silence and told her story, in great detail, to the Des Moines Register. But there are many Nancy Ziegenmeyers much closer to home.

Page 2

Let me tell you a story. In the little borough of Schuylkill Haven, four miles from Pottsville, a young wife and mother was raped in her home a year ago last March while her husband was working a night shift.

The Pottsville Republican, as is our practice, withheld her name in the initial report. That summer, however, Mrs. Mindy Adams approached us. She was angry at feeling guilty and humiliated -- she had done nothing wrong. She wanted to tell her story, to tell people she was not ashamed -- because she had nothing to be ashamed of.

We published her story last September. She said: "If people don't hear the victim's name, they say -- it happens, but why think about it?"

She said: "It can't happen in a small town -- that's what you hear. But it does happen in a small town. Anyone out there is a potential victim."

She said: "Just a little common sense could prevent you from becoming a victim. Things could have been different."

This is Mindy Adams, a rape victim, arguing the benefits of full disclosure -- contrary to the thinking behind Bills 1351 and 1362.

\* \* \*

The restrictions in Bills 1351 and 1362 are being proposed in a difficult public-information climate. The state's Freedom of Information and Sunshine laws are already little help in guaranteeing that police departments routinely and consistently release information on crimes.

Bills 1351 and 1362 feed that unhealthy environment.

Crime information is information people need to know. Mindy Adams' neighbors needed to know there had been a rape on their block and that the rapist was still at large.

Right now in Pennsylvania, there is no guarantee that a local police department will even tell people that a rape -- or any other crime -- has occurred in their neighborhood. This is not only a

Page 3

disservice to all Pennsylvanians -- it also creates an environment where corruption can grow.

If anything, the law should be moving in the other direction -- away from 1351 and away from 1362.

Let me tell you another story. Last year, a local restaurant owner was arrested for selling cocaine. He called me and said, I don't want the arrest in the paper. What can I give you -- you name it -- to keep it out? Anything? I asked. Anything, he said. A very tempting offer.

Police officers, no doubt, get many such offers over the course of their careers. Sunlight is the best disinfectant. Newspapers and broadcast outlets provide that sunlight by reporting crime news -- if a crime is reported, the case can't just disappear.

Bills 1351 and 1362 are a step into the shadow.

\* \* \*

In community journalism, newspapers -- be they the Pottsville Republican or the Claysville Weekly Recorder -- are in close touch with readers.

There is no secretary screening our calls. There is no armed guard at the front door. If readers are unhappy, they let us know -- bluntly. There is no anonymity in a town like Pottsville, or Blossburg, or California, Pa. -- like there is in Pittsburgh or Philadelphia. If readers are unhappy, they let us know -- in the supermarket line, at the lunch counter and at the Little League game.

In community journalism, if a newspaper stays ten feet ahead of its readers, it's a leader. If it gets one-hundred feet ahead, it's the enemy.

This applies very directly to such gut issues as naming rape victims across the board. Even if we wanted to -- which we don't -- our readers wouldn't tolerate it.

We don't need Bills 1351 and 1362 to protect your constituents or our readers -- they are very able to protect themselves and their neighbors.

\* \* \*

Let me conclude with a couple of quotes:

The first is from a recent piece by Susan Estrich, a law professor in southern California. She was national manager of the 1988 Dukakis campaign. She is also a rape victim -- the very person Bills 1351 and 1362 purport to defend. And she is not a particularly big fan of the press.

She writes: "In the end, the real question is not whether the press is good or bad, whether it does its job well or poorly, whether we're fans or not.

"The real question is whether we want the press policing itself or whether we want the government doing it. I'll take a bad -- but free press -- any day."

Unquote. Thank you, Susan Estrich.

The second is a quote from an editorial in my favorite newspaper -- the Pottsville Republican:

"These (bills) throw the baby out with the bathwater.

"The media should continue to exercise restraint. Rape victims and women's advocates should continue to battle society's prejudices. And lawmakers should stay clear."

Thank you.