

The media can't put the brakes on its sexual assault coverage

By **Hugh Hewitt** November 28 at 4:50 PM

During my years co-hosting a nightly news and public affairs show on Los Angeles's PBS affiliate, we would occasionally do segments on domestic abuse and the Southern California not-for-profits that provided refuge for the fleeing spouse and children. The shelter community told us that every segment encouraged more people to bolt the abusive environment and seek help. It was television, they said, that actually saved lives. I believed them then and now.

Coverage of sexual assault and discrimination does in fact encourage victims to seek help and often justice. It inspires and motivates. Thus all media has to keep covering, in depth, every scandal. It will motivate people to change behaviors and victims to seek refuge and reparations.

We do so, though, mindful that while the legion of victims is much, much larger than those of the falsely accused, that there are indeed many instances of false accusation. Cardinal Joseph Bernardin of Chicago was falsely accused of molesting a young man. His accuser later recanted, and Bernardin famously forgave him. The Duke University lacrosse team was wrongly prosecuted. Rolling Stone terribly bungled a story of campus assault at the University of Virginia, asserting in 2014 that a brutal gang rape had occurred at a U-Va. fraternity. The magazine paid a huge settlement to end the defamation suit that followed.

So false charges exist but are very much a small fraction of the genuine cases of harassment and assault. How, then, ought the media deal with the former while aware of the latter? The answer isn't very satisfactory but it is the only one available: cautiously, with due process for the accused, always in court but also in the press, and via reference to a single standard, not one that bends to partisan pull.

Questions of evidence and standards of proof confuse and often bewilder the general public and even superb reporters. Various forms of evidence have various "probative values." Try explaining that in a 60-second commentary. When it comes to allegations such as those made against Roy Moore or Al Franken or President Trump, my standard is — statute of limitations aside — would a civil jury convict for a claim of assault and/or battery? I weigh what is known and thought by me to be reliable

and come to a conclusion. Different people will reach different conclusions, but their own standards ought to be the same for every case. (The scandals facing [Harvey Weinstein](#) and [John Conyers](#) are in a different category as there are documents that are dispositive in the minds of most people. When such settlements are even partially in public view, there isn't much "weighing" that needs to be done.)

There's a lot of rough justice being dispensed by the media these days, and much of it deserved. But caution is needed, in every case and with regard to every charge. Even the worst offender deserves a careful weighing of public evidence and a willingness by jurors — the pundit class or otherwise — to explain their thought processes. It isn't easy. It isn't quick. The facile or the overly confident are almost always not to be trusted.

But it has to be done, this case-by-case weighing, and always with an understanding that other victims are watching, wondering whether it is safe for them to speak up or head out to safety. Rarely does media have such a complicated job with stakes as high as these.

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