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Story distorted testimony on 'slave syndrome'

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Public editor: Condensing testimony can sap complexity

The story was eye-catching: The Oregonian reported that an attorney was blaming the beating death of a 2-year-old Beaverton boy on the suffering of African Americans from years of slavery.

Talk-show hosts and newspapers across the country quickly picked up what many characterized as a bogus or, at best, quirky defense.

But in hindsight, was the original story complete and fair in describing how a complicated social science theory was being used in the case?

The story and its aftermath reflect the dangers and difficulty inherent in trying to distill hours of complicated court testimony into a news story that is both compelling and understandable to readers; how only a few words can convey different meanings; and how commentators can amp and distort a story.

The story arose out of the testimony of Joy DeGruy-Leary, an assistant professor at Portland State University. DeGruy-Leary was called to testify in a pretrial hearing on May 6 and 7 in advance of the trial of Isaac Cortez Bynum, who is accused of murdering his son.

DeGruy-Leary, who has a doctorate in social work research, has conducted extensive research in African American culture and has counseled African American families. Through her work, she also has developed the theory of "post-traumatic slave syndrome," which, simply put, maintains that blacks did not heal from the trauma of slavery and centuries of discrimination. Understanding the effects of that multigenerational trauma, she contends, can help understand the behavior of some African Americans today, and lead to healing.

Both DeGruy-Leary and defense attorney Randall Vogt insist that her testimony never was intended to explain or justify the death of the boy. My review of the recordings in Washington County Circuit Court shows it wasn't used that way in the hearing. The testimony they were seeking to introduce in the trial spoke to what might explain the suspect's thinking or actions before and after the injury that caused the death.

To be sure, a defense attorney could use any approach or theory that would help his client. But in his court comments and in subsequent interviews, Vogt says he was attempting to use the research and theory of DeGruy-Leary in three ways: To address whether the suspect's dealings with a police officer before his arrest were voluntary or coerced. He says the historical relationship between police officers and many African Americans might explain how Bynum reacted. To explain why Bynum might have waited to seek medical help for the child. He was influenced by the advice of women, which might have resulted from the

matriarchal nature of many African American families. To discuss what Bynum's state of mind might have been in disciplining the child before his death. Such punishment, referred to as "whuppin'," is inflicted by some African Americans to keep children in line, in part to keep them out of the harm's way of authority, not to inflict harm, according to the testimony. That's important because a conviction on the charge of murder by abuse requires the state to show the suspect not only killed the victim but also to show a pattern of past assault with an intent to cause harm.

All of those points, Vogt told the court three times, could be made through DeGruy-Leary's research and did not have to rely on the syndrome theory.

Both Vogt and DeGruy-Leary were upset when they read the May 31 story headlined "Judge rejects slave trauma as defense for killing." They consider the first sentence of the story to be a gross distortion: "A Portland lawyer says suffering by African Americans at the hands of slave owners is to blame in the death of a 2-year-old Beaverton boy."

After hearing the criticism and reviewing the testimony, Jerry Casey, the editor who handled the story, and reporter Holly Danks defend it.

They contend that because Vogt retained DeGruy-Leary in the defense of Bynum, that amounted to using her testimony to defend the killing and justifies the use of "blame" in the first paragraph. They say the syndrome was used to discuss why some African Americans might resort to corporal punishment, so it relates to the death of the child in a murder by abuse case.

Robert Hull, senior deputy district attorney for Washington County, said he could not discuss the particulars of the case. But he did say he thought the article was fair and accurate. "I thought it was a fair characterization," he says.

In my view, by saying in the first paragraph that the trauma from slavery "is to blame" for the death, the story unfairly casts the testimony as relating to the killing. That was not the intent of DeGruy-Leary's testimony.

DeGruy-Leary tried to make that point in a later interview when she disputed the characterization of her testimony as linking the theory to the beating death of the child. She told Danks, "That trivializes this theory and makes a mockery of it." That comment, unfortunately, was edited out of the story.

Neither Casey nor Danks had the benefit of hindsight, nor the hours to review the testimony that I did after the story appeared.

But I fear the dispute shows how journalists often struggle to take a complex issue or research and condense it for readers so that it is understandable, compelling and fits in a limited space. In that process, subtlety and precision can be lost.

And what followed after publication of the story on May 31 shows how a complicated story about an idea, especially regarding racial issues, can quickly be picked up, twisted and spread nationwide. Talk-show hosts, bloggers and many others -- none of whom devoted the hours of research and reporting conducted by Danks -- seized on the story and mocked the theory and defense.

DeGruy-Leary says she feels 15 years of research have been made a laughingstock. Defense attorney Vogt says he has received death threats and still sees and receives jabs

locally and nationally. "I resent it because I presented this matter as a thought-provoking matter," Vogt says.

I believe that was The Oregonian's intent as well.

Danks, an extremely hard-working reporter, didn't settle for simply playing the role of stenographer. She recognized a newsworthy theory being tried in court. Many reporters would have settled for simply what was said in court. Danks followed up with the attorney to try to clarify information; she followed up with DeGruy-Leary, although the conversation was cut off because DeGruy-Leary was traveling in an airport; and she sought out the opinions of experts in the fields of African American studies.

But the sad irony is that the effort to inform instead seemed only to incite.

To read the original story, a letter from DeGruy-Leary and a column related to the syndrome theory, go to www.oregonlive.com/special/oregonian/

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