WORD-PICTURE JUXTAPOSITION, SCHEMATA, AND DEFAMATION IN TELEVISION NEWS

By Tom Grimes and Robert Drechsel

Defamation allegedly caused by misleading word-picture combinations has frequently led to libel actions, but the communication assumptions underlying such actions have rarely been examined empirically. Television news, with its combination of voice-over and video, is particularly vulnerable to claims that juxtaposition has created unintended defamatory meaning. This study finds that viewers' gender and race schemata can be used to help determine whether would-be libel plaintiffs can plausibly claim to have been identified and harmed by audio-video juxtaposition, even though nothing defamatory may have been communicated literally.

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Potential misunderstanding resulting from the juxtaposition of pictures and words has often bred libel litigation. Most commonly, a photograph, not defamatory in itself, connects those it portrays with defamatory references contained in accompanying text.[1] In television news, the accompanying "text" generally takes the form of a reporter's voice-over. Thus, for example, libel suits have arisen where juxtaposition of video and voice-over has allegedly linked passers-by with venereal disease, an innocent neighborhood resident with prostitution, a property owner with slum-like conditions, an airline with CIA activity, a dairy store with price-fixing, and innocent third parties with accused criminals or criminal activity.[2]

The audio-visual juxtaposition problem therefore directly involves one of the essential requirements of any libel suit – that the alleged libel or distortion be "of and concerning" the plaintiff.[3] What matters is who the recipients of a message may reasonably believe was the subject of the defamation, regardless of the communicator's intent.[4]

Further compounding the issue is the fact that, in a television context where the aural and visual are combined, the message news story viewers actually recall can differ significantly from what was literally communicated.[5] Thus, there would appear to be heightened risk of unintentionally creating defamatory meaning in television news, regardless of journalists' benign intentions.

Judges' and juries' determination of whether particular word-picture juxtapositions create misunderstanding sufficient to defame people has tended to be more a judgment based on common sense, plausibility, and anecdotal testimony than on systematic evidence. As Cohen and Gleason have noted, scholarly research has only recently begun to apply communication theory to libel law.[6]

Just how plausible are plaintiffs' claims that the juxtaposition of otherwise harmless aural and visual messages defame them? By what

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cognitive process might such defamation be created? This experimental study is a first effort to wrestle with such questions. Its goal is to submit libel plaintiffs' assumptions about communication to empirical test.

To do so, the study draws on two actual libel cases involving broadcast news, and applies what would appear to be a particularly relevant branch of communication theory – schema theory – in an effort to assess the plausibility of plaintiffs' claims. The study invokes schemata regarding race and gender, and examines their impact on the creation of false, defamatory meaning "of and concerning" libel plaintiffs.

Theory and Hypotheses

Schema theory posits that individuals' perceptions are guided, in part, by cognitive structures – called schemata – that help individuals construct meaning out of the otherwise overwhelming number of external stimuli to which they are exposed. When schemata are invoked, they help classify, label, and identify incoming information. Much of this classification is based on one's previous experience and expectations.[7] The more unclear or ambiguous the message, the greater the role recipients' schemata may play in giving meaning to the message.[8]

Schema theory finds some of its strongest support in the context of race and gender expectations. In more than a dozen experiments, race and gender schemata have been hypothesized and supported empirically.[9] As Levy and Carter have observed, gender typing is attributable to "readiness on the part of individuals to encode and organize information along the lines of what is considered appropriate or typical for males and females."[10] Apparently, gender schemata form at an early age. For example, Liben and Signorella showed children photographs depicting people performing various jobs, some of which were consistent with traditional gender roles – a woman as a secretary, for example – and some of which were not. Later, the children more accurately recalled the photos depicting people in traditional gender roles than in nontraditional roles.[11]

Similarly, Boon and Davies showed subjects some photos depicting blacks as victims of a robbery with a white perpetrator and other photos with whites as victims. They used race schemata to explain why subjects incorrectly remembered the blacks as perpetrators significantly more often than as victims.[12] Likewise, a classic study by Allport and Postman showed that when a black person is portrayed as the victim of a crime perpetrated by a white person, the black person is most often remembered as the perpetrator instead of as the victim, particularly by whites.[13]

Misattributions consistent with gender and race schemata have led to libel litigation. For example, a Chicago gynecologist, Dr. Victoria Maclin, sued WMAQ television for libel after the station broadcast a story about a newly-filed medical negligence suit and used file footage showing her performing a gynecological procedure. The negligence suit, however, did not involve Dr. Maclin. Rather, it had been brought against a hospital where personnel allegedly treated a patient with a cotton swab that had previously been used on a patient with AIDS. Maclin's suit alleged that the voice-video juxtaposition essentially identified her as a physician guilty of malpractice.[14]

Similarly, a Detroit resident, Ruby Clark, sued ABC News alleging that a story on prostitution left viewers with the false impression that she was a prostitute rather than an innocent resident of a neighborhood that had become the locus of serious prostitution problems. She argued – and an appellate court agreed – that video showing her walking down the street of

her neighborhood immediately after prostitutes were mentioned in voice-over could have caused viewers to think she was a prostitute, even though the audio track accompanying the video identified her as a neighborhood resident.[15]

Situations such as those in the Maclin and Clark cases suggest an obvious application of race and gender schema theory. Maclin's claim rests in part on an assumption that viewers would mistake her for a physician who has been accused of malpractice. But gender schemata would seem to work against her claim, given that women are not generally expected to be physicians. Clark's legal argument that she would be mistaken for a prostitute seems more plausible given race schemata that African-Americans are more likely to be criminals than victims.

To test this type of reasoning, two experiments were constructed with stimulus material patterned roughly after the Maclin and Clark scenarios. We used actors, shot the video, and employed a professional narrator to do the reporter's voice-over, then placed the stories in a realistic newscast format.

Since gender schemata affect the way viewers might be expected to perceive women's occupations, we created several versions of a fictional news story about an androgynously-named "Dr. Pat Jones." The voice-over identified Jones as a plastic surgeon who has been sued for malpractice. The video showed Dr. Jones examining patient records while the reporter described the malpractice charges. Next, the video showed another physician, a colleague of Dr. Jones, examining patient records while the narrator reported that this colleague had criticized Dr.Jones' treatment of patients. In one version of our story, Dr. Jones was a male and the colleague was a female; in a second, Dr. Jones was a female and the colleague was male. Nothing else was changed.

As noted above, the gender schematic expectation is that women are unlikely to be highly trained professionals. Therefore, we expected that the innocent colleague would more often be taken for an alleged malpractitioner when Dr. Jones was a woman and the colleague was a man, because viewers will expect an androgynously named plastic surgeon to be a man. Thus:

> H1: When Dr. Pat Jones is portrayed as a woman, viewers are more likely to confuse the colleague with the malpractitioner than when Dr. Jones is portrayed as a man.

We also created a story about prostitution becoming a serious problem in a particular neighborhood. The video at one point showed an individual who was clearly identified by voice-over as a prostitute. Then the video showed another woman, who lived in the neighborhood, walking down a street while the narrator explained that neighborhood residents were becoming extremely frustrated. In one version of the story, the prostitute was black and the resident white; in the other version the prostitute was white and the resident black. The stories were identical in every other respect.

Here one would predict race schemata to lead viewers to expect blacks to be perpetrators, not victims, of crime, and therefore we anticipated that:

> H2: When the neighborhood resident is portrayed as black, viewers are more likely to confuse her with the prostitute than when the neighborhood resident is portrayed as white.

The literature on schema theory also indicates that time enhances schemata's effect.[16] Schema-inconsistent material is less accurately recalled as time passes. Therefore, as television viewers forget the particulars of the story, they should increasingly rely on schemata to reconstruct the story line. We would thus expect that:

> H3: A 72-hour delay between viewing and testing of viewers' recall will increase the magnitude of the effect described in hypotheses 1 and 2.

Finally, defamation suits are based not only on mistaken identification, but also on the reputational harm the plaintiff claims to have suffered as a result. General principles of libel law hold that, to be considered legally defamatory, a communication must tend to prejudice a person "in the eyes of a substantial and respectable minority" of the community.[17] If viewers share widely held schemata related to race and gender – and those expectations lead them to misunderstand what they have seen and heard in a news story – an innocent bystander may be falsely defamed in the minds of a "substantial and respectable minority of the community."

Knowing a viewer's attitude toward a character portrayed in a TV news story can help predict that viewer's future evaluations of the credibility and trustworthiness of the character.[18] That is precisely the concern of the typical libel plaintiff – that the plaintiff's false, defamatory portrayal in a news story will leave him or her with a besmirched reputation. We expect viewers' confusion of blameless and blameworthy individuals to be greatest in the schema-inconsistent stories where Dr. Jones is a woman and the neighborhood resident is black. Therefore, we predict:

> H4: Subjects will more negatively evaluate the critical colleague and neighborhood resident when they appear in schema-inconsistent stories than when they appear in schema-consistent stories.

Method

To test these hypotheses, we conducted a pretest and two experiments.

Directly asking questions to ascertain subjects' gender and race schemata presented a substantial risk of unmasking our purpose. Therefore, we showed a pretest group of 30 undergraduate white males and females[19] still frames of the actors we used in the malpractice and prostitution stories. The frames were taken directly from the stimulus materials. The subjects were asked to identify a nurse, a physician, a resident of a neighborhood, and a prostitute. Without exception, they identified our actors as the schema literature predicts – men as physicians, women as nurses, blacks as criminals, whites as victims.[20] These results made us reasonably confident that the gender and race schemata we intended to invoke would be invoked.

For the first experiment, 100 undergraduates were recruited from an introduction to mass communication course and given extra course credit for participating. All subjects were white and native to the United States. No African-American students were available. Forty-eight subjects were male and 52 were female. Once subjects were recruited, we employed a 2(Time of Test) X 2(Version of Story) factorial design.

Four experimental stories – two versions of the malpractice story and two versions of the prostitution story – were prepared. One version was

always "schema-consistent" – depicting Dr. Pat Jones in the malpractice story as a man, or the neighborhood resident in the prostitution story as white. The other version was "schema-inconsistent" – depicting Dr. Jones as a woman, or the neighborhood resident as black. The experimental stories were produced with broadcast-grade video equipment. Camera angles, lighting, the visual background, and the clothing of actors were controlled in order to guarantee that the only variation between versions was in either gender or race. The distractor stories were taken from a genuine newscast.

Four versions of a newscast were thus created. Each consisted of one version of the malpractice story, one version of the prostitution story, and the two distractor stories. The newscasts themselves were prepared by the ABC News affiliate in a midwestern city. They began with the station's usual opening theme, introduction of the news anchor, the anchor's "good evening," and then the four stories presented in varying order. Over the four newscasts, each experimental story appeared in all possible positions within the four-story array. Experimental stories were always separated by a distractor story.

Subjects were told they were participating in a TV newscast study and were going to be asked what they remembered seeing and hearing. They were shown the newscasts in groups ranging in size from 9 to 14. After viewing, half of the subjects remained for immediate testing, and the other half were dismissed, then recalled for testing 72 hours later.[21]

For the second experiment, 65 more undergraduates were recruited from an introduction to mass communication course and given extra credit. The procedure and variables were identical to those in the first experiment. However, this time we created two new versions of the prostitution and malpractice stories. In version one of the prostitution story, all actresses were black. In version one of the malpractice story, all actors were male. In version two, the prostitution story featured all white actresses, and the malpractice story featured all females. Thus the second experiment erased the gender and race differences among actresses and actors.

The data from these subjects were merged with the data from the subjects in Experiment 1 so that we could compare all possible versions of the stories.

In a free recall test, all subjects were asked to describe in detail as many of the physical characteristics they could recall for the prostitute, the neighborhood resident, Dr.Pat Jones, and Dr. Jones' critical colleague. The expectation was that subjects might mention race or gender in their descriptions.[22]

The responses were analyzed by 3 coders who gave subjects a 1 for each answer in which race or gender was accurately recalled for the prostitute, the resident, Dr.Pat Jones, and the critical colleague. A 0 was assigned for incorrect recall of gender or race. Therefore, any given subject's total score could vary from 0 to 4.[23]

In a cued recall test, all subjects were given two multiple-choice questions about Dr. Pat Jones, the critical colleague, the prostitute, and the neighborhood resident. One question referred to the race of the characters in the prostitution story, the other to the gender of the characters in the malpractice story. The respondent had to select the answer that correctly described the actors with respect to gender or race. A fifth choice, "don't know," was also provided. Subjects received a score of 1 for each correct answer and a 0 for each answer in which they made a mistake as hypothesized.[24]

Finally, subjects were shown still frames of each of the actors who appeared in the prostitution and malpractice stories. The attitudinal mea-

surement instrument consisted of a Likert scale on which subjects were asked to rate each person in the still frames on 29 paired adjectival opposites. The paired adjectives were placed at opposite ends of a 10-point scale. A score toward 1 meant that a subject viewed the person in the still frame more favorably. A score toward 10 meant that a subject viewed the person in the still frame more unfavorably.

Factor analysis revealed that the prostitution and malpractice stories not only shared one factor, but also the same six items in that factor. This "reputational" factor consisted of adjectival opposites of like/dislike, worthy/unworthy, high/low, praiseworthy/worth condemning, nice/vicious, and admire/detest. It accounted for half the variance in both stories, and thus we used it as an index of subjects' attitudes toward the actors in both the prostitution and malpractice stories.[25]

Results

The first hypothesis predicted that when the alleged malpractitioner, Dr. Pat Jones, was a woman, viewers would be more likely to associate her male colleague with malpractice than when Dr. Pat Jones was a male. H2 predicted that when the neighborhood resident was black, viewers would be more likely to identify her as a prostitute than when the neighborhood resident was white. The cued recall data provided support for these hypotheses, but the free recall data did not.

When the cued recall data from the two stories were combined, subjects who viewed the schema-consistent versions – male Dr. Pat Jones/white neighborhood resident – were significantly more likely to accurately recall the gender and race of our actors than subjects who saw the schema-inconsistent versions ($F(1,91)=19.346$, $p<.01$). Subjects who saw schema-consistent stories (mean=.887, $n=48$) got the race and gender designations correct more often than subjects who saw schema-inconsistent stories (mean=.613, $n=47$). Responses of male and female subjects did not differ.

When the stories were considered individually, the prostitution story yielded a significant difference in the predicted direction ($t(42)=8.052$, $p<.01$). Subjects who saw schema-consistent stories (mean=.999, $n=25$) correctly recalled the race and gender of the characters more often than subjects who saw schema-inconsistent stories (mean=.342, $n=19$). For the malpractice story, the means were in the hypothesized direction, but the difference was not significant at the .05-level. Male and female subjects did not differ.

One significant difference did emerge in the malpractice story when the free recall data were analyzed ($F(1,37)=4.258$, $p<.05$), but in precisely the opposite direction from what the hypothesis predicted. Women who viewed the schema-inconsistent version of the story were actually less likely to confuse the gender of the malpractitioner and the critical colleague (mean=.652, $n=23$) than female subjects who viewed the schema-consistent version (mean=.306, $n=18$). Only the female subjects – not the males – consistently and correctly distinguished the woman as the malpractitioner and the male as the critical colleague in the free recall test.

H3 predicted, in essence, that memories of schema-inconsistent stories would become more schema-consistent with the passage of time. The free recall data supported this hypothesis, but the cued recall data did not.

Subjects given the free recall test 72 hours after viewing remembered the race and gender of the actors less accurately than subjects who were tested immediately ($F(1,75)=19.041$, $p<.01$). When only the schema-inconsistent version was considered, subjects tested after seventy-two hours more often

incorrectly recalled the male as the malpractitioner and the neighborhood resident as a prostitute (mean=.423, n=26) than subjects who were tested immediately after stimulus exposure (mean=.688, n=28) (p<.05). The responses of male and female subjects did not differ.

There was also a difference in free recall scores between subjects in the schema-consistent condition who were tested immediately and those who were tested seventy-two hours later (F(1,35)=13.941, p<.01). Subjects tested after seventy-two hours more often correctly recalled Jones as male and the neighborhood resident as a prostitute (mean=.824, n=18) than subjects who were tested immediately after stimulus exposure (mean=.423, n=19) (p<.01). This suggests that when a message is consistent with viewers' schemata, the passage of time actually reinforces viewers' memory of the schema-consistent events portrayed in the news story. But when those roles are not schema-consistent, the passage of time appears to alter memory so that the roles are "remembered" consistent with viewers' expectations.

H4 predicted that viewers would more negatively evaluate the critical colleague and neighborhood resident when they appeared in schema-inconsistent stories than when they appeared in schema-consistent stories.

As expected, there was a significant difference between the two story versions (F(1,95)=18.563, p<.01). Subjects in the schema-inconsistent versions (mean=4.221, n=48) liked both the black resident and the male colleague less than subjects in the schema-consistent versions (mean=3.229, n=51) where the resident was white and the alleged malpractitioner was a woman.

Subjects who saw the schema-inconsistent version of the malpractice story liked the male colleague significantly less (mean=4.040, n=48) than subjects who saw the schema-consistent version of the story where the critical colleague was a woman (mean=3.031, n=51) (F(1,95)=11.014, p<.01). Likewise, subjects who saw the schema-inconsistent version of the prostitution story liked the black neighborhood resident significantly less (mean=4.408, n=48) than subjects who saw the schema-consistent version with a white resident (mean=3.458, n=51) (F(1,95)=10.737, p<.01).

Further, with the data from all subjects combined, there was a significant correlation between the affective ratings and the cued recall scores. More specifically, where the resident and critical colleague were confused with the prostitute and Dr. Pat Jones, their reputational ratings were more negative than when they were not confused (r= -.246, r-square=.06, p<.01, n=98).

Nevertheless, irrespective of the experimental manipulation, subjects may simply have liked the white female neighborhood resident and the female medical colleague better than the black neighborhood resident and male colleague. Or subjects might have formed their reputational judgments when they were tested, not when they actually viewed the stories.

To address these possibilities, the second experiment was conducted. The goal was to suppress the invocation of gender and race schemata by not permitting race and gender to vary. The results suggest that schemata do play a role in the reputational ratings in the malpractice scenario, but perhaps not in the prostitution scenario.

The male who played the critical colleague in the schema-inconsistent version was evaluated significantly less favorably (mean=4.331, n=28) than he was in the all male version (mean=3.220, n=28) (p<.04). But there was no corresponding difference among reputational evaluations in the prostitution story. Subjects' evaluation of the black actress who portrayed the neighborhood resident was essentially the same in both the schema-inconsistent version (mean=4.914, n=28) and the all black version (mean=4.208, n=27).

The data were examined further by comparing the reputational ratings subjects gave our all-black team of actresses with our all-white team of actresses. The white woman who played the neighborhood resident was evaluated more favorably (mean=3.333, n=55) than the black actress who played the neighborhood resident (mean=5.045, n=55) ($F(3,106)=30.325$, $p<.01$). Thus it is possible that subjects simply did not like the particular black actress who played the resident, or even that subjects generally disliked blacks.

Discussion

Because the only elements that varied between story versions were the gender and race of the principal characters, differences in subjects' memories are consistent with the idea that viewer expectations – what we have called race and gender schemata – can influence how people remember news stories that are likely to have invoked those schemata. The results also offer a plausible explanation for how defamatory misunderstanding can result from picture-word juxtaposition.

Subjects' memory errors occur in a way that leads them to attribute negative characteristics to "innocent" people who appeared in the stories. Further, it appears that the passage of time can enhance the likelihood that gender and race schemata will shape viewers' recollection of what they saw and heard. Such findings are consistent with previous research on the existence and operation of gender and race schemata, and with schema theory generally.

But there are also seeming anomalies in the findings. Why, for example, were the results not consistent between the free recall and cued recall data, and can these inconsistencies be reconciled? Why did female subjects more accurately remember schema-inconsistent information in the malpractice story when given the free recall test? And why did subjects so consistently dislike the black neighborhood resident in the prostitution story?

Differences between free and cued recall may be related to the way subjects encode messages in long-term memory. Cued recall and recognition responses appear to bring with them memory for specifics not central to the overarching message, a process Smith and Graesser have called "data-driven processing."[26] Subjects tested immediately after viewing may not have responded as hypothesized on free recall measures because they did not regard race and gender data as central characteristics. Thus, they tended not to mention race and gender in their narratives.

The fact that the cued recall differences were not magnified by the passage of time may be attributable to the test itself. Perhaps in the immediate test condition, subjects were aided by the cues sufficiently to erase any difference that might be obtained between subjects in the delayed test condition.

If the free recall and cued recall results differed because subjects did not regard gender and race as sufficiently salient to encode into long-term memory, the potential for libelous misunderstanding might be partially mitigated. Many viewers might not clearly recall a damaging message, and harm to reputation might be minimized.

On the other hand, and perhaps more plausibly, viewers might be likely to erroneously recall a false, damaging message just when it can do the most harm. Supppose a viewer later requires plastic surgery and happens to be referred to the innocent colleague. The viewer/patient might then "remember" the malpractice story but misattribute the allegation to the innocent

colleague, and thus refuse his services. In effect, the need for surgery might cue memory of the malpractice story and with it resurrect the error. And if, with the passage of time, more and more viewers erroneously identify a libelous message with an innocent party, obviously the potential for harm is multiplied. From the standpoint of both libel victims and the media, such a possibility emphasizes the importance of immediate, prominent, and absolutely clear corrections or clarifications.

The fact that more female than male subjects, when presented with a female version of Dr. Pat Jones, recalled Jones as being female actually may offer additional support for the notion that gender-based schemata were driving our subjects' memories for the malpractice story. At least this is the case if we assume that women are less likely than men to hold the "women-are-not-professionals" schema. However there is little specific support in the literature for such a generalization, and our own pretest indicated that gender schemata did not vary among males and females.

Racial schemata did appear to be a factor in misidentification of an innocent neighborhood resident with prostitution. But we are left with the disquieting possibility that our subjects' dislike for the black neighborhood resident in the prostitution story was a function not of schemata per se, but of prejudice and dislike for blacks in general. Of course, such prejudice itself might be viewed as a form of schemata. Unfortunately, we were unable to obtain a racially or ethnically diverse subject pool. More messages, of different kinds, using different racial and ethnic subject pools ought to be manipulated in further research.

Nevertheless, the overall findings suggest that in contexts where race and gender can play a role in audience members' construction of meaning, the conditions may be conducive to the creation of libel. In both experimental scenarios, nothing literally defamatory was communicated – nothing was said to explicitly link the innocent physician to malpractice or the neighborhood resident to prostitution while either of their images was on screen. Yet many of our subjects made just such linkages, both immediately and three days later. And not surprisingly, such erroneous linkages translated into reputational harm, at least in the malpractice scenario.

The common sensical judgment that juxtaposition of otherwise innocuous audio and video can cause defamatory misunderstanding "of and concerning" an innocent party thus finds support in these experiments. Ruby Clark, on whose case our prostitution story was patterned, may indeed have been libeled by the television story of which she complained. It is highly plausible that significant numbers of viewers – at least white viewers – confused her with the prostitutes mentioned elsewhere in that story.

But the process can cut both ways. As our malpractice story illustrates, in some situations gender schemata may actually make it more difficult for women than for men to argue that they have been defamed. When our hypothetical critical colleague was a man, viewers were more likely to incorrectly associate malpractice with him than when our critical colleague was a woman. This is not to say that it is impossible for a woman in a schema-inconsistent role situation to meet the "of and concerning" requirement. Libel law does not require statistically significant evidence. But knowledge that gender schemata can work this way may be of use to defendants.

Finally, the experiments confirm the value of applying communication theory to legal issues. Race and gender schemata may not be applicable in the majority of libel suits, but other schemata – if not other theoretical models – may be. Schema theory may also be useful in better understanding

and assessing claims for false light invasion of privacy where juxtaposition is commonly alleged to have caused offensive distortion. Television news, with its constant combination of visual and auditory messages, may offer a particularly fruitful environment for further work. But schema theory may also be helpful in situations involving juxtaposition of still photos and text, and in entertainment as well as news contexts.[27] Clearly, it is time for more intense study of what libel really is: a communication problem.

NOTES

1. See, e.g., Robert D. Sack and Sandra S. Baron, *Libel, Slander, and Related Problems*, 2d ed. (NY: Practising Law Institute, 1994), 101-4; Marc A. Franklin and David A. Anderson, *Mass Media Law*, 4th ed. (Westbury, NY: Foundation, 1990), 244-45; Kent R. Middleton and Bill F. Chamberlin, *The Law of Public Communication*, 3d ed. (NY: Longman, 1994), 86.

2. *Duncan v. WJLA-TV*, 10 Media L. Rep. 1395 (D.D.C., 1984); *Clark v. American Broadcasting Companies, Inc.*, 684 F.2d 1208 (6th Cir. 1982), cert. denied, 460 U.S. 1040 (1983); *Lal v. CBS, Inc.*, 551 F.Supp. 356 (E.D. Pa. 1982); *Southern Air Transport v. ABC*, 877 F.2d 1010 (D.C. Cir. 1989); *Dairy Barn Stores v. ABC*, 15 Media L. Rep. 1239 (Sup. Ct. N.Y. 1988); *Hartman v. Meredith Corporation*, 638 F.Supp. 1015 (D. Kan. 1986); *Wilhoit v. WCSC, Inc.*, 358 S.E.2d 397 (Ct.App. S.C. 1987); *Puckett v. American Broadcasting Companies*, 18 Media L. Rep. 1429, 1990 US App. LEXIS 19761 (6th Cir. 1990). The Duncan, Clark, Hartman and Puckett cases included additional claims based on the closely related theory of false light invasion of privacy – claims that word-picture juxtaposition created a distorted meaning regarding the plaintiff. False light differs from libel in that false light plaintiffs need not establish defamation, but must demonstrate that the communication in question is offensive. Further, the harm addressed in a false light action is plaintiffs' hurt feelings, not harm to reputation. Sack and Baron, *Libel, Slander and Related Problems*, 563-69; Restatement (Second) of Torts §652E (1977). Not all jurisdictions recognize false light as a theory of liability, and in most cases of piggybacked claims, it is the libel claim that is central.

3. Sack and Baron, *Libel, Slander and Related Problems*, 149-65. False light invasion of privacy also requires plaintiffs to prove that the alleged distortion of which they complain is actually "of and concerning" them. Sack and Baron, *Libel, Slander and Related Problems*, 563-64.

4. Sack and Baron, *Libel, Slander and Related Problems*, 149-50; Restatement (Second) of Torts §564 (1977).

5. See, e.g., Tom Grimes, "Encoding TV News Messages into Memory," *Journalism Quarterly* 67 (winter 1990): 757-66; P.W. Thorndyke and F.R. Yekovich, *A Critique of Schemata as a Theory of Human Story Memory*, Report No.P-630 (Santa Monica, CA: The Rand Corporation, 1979).

6. Jeremy Cohen and Timothy Gleason, *Social Research in Communication and Law* (Newbury Park, CA: Sage, 1990), 91. Examples of such work include Jeremy Cohen and Albert C. Gunther, "Libel As A Communication Phenomenon," *Communication and the Law* 9 (October 1987): 9-30; Jeremy Cohen, Diana Mutz, Vincent Price, and Albert Gunther, "Perceived Impact of Defamation: An Experiment on Third-Person Effects," *Public Opinion Quarterly* 52 (summer 1988): 161-73; Jeremy Cohen, Diana Mutz, Clifford Nass, and Laurie Mason, "Testing Some Notions of the Fact/Opinion Distinction in Libel," *Journalism Quarterly* 66 (spring 1989): 11-17, 247; Jeremy Cohen and Sara

Spears, "Newtonian Communication: Shaking the Libel Tree for Empirical Damages," *Journalism Quarterly* 67 (spring 1990): 51-59; Albert Gunther, "What We Think Others Think: Cause and Consequence in the Third-Person Effect," *Communication Research* 18 (1991): 355-72.

7. Thorndyke and Yekovich, *A Critique of Schemata.*

8. U. Neisser and R. Becklen, "Selective looking: Attending to Visually Specified Events," *Cognitive Psychology* 7 (1975): 480-94; Charles N. Cofer, Donna L. Chmielewski, and John P. Brockway, "Constructive Processes and the Structure of Human Memory," in *The Structure of Human Memory*, ed. Charles N. Cofer (San Francisco: Freeman, 1976), 190-203.

9. M. Lavallee and R. Pelletier, R., "Ecological Value of Bem's Gender Schema Theory Explored Through Females' Traditional and Non-Traditional Occupational Contexts," *Psychological Reports* 70 (1992): 79-82; P.W. Linville and E.E. Jones, "Polarized Appraisals of Out-Group Members," *Journal of Personality and Social Psychology* 38 (1980): 689-703; A.G. Goldstein and J.E. Chance, "Memory for Faces and Schema Theory, *Journal of Psychology* 105 (1980): 47-59; S.L. Bem, "Gender Schema Theory: A Cognitive Account of Sex Typing," *Psychological Review* 88 (1981): 354-64; J.E. Chance, E.L. Turner, and A.G. Goldstein, "Development of Differential Recognition for Own - and Other-Race Faces," *Journal of Psychology* 112 (1982): 29-37; R.J. Larsen and E. Seidman, "Gender Schema Theory and Sex Role Inventories: Some Conceptual and Psychometric Considerations," *Journal of Personality and Social Psychology* 50 (1986): 205-11; D.E.S. Frable and S.L. Bem, "If You Are Gender Schematic, All Members of the Opposite Sex Look Alike," *Journal of Personality and Social Psychology* 49 (1985): 459-68; C.L. Martin and C.F. Halverson, "A Schematic Processing Model of Sex Typing and Stereotyping in Children," *Child Development* 52 (1981): 1119-1134; C.J. Mills and D.J. Tyrrell, "Sex-Stereotypic Encoding and Release from Proactive Interference, *Journal of Personality and Social Psychology* 45 (1983): 772-81; J.C.W. Boon and G.M. Davies, "Rumours Greatly Exaggerated: Allport and Postman's Apocryphal Study," *Canadian Journal of Behavioural Science* 19 (1987): 431-40.

10. Gary D. Levy and D. Bruce Carter, "Gender Schema, Gender Consistency, and Gender-Role Knowledge: The Roles of Cognitive Factors in Preschoolers' Gender-Role Stereotype Attributions," *Developmental Psychology* 25 (1989): 444.

11. L.S. Liben and M.L. Signorella, "Gender-Related Schemata and Constructive Memory in Children," *Child Development* 51(1980): 11-18.

12. Boon and Davies, "Rumours Greatly Exaggerated," 431-40.

13. Gordon W. Allport and Lee J. Postman, "The Basic Psychology of Rumor," in *Readings in Social Psychology*, ed. E.E. Macoby, T.M. Newcomb, and E.L. Hartley (NY: Holt, Rinehart and Winston, 1958), 54-65.

14. Liza Schoenfein, "WMAQ-TV Suit Stirs Debate on File Footage," *Electronic Media*, 10 June 1991, 8; James Warren, "Channel 5's Apology for Use of Tape Doesn't Stop Doctor's Lawsuit," *Chicago Tribune*, 3 June 1991, Chicagoland section, p. 2 (north sports final edition). No final disposition has been reported.

15. *Clark v. American Broadcasting Companies, Inc.*, 684 F.2nd 1208 (6th Cir. 1982). Clark also sued for false light invasion of privacy.

16. F.C. Bartlett, *Remembering: A Study in Experimental and Social Psychology* (London: Cambridge University Press, 1932); D.A. Smith and A.C. Graesser, "Memory for Actions in Scripted Activities as a Function of Typicality, Retention Interval and Retrieval Task," *Memory & Cognition* 9 (1981): 550-59; S.E. Taylor and J. Crocker, "Schematic Bases of Social Informa-

tion Processing," in *Social Cognition: The Ontario Symposium on Personality and Social Psychology*, vol. I, eds. E. T. Higgins, C.A. Herman, and M.P. Zanna (Hillsdale, N.J.: Lawrence Erlbaum Associates, 1981), 89-134; Cofer, Chmielewski, and Brockway, "Constructive Processes."

17. Restatement, §559, Comment e.

18. D.R. Roskos-Ewoldsen and R.H. Fazio, "The Accessibility of Source Likability as a Determinant of Persuasion," *Personality and Social Psychology Bulletin* 18 (1992): 19-25.

19. No black subjects were available to us.

20. In addition, a small number of subjects was randomly assigned to conditions and pretested with the full experimental protocol, with 5 subjects per condition. Cross tabulations and mean frequency counts showed that all subjects were performing on the dependent measures as predicted. No changes were made in the material or measures.

21. Seventy-two hours was chosen because previous experiments using 48-hour lags suggested that increased delay might enhance subjects' reliance on schemata. Grimes, "Encoding TV News."

22. Out of 100 available subjects, responses from 87 were used. Thirteen subjects did not mention information from which coders could infer race or gender, and were thus deleted from the analysis of the free recall data.

23. Scott's pi reliability coefficient for the average of the three coders over all subjects was .98.

24. Out of 100 available subjects, responses from 96 were used. Four subjects did not properly fill out the test form and were deleted from the analysis of the cued recall test.

25. When the factor was taken from the prostitution story, it had a Cronbach's alpha reliability score of .955 (eigenvalue of 6.685) and accounted for 50% of the variance. When it was derived from the malpractice story, it had a reliability rating of .961 (eigenvalue of 7.449) and accounted for 49% of the variance. Principal-components factor analysis with varimax rotation was used.

26. Smith and Graesser, "Memory for Actions," 552. However, teasing out the encoding strategies of subjects was not central to this study.

27. Among the examples are *Parnell v. Booth Newspapers Inc.*, 572 F.Supp. 909 (W.D. Mich. 1983) (allegation that still photos illustrating story on prostitution left erroneous impression that plaintiff was prostitute); *Cibenko v. Worth Publishers*, 510 F.Supp. 761 (D.N.J. 1981) (allegation that juxtaposition of text and photo in textbook showing white police officer prodding black man created impression of racist behavior by officer); and *Geary v. Goldstein*, 831 F.Supp. 269 (S.D.N.Y. 1993) (allegation that juxtaposing actual video from commercial with explicit sexual depiction left erroneous impression that actress was involved with pornography).