

2001

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Repository Citation

David Ray Papke, *Athletes in Trouble with the Law: Journalistic Accounts for the Resentful Fan*, 12 Marq. Sports L. Rev. 449 (2001)

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ATHLETES IN TROUBLE WITH THE LAW: JOURNALISTIC ACCOUNTS FOR THE RESENTFUL FAN

DAVID RAY PAPKE*

Sports have evolved in the course of American history from local folk games to highly organized commercial enterprises in which team owners, players, broadcasters, and marketers of sports products can literally earn millions.¹ The increasingly sophisticated dissemination of sports news has been an important part of the evolution of sports. However, in recent decades sports news has somewhat curiously come to include frequent reports of athletes alleged to have committed crimes. The print media, in particular, have grown eager to describe not only what athletes accomplish on the playing courts, but also their predicaments in the courts of law.

This article explores the features, meanings and ramifications of this journalistic development. The first part of the article offers a short history of sports news in America and focuses, in particular, on sports news in daily newspapers and sports periodicals. The second part presents an overview of contemporary accounts of lawbreaking professional athletes.² Examples from the first half of 2001 should familiarize readers with the journalistic phenomenon being scrutinized. The examples are organized with reference to the format of the journalistic expression, identity of the athletic lawbreaker, and type of alleged crime. The third part offers an interpretation of this body of journalism, locating its meaning in the readers' resentment of wealthy athletes and in the print media's willingness to pitch part of their product to this resentment. In conclusion, the article considers what journalistic accounts of lawbreaking athletes tell us about contemporary sports and sports news. Most generally, does sports news about athletes in trouble with the law illumi-

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1. Standard histories of sports in America include ALLEN GUTTMAN, *FROM RITUAL TO RECORD: THE NATURE OF AMERICAN SPORTS* (1978); STEVEN A. RIESS, *CITY GAMES: THE EVOLUTION OF AMERICAN URBAN SOCIETY AND THE RISE OF SPORTS* (1989); RANDY ROBERTS & JAMES OLSON, *WINNING IS THE ONLY THING: SPORTS IN AMERICA SINCE 1945* (1989).

2. I have chosen to focus on accounts of only professional athletes, but one could also consider the accounts of amateur athletes, particularly those on university teams.

nate the nature of "news" and the overall cultural process through which crime and the criminal are defined?

I. A HISTORY OF AMERICAN SPORTS NEWS

Once a sport ceased being only a local folk entertainment and adopted some degree of formal organization and standardized rules, editors and publishers were likely to find results from games or matches, in that sport, newsworthy. The amount of published news about a sport then grew predictably as the sport itself matured. However, both the disseminating organs and the actual sports news within them changed dramatically over time, often with reference to changes outside rather than inside the world of sports.

The nation's earliest sports newspapers and periodicals appeared during the first decades of the nineteenth century.³ Ten such publications were founded between 1830 and 1850 alone.⁴ Appearing weekly, these publications largely disdained reporting on such lower-class sporting favorites as ratting, bearbaiting, cockfighting, and ganderpulling. In the latter, the "sport" involved efforts by a horseman to rip off the head of a greased gander hung by its feet from a branch.⁵ The early publications' preferred sports such as cricket and various ball games; horse- and harness-racing; rowing and sailing; and running and walking competitions—sometimes known in the era as "pedestrianism."⁶

The most successful of the early sports publications was the *Spirit of the Times*, which claimed in 1856 to have 40,000 subscribers, most of them in cities on the eastern seaboard.⁷ The figure is perhaps inflated, but subscriptions to the *Spirit of the Times* and other sports weeklies did increase significantly after prize-fighting came to be seen as respectable enough for journalistic coverage. Editors from not only the sports weeklies, but also the new penny dailies, such as the *Boston Transcript*, the *Baltimore Sun*, and James Gordon's *New York Herald*, relied on the early telegraph system to report the results of prizefights.⁸

3. Elliott J. Gorn, *Sports Through the Nineteenth Century*, in 3 *ENCYCLOPEDIA OF AMERICAN SOCIAL HISTORY 1627, 1634* (Mary Kupiec Cayton et al. eds., 1993).

4. *Id.*

5. BENJAMIN G. RADER, *AMERICAN SPORTS: FROM THE AGE OF FOLK GAMES TO THE AGE OF TELEVISED SPORTS 37-38* (4th ed. 1999).

6. BETTY SPEARS & RICHARD A. SWANSON, *HISTORY OF SPORT AND PHYSICAL ACTIVITY IN THE UNITED STATES 63-70* (Elaine T. Smith, ed., 1978).

7. RADER, *supra* note 5, at 21.

8. *Id.* at 22.

"The 'first great newspaper hero' of the prize ring was John C. Heenan, the 'Benecia Boy.'"⁹ His fights of the 1850s received full coverage, and when Heenan fought Tom Sayers, the English champion, outside of London in 1860, Frank Leslie sent a staff of writers and artists to report on the fight for *Frank Leslie's Illustrated Newspaper*.¹⁰ The two-hour Heenan-Sayers bloodbath ended in a draw when the frenzied and drunken crowd began to riot and constables had to take control of the scene. The resourceful Leslie immediately sold a sheet about the fight on the streets of London, and then his staff raced back across the Atlantic to fill 20,000 copies of Leslie's American publication with detailed fight news.¹¹

The weekly sports publications continued to appear during the decades following the Civil War, with new publications such as the *Sporting News*, founded in 1886, finding sizable readerships.¹² In addition, more and more Americans looked to the daily newspaper rather than the sports periodicals for sports news. The new "mass" press of William Randolph Hearst and Joseph Pulitzer targeted predominately male, working-class readerships,¹³ and Hearst and Pulitzer realized how sports news would be attractive to these readerships.¹⁴ After Pulitzer bought the *World* from Jay Gould in 1883, he, in fact, assembled a separate sports department for the newspaper.¹⁵ Although a distinct sports section had not yet emerged, by the 1890s not only the *World* but also the *Herald*, *New York Journal*, *Sun* and other large New York City newspapers had "sporting editors" with specialized writers able to produce a page or more of sports news for each issue.¹⁶ Indeed, even the more proper of the daily newspapers felt obliged to report on sports. For example, in 1887 the venerable *New York Tribune* published a handbook on sports, which listed the rules of different games and explained how each was played.¹⁷

9. FRANK LUTHER MOTT, *AMERICAN JOURNALISM, HISTORY: 1690-1960* 298 (3d ed. 1962).

10. *Id.* at 382.

11. *Id.*

12. RADER, *supra* note 5, at 21.

13. Michael Schudson, *Journalism*, in 3 *ENCYCLOPEDIA OF AMERICAN SOCIAL HISTORY*, *supra* note 3, at 1895, 1903-04.

14. Warren Goldstein, *Sports in the Twentieth Century*, in 3 *ENCYCLOPEDIA OF AMERICAN SOCIAL HISTORY*, *supra* note 3, at 1643, 1645.

15. MOTT, *supra* note 9, at 443.

16. *Id.*

17. STANLEY WOODWARD, *SPORTS PAGE* ix (1968).

At the turn-of-the century in America no sports story was given as much coverage as the Corbett-Fitzsimmons fight in Nevada City in 1897.¹⁸ Stories about Corbett's knockout by a so-called "solar plexus" were later rivaled in magnitude by the coverage of attempts to defeat the African American boxer Jack Johnson and by reports on bicycling, baseball, and college football—especially Walter Camp's Yale squads.¹⁹ "[R]eporters pretended to no ideology of objectivity and participated actively in the sporting worlds they chronicled."²⁰ Readers turned to their sports pages as much to commune indirectly with fellow fans as to get scores and results, and sports news helped make sports figures some of the nation's biggest heroes.

After World War I, sports pages became full-fledged sports sections, both in the new tabloids of the era and in the traditional newspapers as well.²¹ One scholar has estimated that the percentage of total newspaper space allocated to sports news during the 1920s was more than twice as large as it was only three decades earlier,²² specialized testimony perhaps to the rapid growth of sports as leisure entertainment. The leading sports stories of the 1920s and 1930s included reports on Jack Dempsey's fights, the gridiron exploits of Red Grange, and the rise of Bobby Jones as a golf champion. In baseball Babe Ruth reshaped the game both with his home run stroke and his own lifestyle, which seemed to embody unbridled consumption. According to one biographer, Ruth "drank and ran around town with women and stayed up all night and ate like a hog."²³

During World War II, the paper shortage forced newspapers to restrict their length, and, like other sections of the newspaper, sports sections temporarily grew shorter.²⁴ However, after the War sports sections quickly regained their previous length and grew even longer than they had been before the War. Boxing, college football, and professional baseball, especially the annual World Series, remained the largest sports stories.

While published sports news of the 1950s greatly resembled that of the previous decades, the 1960s brought striking change. One reason for the change was the growth of televised sports. Prime-time boxing had

18. MOTT, *supra* note 9, at 578.

19. *Id.*

20. Goldstein, *supra* note 14, at 1645.

21. RADER, *supra* note 5, at 22.

22. *Id.* at 117.

23. ROBERT W. CREAMER, *BABE: THE LEGEND COMES TO LIFE* 284 (1974).

24. WOODWARD, *supra* note 17, at ix.

been a part of network television since its birth in the late 1940s, but television now came to broadcast large numbers of baseball, basketball, and football games. Channels devoted completely to sports also were founded and prospered. Brief, published postgame interviews with coaches and selected players became standard, as did profiles of selected athletes and opinionated sports columns. "Since presumably fans could see for themselves on television the drama transpiring on the field of play, reporters increasingly tried to cover dimensions of the contest hidden from the cameras."²⁵ Newspapers also increased their attention to management decisions and options, and news of sports finances, attendance patterns, and mergers filled column after column. Traditional accounts of games and plays in the games came to occupy a relatively small percentage of the space in a sports section.

More subtly, the tone as well as the content of published sports news began to change. Influenced by the Vietnam War protests and then the Watergate scandal, some sports reporters grew detectably critical regarding sports and sporting events.²⁶ They subjected sports and athletes to the same scrutiny that reporters for other sections of the newspaper used in reporting on the institutions and personalities of their "beats."

Much to their dismay, individual athletes found not only their performances and statistics but also their personal lives and foibles were now sports news. To some extent this development is merely a part of the larger reduction of privacy that politicians, business moguls, and entertainment figures frequently bemoan. On another level, though, the tone of the reporting suggests some degree of a falling from grace of the well-paid and well-organized professional athlete. Sport reporters were no longer just fans prepared to see the rosy side of things. While the glowing profiles still outnumbered the critiques—newspapers were not about to stop praising stars—some articles were sharply negative. Sports writers had become willing to point it out when professional athletes failed to live up to their responsibilities and when they fell short of leading moral lives.

One common variety of this type of sports reporting, to be discussed at greater length in subsequent parts of this article, involves professional athletes' problems with the law, in particular their arrests, charges, trials, and punishments for criminal offenses. Although reported with greater frequency, newspapers had covered lawbreaking in the past. In baseball, for example, it was news as early as 1877 when pitcher Jim Devlin threw

25. RADER, *supra* note 5, at 239.

26. *Id.*

games, was tried, and then banned from the sport for life.²⁷ In 1912 Triple Crown winner Heinie Zimmerman was also banned for fixing games,²⁸ and in 1914 the same fate befell pitcher Dutch Leonard, who had thrown not only two no-hitters but assorted games as well.²⁹ Then, there was for sports fans the tragic “Black Sox Scandal,” in which eight members of the Chicago White Sox threw the 1919 World Series against the Cincinnati Reds. Reporters provided all the details when “Shoeless” Joe Jackson and his teammates were indicted and tried in Chicago.³⁰ However, in most of these events the newsworthy aspect of the case, from a sports perspective, related to the sporting events themselves. That is, players were paid to throw games. In the 1970s and subsequently, the issue tended to be much more personal, relating not to a thrown game or match but to a crime allegedly committed far from the playing field.

In writing about athletes’ alleged crimes, sportswriters had at their disposal reference materials which might help them make sense of the world of law,³¹ but in general these materials were not enough to create sports writers with legal sophistication. One bar association even went so far as to publish a pamphlet in hopes of helping sports writers.³² Sports news about legal matters had more in common with sports writing than legal reporting.

Publishers of the early nineteenth-century sports weeklies would be astounded by these reports on lawbreaking by athletes, determined as those early publishers were to report only on respectable sports attractive to gentlemen. Editors of newspaper sports sections from the 1920s and 1930s would also be surprised, finding perhaps that such crime-reporting did not comport with their enthusiastic cheerleading for sports heroes. But just as sports themselves had changed over the years, so, too, had notions of what counted as sports news. Accounts of the feloni-

27. FLOYD CONNER, *BASEBALL’S MOST WANTED: THE TOP 10 BOOK OF THE NATIONAL PASTIME’S OUTRAGEOUS OFFENDERS, LUCKY BOUNCES, AND OTHER ODDITIES* 341 (2000).

28. *Id.* at 342.

29. *Id.* at 343.

30. For a detailed study of the scandal and related criminal prosecutions, see ELIOT ASINOF, *EIGHT MEN OUT: THE BLACK SOX AND THE 1919 WORLD SERIES* (1987). At trial the players were acquitted, but Commissioner Kenesaw Mountain Landis nevertheless banned the players from baseball for life.

31. *See generally* BRUCE GARRISON & MARK SABLJAK, *SPORTS REPORTING* 157-75 (1985) (discussing sports journalism and the judicial system).

32. PENNSYLVANIA BAR ASSOCIATION, *THE REPORTER’S GUIDE TO LEGAL TERMS, COURTS, COURT AGENCIES, AND COURTHOUSES*, available at <http://www.pabar.org/reporter/guide2.shtml> (1988).

ous athlete had become standard in the American newspaper sports section and sports weekly.

II. CONTEMPORARY REPORTING ON ATHLETES' LAWBREAKING

Reports about professional athletes' lawbreaking are common in newspaper sports sections, as well as in sports weeklies devoted to a single sport such as *Baseball Weekly* and *Pro Football Weekly* and in glossy all-sports publications such as *Sports Illustrated*. These reports are not uniform. They use different formats, discuss different individuals, and chronicle different types of crimes. Examples from the first half of 2001 should help bring this variety of sports journalism to life.

The format of the law-related sports news ranges from full, feature-length articles with photographs and follow-ups to one or two-sentence squibs. Not surprisingly, the longer articles tend to concern particularly prominent athletes, shocking crimes, or both. Indeed, if the story is important enough, newspapers wrestle with questions related to type of reporter and placement of the article.³³ Should a local news reporter or somebody on the crime beat cover the story? Should the article go into the local news section instead of the sports section? Editors decide on a case-by-case basis, with stories perceived to be especially newsworthy moved out of sports.

Stories of the past year concerning the crimes and arrests of professional football players Ray Lewis and Rae Carruth are examples of stories deemed "too important" for the sports section. In Atlanta, where Lewis was involved in a post-Super Bowl fight resulting in two deaths, regular reports of his own plea negotiations and the trials of his friends appeared in the local news section of the *Atlanta Journal and Constitution*.³⁴ Carruth lacked Lewis' all-pro status, but his hiring of another man to kill his pregnant girlfriend was shocking enough to lift reports on the proceedings from the sports section of the *Charlotte Observer*.³⁵

Stories of this sort, like those in the recent past concerning baseball player Pete Rose's tax evasion or heavyweight boxing champion Mike Tyson's rape of a beauty pageant contestant, can also become national

33. WOODWARD, *supra* note 17, at x-xi.

34. Ken Sugiura, *Super Bowl Means Super Scrutiny for Ravens' Lewis*, ATLANTA J.-CONST., Jan. 16, 2001, at 1F. Lewis ultimately pled guilty to obstruction of justice and testified at the murder trial of the two men, who were later acquitted. *Id.*

35. Gary L. Wright et al., *Carruth Convicted, But Not of Murder*, CHARLOTTE OBSERVER, Jan. 19, 2001, at 1A. Carruth was found guilty of conspiring to commit murder. Van Brett Watkins, the trigger man in the slaying of Cherica Adams, pled guilty to murder and was sentenced to 40 years in prison. *Id.*

news. The stories then shift from the sports section to the national news section rather than to the local news section. Also, they are picked up from wire services and run in cities other than the ones in which the alleged crime was committed or in which the athlete plays.

The larger articles about the arrests and trials of prominent athletes resemble the articles about the arrests and trials of other prominent individuals, but the short squibs about lawbreaking athletes are more unique to the sports section. These might have brief headlines and stand alone, but more frequently the squibs appear in columns titled "Notes," "Sports Log," or "Miscellany." In newspapers with larger sports sections the squibs might even be placed in collections of short items related a given sport and titled "Football," "Basketball," and so on.

The squibs are very limited in content. Plucked and reshaped from wire services, they have no bylines or datelines. They are almost random in their attention to arrests, formal charges, virtually any stage in a proceeding, plea-bargains, convictions, or sentences. The squibs ignore rules of evidence, the presumption of innocence, and sometimes the distinction between developments inside and outside the courtroom. "Squib-reporting," to coin a phrase, also has very little follow-up. That is, we may learn of an athlete's alleged lawbreaking through his interaction with the criminal justice process at virtually any point, but we frequently read nothing about later developments.

Because of the randomness and lack of follow-up, these squibs can be read as almost generic indicators that an athlete is "in trouble with the law." A lawyer who is also a sports fan might find the lack of precision frustrating, but for the average reader the squibs effectively label an athlete as a lawbreaker and trouble-maker. As wide receiver Yancy Thigpen learned, even being a crime victim can make one the subject of a squib and thereby label one as a suspicious character. A squib from the *Indianapolis Star* read: "[a]n armed robber forced his way into the home of Yancy Thigpen . . . and tied up the NFL [National Football League] receiver . . . his sister and his girlfriend and forced them into a closet with an infant child before fleeing with cash and jewelry."³⁶

Who might find himself featured in an article or mentioned in a squib? Most of those mentioned are currently active professional athletes—those who have made teams and are presently achieving some degree of success in a professional sport. But neither the longer articles nor the squibs are limited to only those on active rosters. News of re-

36. *Thigpen Victim of Armed Robbery*, INDIANAPOLIS STAR, Mar. 30, 2001, at D8.

tired athletes in trouble with the law also appears routinely in the sports section. In April of 2001, for example, readers learned that former Chicago Bears defensive tackle William “The Refrigerator” Perry had been arrested and charged. When Perry was in his prime, Bears coach Mike Ditka sometimes shifted him from the defensive to the offensive side of the line, and much to the delight of the fans, Perry took the ball and plowed over the opposition for a touchdown. But alas, the *Chicago Tribune*, the venerable daily in the city in which Perry had made his mark as a player, reported that “[f]ormer Bear William ‘Refrigerator’ Perry has been charged in Aiken, S.C., with domestic violence for allegedly swinging a chair at his wife, Sherry, and threatening to kill her. If convicted, he would face a fine of \$1,025 and 30 days in jail.”³⁷

While football fans were left shaking their heads at the thought of the immense Perry confronting his presumably much smaller wife, baseball fans could ponder the plight of George “Doc” Medich, a former pitcher with the New York Yankees, Texas Rangers and other teams. Trained as a physician, Medich, 53, pleaded guilty to twelve counts of possession of a controlled substance and received nine years probation. Medich’s lawyer, Lawrence Zarawsky, said Medich’s practice of writing prescriptions for patients in order to obtain painkillers for himself was a “cry for help” and that “Medich had struggled with drug addiction for years.”³⁸

As eye-catching as the accounts of former stars are, those of young athletes just beginning their careers are even more poignant. In July of 2001, for example, high school basketball star Dajuan Wagner was “found guilty of simple assault and sentenced to a year’s probation for punching a classmate in a school hallway.”³⁹ The *Milwaukee Journal Sentinel* reminded us that Wagner “was one of the top high school players in the nation and gained national publicity in January when he scored 100 points in a game.”⁴⁰ With at least a stylized bewilderment, the *New York Times* wondered in the middle of a short article what University of Wisconsin running back Michael Bennett was thinking when he kicked in a coed’s door a few days before the annual combine for professional football scouts. “The question is why Bennett, if all allegations are true,

37. *Kennison Signs With Broncos*, CHI. TRIB., Apr. 6, 2001, § 4 at 2.

38. *Marlins Renew Search for Ballpark Site: Medich Probation*, BASEBALL WEEKLY, March 14, 2001, at 66.

39. *High School Hoops Star Convicted of Assault*, USA TODAY, July 3, 2001, at 1C.

40. *Memphis Recruit Gets Probation for Assault*, MILWAUKEE J. SENTINEL, July 3, 2001, at C3.

would do something so stupid so close to the combine and draft? It could cost him draft positioning and dollars.”⁴¹

Running through these articles and many comparable ones is the theme of success and opportunity squandered. Athletes who have made millions as players, or who are poised to earn millions in the near future are appealing to American sports fans. But when these athletic Horatio Algiers “throw it all away,” they plummet in our estimation. How, for example, can one admire baseball prospect Greg “Toe” Nash? Nicknamed because of his size-18 feet, Nash has only an eighth-grade education.⁴² The Tampa Bay Devil Rays signed the prospect “out of obscurity and poverty in rural Louisiana.”⁴³ But according to *Baseball Weekly*, Nash was arrested five times in a span of only ten months.⁴⁴ “Nash’s most recent arrest was Jan. 30, when police responded to a domestic dispute in the trailer he sometimes shares with twice-divorced girlfriend Charlene Suttle, 41.”⁴⁵

Beyond current, former, and future lawbreaking professional athletes, athletes’ family members and even mere acquaintances can find their misdeeds reported in the sports section. Power forward Amare Stoudemire, for example, could not focus on honing his skills in anticipation of the annual National Basketball Association (NBA) draft because the press delighted in reporting the past convictions of his family members:

His mother, Carrie Stoudemire . . . has been arrested 23 times under eight names since 1974 – charges that include aggravated battery, grand theft, prostitution, drug possession, and several violations of probation. Stoudemire’s father, Hazel Stoudemire Sr., was arrested on a heroin charge in 1985 and died of a heart attack in ’94 at age 39. His 24-year-old brother, Hazel Stoudemire Jr., is serving three to nine years in a New York penitentiary, convicted in 1999 of criminal sale of a controlled substance and sexual abuse.⁴⁶

Given Stoudemire’s family record, we are invited to have our doubts as to how he himself will fare.

41. *Pro Football: Notebook; Trouble for Bennett*, N.Y. TIMES, Mar. 11, 2001, § 8, at 4.

42. Rod Beaton, *Prospect “Toe” Nash Can Clear Record*, USA TODAY, Feb. 13, 2001, at 1C.

43. *Id.*

44. *Nash Rap Sheet*, BASEBALL WEEKLY, Feb. 14, 2001, at 35.

45. *Id.*

46. Jeff Riley, *High School Star Has Little to Say*, INDIANAPOLIS STAR, July 9, 2001, at D3.

As for athletes' acquaintances finding themselves in the sports section in conjunction with their lawbreaking, the best recent example is perhaps Steve Kaplan, an Atlanta strip club operator. Tried in 2001 for racketeering in a federal court in Atlanta, Kaplan would most likely not have made the news anywhere except in that city, but because Kaplan's friends allegedly included members of professional baseball, basketball, and baseball teams, news of his trial appeared in many sports sections.⁴⁷ *USA Today* reported, "Atlanta strip club owner Steve Kaplan regularly set up sex shows and paid dancers to have sex with pro athletes, former club manager Thomas 'Ziggy' Sicignano testified Monday at a federal racketeering trial."⁴⁸ Perhaps, needless to add, sports fans do not really care about Kaplan or his henchman Sicignano, but the story is in the news because of the athletes.⁴⁹

Almost all of the reported legal problems of athletes fall on the criminal side of the docket. The chief exception would be the occasional civil lawsuit for conduct which could also be seen as criminal conduct. Dallas Mavericks basketball forward Juwan Howard, for example, was sued in March 2001 "by a woman who contends he knowingly infected her with genital herpes."⁵⁰ Delta Air Lines flight attendant Sandra Komine, meanwhile, sued Los Angeles Dodger pitcher Carlos Perez for roughing her up and threatening to shoot her during a charter flight.

The Superior Court lawsuit contends that before takeoff Perez grabbed Komine's hair and "shook her head violently side to side" and shook her again during landing after she asked him to turn off his cellular phone. Shortly after takeoff, Perez claimed to have a .45-caliber handgun in his carry-on bag and threatened to shoot several attendants, telling one: "I can do anything I want to you."⁵¹

Within the actual criminal matters, one must look long and hard for anything resembling a white-collar crime.⁵² Almost all of the reported crimes fall into one of four categories: (1) theft, (2) alcohol and drug-

47. *Pro Athletes Named in Atlanta Strip Club Trial*, USA TODAY, June 5, 2001, at 8B.

48. *Id.*

49. The athletes named at trial included basketball players Antonio Davis, Patrick Ewing, Reggie Miller and John Starks; and baseball player Andruw Jones. Ewing, for one, admitted the allegations regarding him were true, but Antonio Davis' agent said the report was "false and inaccurate . . . slanderous and defamatory." *Id.*

50. *NBA Notes*, INDIANAPOLIS STAR, Mar. 8, 2001, at D2.

51. *News: Dodger Sued*, BASEBALL WEEKLY, July 3, 2001, at 59.

52. A rare example of a white-collar crime involved former major-league pitcher Denny McLain. He was convicted of plundering the pension fund of a company he owned and is presently serving a lengthy prison term. *Baseball: Roundup: Charges Upheld against McLain*, N.Y. TIMES, Apr. 1, 1999, at D6.

related offenses, (3) failure to pay child support, and (4) personal injury crime. Reported crimes which do not fall into one of these categories tend to be curiosities, although these, too, reflect badly on the alleged perpetrator. When Miami Dolphins running back Cecil Collins was convicted of breaking into neighbors Ronald and Tina Nolte's apartment, for example, Collins lamely stated that he "'just wanted to go look' at Tina Nolte as she slept."⁵³ While Collins received a sentence of fifteen years, Utah Jazz center Olden Polynice was sentenced to only eighteen months probation and ordered to pay a \$500.00 fine and get counseling for impersonating a police officer after a traffic confrontation. "Polynice followed another motorist home on Oct. 28 because he believed the driver had cut him off in traffic. While they argued, Polynice flashed a badge that turned out to be an honorary police badge from Los Angeles."⁵⁴

Among the four core categories of crime in the sports news, theft is the most conventional, and the most commonly stolen item is a motor vehicle. Sometimes readers are left to ponder the lawbreaking athlete's choice of a motor vehicle to steal. What, for example, was "Clifford Rozier, a former NBA first-round draft pick" thinking when he stole not just any car but rather a sheriff deputy's car in Bradenton, Florida?⁵⁵ Generally, readers might wonder why athletes steal anything at all. They are well-paid and could presumably afford to purchase the stolen item.

Reported alcohol and drug-related violations range from the routine to the terrible. Unfortunately, common both on the sports pages and in society as a whole are "driving under the influence" arrests. These arrests are most likely to be reported in a sports section or sports weekly if the athlete is prominent or if the case has an unusual twist. Miami Dolphins cornerback Ben Kelly's arrest for drunken driving, for example, came when he sideswiped a Miami-Dade police car parked along a state highway.⁵⁶ Drug offenses tend to be more serious in nature, involving as they sometimes do, not mere possession, but rather theft, sale of drugs, and related violence. "A federal judge recalled cheering for Sherman Williams when the former NFL running back starred at Alabama," the *Louisville Courier-Journal* reported, "then sentenced him to the maxi-

53. *In Brief Sports: Football: Collins Statement Admitted*, INDIANAPOLIS STAR, Mar. 20, 2001, at D7.

54. *NBA Notes: Guilty Plea*, WASH. POST, Jan. 17, 2001, at D5.

55. *Sports Log: Crockett Leaves Broncos for 6-year KC Contract*, BOSTON GLOBE, Apr. 6, 2001, at E3.

56. *In Brief Sports: Football: Dolphins Player Arrested on DUI Charge*, INDIANAPOLIS STAR, July 6, 2001, at C6.

mum 15 years and 8 months in prison for drug trafficking and counterfeiting.”⁵⁷ Newly drafted Cleveland Browns linebacker Jeremiah Pharms pleaded not guilty “to a first-degree robbery charge in the pistol-whipping and shooting of an alleged drug dealer in Seattle. Pharms is accused of stealing \$1500 worth of marijuana during an attack near the University of Washington campus last year.”⁵⁸

Additionally, failure to make timely child support payments, a large problem in the society as a whole, is also common among professional athletes. Perhaps some readers of the sports news sympathize with fellow delinquents, but the prosecuting attorney had little patience with 1978 Heisman Trophy winner Billy Sims when he failed to appear for a hearing because he had “car trouble.”⁵⁹ Sims had previously been ordered to pay \$14,025.00 related to a 1997 child-support conviction.⁶⁰ The amount, meanwhile, was dwarfed by the amount owed by Ronald Sams, an offensive lineman with the Green Bay Packers and Minnesota Vikings in the 1980s. “Sams was arrested in 1999, owing nearly \$200,000 in payments to his former wife, Laura Rae Sams, who is raising their four children—ages 9, 10, 12 and 14.”⁶¹ Since Sams had made little progress in paying off his indebtedness, in April 2001 he received six months of home detention and five years probation.⁶²

Athletes committing personal violence crimes including assault, abuse and rape are also considered newsworthy. Like other young males, professional athletes are prone to getting into fights in bars and elsewhere, and if the athletes are prominent enough, the resulting arrests can appear in the sports news.⁶³ The reasons for these fights are often sunk in the pond of alcohol, but the unusual reason for Washington Wizards forward Tyrone Nesby’s fight is recorded for posterity. He was arrested six years after the fact for hitting another man during an argument over the O.J. Simpson verdict.⁶⁴

57. *Williams Receives Maximum Sentence*, COURIER-J. (Louisville, Ky.), Mar. 30, 2001, at C5.

58. *Cuban Sues Baseball*, CHI. SUN-TIMES, June 1, 2001, at 83.

59. *Sims a No-Show at Child-Support Hearing*, USA TODAY, Mar. 22, 2001, at 1C

60. *Id.*

61. *Ex-NFL Player Sentenced*, INDIANAPOLIS STAR, Apr. 8, 2001, at C5.

62. *Id.*

63. Philadelphia Phillies pitcher Robert Person got into a fight in a Tampa party district and then clashed with police who tried to arrest him. *Plus: Baseball; Phillies' Person Arrested After Fight*, N.Y. TIMES, Feb. 13, 2001, at D7. Also, Vancouver Canucks hockey player Donald Brashear was arrested after he “assaulted a man in the fitness room of his townhouse.” *In Brief Sports: Hockey*, INDIANAPOLIS STAR, Mar. 6, 2001, at D7.

64. *It's Official: T-Wolves Oust Sonics*, SEATTLE TIMES, Apr. 11, 2001, at E7.

Perhaps the most troubling personal violence crimes involve the beating and raping of women. Instances of domestic violence against athletes' wives and girlfriends are common. While a guard with the Phoenix Suns, All-Star Jason Kidd was arrested for slapping his wife during an argument.⁶⁵ Junior lightweight boxing champ Diego Corrales received a two-year prison sentence for beating his pregnant wife.⁶⁶ Seattle Sonics forward Ruben Patterson was charged with trying to rape his family's nanny.⁶⁷ Utah Jazz guard DeShawn Stevenson admitted in a telephone call to the victim's mother that he had had sex with her fourteen-year-old daughter in a motel.⁶⁸ Stevenson was arrested, and his crime was enough to make the otherwise inconsequential fact that he was listed on his team's summer camp roster newsworthy.⁶⁹

Even before these 2001 cases, the frequency with which athletes have perpetrated violence against women has prompted discussion in the academic community and on the Internet. The program in Public Policy in Sports at the University of North Carolina, for example, has distributed a position paper written by Lisa R. Wenzel saying, "Drastic methods need to be taken to fight these violent crimes."⁷⁰ Ellen E. Dabbs has insisted that "external pressure be brought to bear" on teams and leagues, which have been hesitant to discipline criminally violent athletes.⁷¹ The National Coalition Against Violent Athletes (NCAVA) offers support to victims, and its website also keeps track of charges against athletes and the results of their prosecutions.⁷²

Varied in format, focus, and type of crime, the reports of lawbreaking by athletes can constitute a large part of the sports news, but people who begin each day with their newspaper sports section or eagerly await the weekly delivery of a sports periodical might not consciously reflect on the reports. Perhaps only a striking concentration or catalogue of reports on athletes in trouble with the law would cause the reader to step

65. Greg Boeck, *Suns Reach Out to Fans, Look Out for Grand Finish*, USA TODAY, Feb. 20, 2001, at 6C.

66. Don Rafeal, *Jones Set for all Comers After Win vs. Harmon*, USA TODAY, Feb. 26, 2001, at 1C.

67. *NBA Notes: Charged*, WASH. POST, May 9, 2001, at D6.

68. *Plus: Pro Basketball*, N.Y. TIMES, July 11, 2001, at D7.

69. *Id.*

70. Lisa R. Wenzel, *Athletes and Domestic Violence*, PROGRAM FOR PUBLIC POLICY IN SPORTS, UNC-Chapel Hill Dept. of EXSS, May 1998, at *4, available at <http://www.unc.edu/depts/ppps/position/violence.htm>.

71. Ellen E. Dabbs, *Intentional Fouls: Athletes and Violence Against Women*, 31 COLUMBIA J. L. & SOC. PROBS. 167, 199 (1998).

72. NAT'L COALITION AGAINST VIOLENT ATHLETES, PLAYBOOK, available at <http://www.ncava.org> (last visited Dec. 5, 2001).

back and critique such news. The *Indianapolis Star* sports section of June 12, 2001, for example, included reports on four professional athletes in trouble with the law: Arena Football League quarterback Todd Marinovich, Arizona Cardinals running back Michael Pittman, Canadian sprinter Donovan Bailey, and former Giro d'Italia bicycling champion Ivan Gotti.⁷³ The same sports section also included an article on the racketeering lawsuit against Don King brought by a rival boxing promoter representing heavyweight champion Hasim Rahman as well as a report on a collegiate defensive tackle charged with selling drugs.⁷⁴ Reports on lawbreaking and related legal proceedings were an unusually large part of the published sports news in Indiana on the day in question, and such reports are also a substantial portion of sports news in general.

III. SPORTS NEWS AND FAN RESENTMENT

Attaching a meaning to the journalistic accounts of lawbreaking athletes is a daunting task. Within a given year thousands of accounts, varying greatly in length and depth, appear in hundreds of publications in dozens of places. Furthermore, the accounts, as modest as some of them might be, are "texts." As reception or response theorists have argued, authors of "texts" do not simply pour "meaning" into their work, which is then drained by readers.⁷⁵ Journalists and their editors cannot fully control what readers might take from their accounts of athletes in trouble with the law. Readers bring their own tastes, values, and histories to the newspaper sports section or sports weekly, and "meaning" results from the interaction of the published accounts and the readers' responses to them.⁷⁶

73. *Marinovich Ordered to Jail for Week*, INDIANAPOLIS STAR, June 12, 2001, at D5; *Track and Field*, INDIANAPOLIS STAR, June 12, 2001, at D4; *Cycling Report: Past Giro Champ Investigated*, INDIANAPOLIS STAR, June 12, 2001, at D5.

74. *Boxing: Court Reinstates Suit Against Don King*, INDIANAPOLIS STAR, June 12, 2001, at D5; *Football*, INDIANAPOLIS STAR, June 12, 2001, at D5.

75. The most noted response or reception theorist is Wolfgang Iser. His introductions to response or recognition theory include *The Reading Process*, in *NEW DIRECTIONS IN LITERARY HISTORY* 124-45 (Ralph Cohn ed., 1974); *Interaction Between Text and Reader*, in *THE READER IN THE TEXT: ESSAYS ON AUDIENCE AND INTERPRETATION* 106-19 (Susan R. Suleiman & Inge C. Wimmers eds., 1980).

76. For applications of response or theory to popular culture, see AHR Forum, *The Folklore of Industrial Society: Popular Culture and Its Audiences*, 97 *AMER. HIST. REV.* 1369 (1992); David Ray Papke, *Myth and Meaning: Francis Ford Coppola and Popular Response to the Godfather Trilogy*, in *LEGAL REELISM: MOVIES AS LEGAL TEXTS* 1-22 (John Denvir ed., 1996); JANET STAIGER, *INTERPRETING FILMS: STUDIES IN THE HISTORICAL RECEPTION OF AMERICAN CINEMA* (1992).

All that having been acknowledged, the critic of journalistic accounts of athletes in trouble with the law is not completely disabled as an interpreter of those texts. The accounts, after all, reside in historical eras and within the socioeconomic relations of those eras. These eras and relations set boundaries for the meaning we might attach to the accounts. Furthermore, if we look carefully to related materials and to the structure and details of the accounts themselves, we can be so bold as to attach meaning to the large body of work under consideration.

The most useful related materials are letters to the sports editor, in themselves a regular feature of the newspaper sports section and the sports weeklies. Some of these letters in effect respond to the "texts" concerning athletes in trouble with the law and are indicators of what readers think about what they have read. At minimum, the letters to the sports editor are a check on the critic simply projecting his or her selected meanings into the stories about athletes in trouble with the law.

An illustrative group of letters to the editor can be found in the February 13, 2001 issue of *USA Today*.⁷⁷ The letters concern the previously mentioned reports on Greg "Toe" Nash, the Tampa Bay Devil Rays prospect with multiple arrests. In general the letters are intolerant and detectably irritated. Reader Martha K. Yeakel of Arthur, Illinois said she was bothered because "nowhere have I seen any suggestion that Greg Nash get an education."⁷⁸ The letter from Tom Montgomery of Luling, Texas had a sharper edge: "Sorry guys, five arrests is not just a few bad choices, and how else do you distinguish 'bad' kids from 'good' kids if you don't look at the choices they make."⁷⁹ What Nash doesn't need, Montgomery continued, "are the professional people he is working with telling him that his actions are acceptable and that they believe he is basically a good kid. Maybe 'Toe' and his mentors should re-examine the shortened career of Darryl Strawberry. . . ."⁸⁰

Strawberry, the lanky major league outfielder with a sweet swing often compared to that of baseball legend Ted Williams, is of course the "poster child" for talented athletes gone astray. His list of offenses includes propositioning a Tampa policewoman posing as a prostitute, causing a serious traffic accident while driving under the influence of drugs,

77. *Keeping Score*, USA TODAY, Feb. 13, 2001, at 3C (*Keeping Score* is a weekly feature in USA TODAY).

78. Martha K. Yeakel, Editorial, *Keeping Score: Add Education to Nash's Future*, USA TODAY, Feb. 13, 2001, at 3C.

79. Tom Montgomery, Editorial, *Keeping Score: Not Just 'Bad Choices'*, USA TODAY, Feb. 13, 2001, at 3C.

80. *Id.*

and on at least three occasions possessing a controlled substance, for example, cocaine. Strawberry's obvious addiction and his recent battle with colon cancer might have been expected to engender some sympathy, but when Strawberry was again in trouble with the law in the spring of 2001, letter-writing fans wanted to tell their sports editors how angry they were.

The readers' reactions, perhaps not surprisingly, were strongest in the tabloids. After Strawberry's fifth probation violation, the feisty *New York Post's* front page screamed "Fans to Straw: Yer Out!"⁸¹ The paper then published not letters to the sports editor but rather a sizable group of excerpts from interviews with readers. Karen Nugent of Bricktown, New Jersey, was quoted as saying, "If he broke his probation, just like anybody else who breaks their probation, he has to suffer the consequences. . . . It used to be sex, drugs and rock 'n' roll. Now it seems to be sex, drugs and baseball."⁸² Nugent's twenty-six-year-old son Dave agreed with his mother: "There comes a time when you have to be accountable for your own actions, and that time has come. He needs some jail time so he can't leave whenever he feels like it."⁸³ Jason Sisack of Old Bridge, New Jersey, sounded even angrier by stating that "[a]ny normal person wouldn't have gotten that many breaks. He gets special treatment for being an athlete. If it were me or you, we wouldn't have gotten another job in our lives, but he gets chance after chance because he can hit a baseball further than me."⁸⁴

Those writing to more respected newspapers were comparably upset. Stationed on the opposite side of the newspaper class-divide from the *New York Post*, the stuffy *New York Times* published in its sports section a letter from Michael J. Gorman of Whitestone, Queens, in which Gorman said, "If the criminal courts, Major League Baseball [MLB] and the Yankees want to help Darryl Strawberry, they will make him serve his full two-year prison sentence, not at home but inside a locked cell."⁸⁵ In the Midwest, the conservative *Chicago Tribune*, in a regular sports section feature dubbed "Other Views - The Readers Have Their Say," published a letter from Ryan Poirier of Glen Ellyn. "Does anyone really feel sorry for Darryl Strawberry?" Poirier asked. "If everyone who had colon cancer and a grim prognosis started going on drug escapades, our

81. *Fans To Straw: Yer Out!*, N.Y. Post, Apr. 3, 2001, at 1.

82. Zach Haberman, *Fans Say He Must Pay For Mistakes*, N.Y. Post, Apr. 3, 2001, at 3.

83. *Id.*

84. *Id.*

85. Michael J. Gorman, Editorial, *Helping Strawberry*, N.Y. TIMES, Apr. 8, 2001, § 8, at 11.

country would have a serious problem. This just proves he's weak-willed and weak-hearted."⁸⁶

If the letters about Nash, Strawberry and others are any indication, readers of the sports news resent the way professional athletes squander their opportunities, break the law, and in some cases are handled with the proverbial "kid gloves," that is, given special considerations because they are athletes. Sometimes, the journalistic accounts play directly to these sentiments in what they say and how they present it. Newspapers, after all, are commercial products, and to some extent they give the people who buy the newspapers what they want in the first place. It seems curious, for example, for a short "NFL Notebook" report regarding Green Bay Packers wide receiver Antonio Freeman's probation to quote an attorney for the woman injured by Freeman's reckless driving. But then one realizes the sentiment to which the quotation plays. During his probation Freeman missed meetings, ignored community service, and failed to take a required drug test. According to attorney John Cabaniss, "I think it's obvious he was given special treatment. I can't imagine anyone else being treated with such deference."⁸⁷

Sometimes the accounts are subtler and play to readers' resentment not with direct quotations but rather with passing phrases and the way the facts are presented. A squib in *Baseball Weekly* regarding pitcher Armando Benitez begins: "[f]or the second time in as many months, prosecutors said they will not file criminal charges against New York Mets relief pitcher Armando Benitez, accused by his former girlfriend of attacking her."⁸⁸ Underscore the sentence's beginning phrase. Even more subtle is a recent report from *USA Today* that Phoenix's Jason Kidd will undergo domestic violence and anger counseling and pay a \$200 fine and, in return, authorities will not prosecute on domestic violence assault charges.⁸⁹ Given his immense salary and the seriousness of his crime, should Kidd have paid a lot more?

Professional teams, of course, are aware of the fans' resentment. The teams know that faithful readers of sports news are also potential ticket-buyers. Hence, when a team member's criminal conduct is frequent or especially distressing, teams will sometimes abandon their investment in the player to mollify the fans. The Phoenix Suns, for example, traded

86. *No Excuse for Strawberry*, CHI. TRIB., Apr. 22, 2001, § 3 at 9.

87. *Freeman Imperiled Probation*, INDIANAPOLIS STAR, July 22, 2001, at C7.

88. *Charges Dropped*, BASEBALL WEEKLY, Feb. 21, 2001, at 59.

89. Greg Boeck, *Kidd Finds Suns Fans Forgiving*, USA TODAY, Feb. 1, 2001, at 10C.

Kidd to the New Jersey Nets for Stephon Marbury.⁹⁰ The Cleveland Browns released the previously mentioned Jeremiah Pharms: “saying he needs to devote his attention to his upcoming criminal trial.”⁹¹ The New York Giants did the same with defensive end Jeremiah Parker when Parker and his girlfriend were charged with aggravated manslaughter in the death of the girlfriend’s four-year-old son.⁹² In a formal statement released to the media, the Giants said that “Jeremiah obviously has some serious issues that he needs to devote his time and energy to.”⁹³

The occasional trade or release of a talented player, of course, is not enough to eliminate fan resentment. The resentment is great enough for some readers of sports news to actually delight in accounts, which portray lawbreaking athletes as particularly stupid. For their part, newspapers and weeklies are hardly above giving readers tidbits about which they can chortle. Isn’t it a hoot that Chicago Bears kicker Paul Edinger crashed into three mail boxes and a large rock and then tried to back up and drive away from a DUI scene with two flat tires?⁹⁴ And can you believe that Denver Nuggets guard Voshon Lenard was arrested for shooting at deer from his yard?⁹⁵ Reading accounts like these, resentful fans have a chance to laugh at the sources of their resentment.

Comments by athletes and their representatives, dutifully reported in the sports news, can also lead the reader to shake his or her head with disgust bordering on pleasure. Rae Carruth, sentenced to 18-24 years in prison for arranging the murder of his pregnant girlfriend, thought the world should know he and the deceased were only sex partners. Carruth said that he “didn’t even know her last name until we went to Lamaze class.”⁹⁶ And then there’s the quotation from the agent for Green Bay Packers tight end Mark Chmura, who had been tried for sexual assault after drinking heavily and hot-tubbing in his underwear with teenagers at a post-prom party. The agent thought, “Chmura had suffered enough

90. *Marbury Dealing With Driving Difficulty*, USA TODAY, July 2, 2001, at 1C. Marbury has also been in trouble with the law. In July 2001 he was arrested in the Bronx for driving his 2001 Ferrari without a registration sticker and with a suspended license. *Id.*

91. *Cuban Sues Baseball*, *supra* note 58, at 83.

92. *Not-So-Happy Camper Manning Criticizes Absent James*, CHI. TRIB., June 2, 2001, § 3, at 6.

93. *Id.*

94. *Bears Kicker Edinger Hit With DUI*, CHI. TRIB., July 15, 2001, at C10.

95. *Blazers Suspend Wallace After Incident With Sabonis*, INDIANAPOLIS STAR, Apr. 17, 2001, at D6.

96. *In Brief Sports: Football: CNN to Air Carruth Interview*, INDIANAPOLIS STAR, Feb. 15, 2001, at D8.

and in fact hadn't done anything wrong."⁹⁷ Chmura's trial ended in an acquittal, but the agent's comments only contributed to the public's judgment that Chmura was awfully stupid.

What causes the readers' resentment and concomitant delight in the accounts of athletes in trouble with the law? Some of the sentiment is generalized jealousy. The athletes are prominent and successful, and they appear to be leading exciting lives much different than the mundane existence of most sports news readers. An argument can be made that festering jealousy of this sort is increasingly common in the advanced consumer society, that seeing others with more material comforts leads many to walk through life with a deep-seated rancor.

More specifically, readers' attitudes about and relationships with professional athletes have changed as the athletes have grown increasingly wealthy. Professional athletes have always been well-paid given their education and formal training, but beginning in the 1970s the gap between players' salaries and those of the average fan widened dramatically. The courts had recognized the right of free agency, through which players could move more easily from one team to another and demand more money in the process.⁹⁸ Players also formed unions that were strong enough to mount strikes and bring play to a halt.⁹⁹ As a result of these developments and others, salaries skyrocketed. A whole cohort of millionaire and multi-millionaire athletes emerged as salaries rose.¹⁰⁰

In MLB, to use one sport as an example, the average salary has increased 118 times since 1967.¹⁰¹ At present, nearly half of the players—425 out of 854—earn at least \$1 million, and the average salary is approximately a whopping \$2.3 million.¹⁰² Texas Rangers shortstop Alex Rodriguez, baseball's highest paid player, has a 10-year \$252 million contract, which pays him \$114,754.00 per day of the playing season.¹⁰³ Meanwhile, the Consumer Price Index has only quadrupled since 1967, and the average household income in the United States is \$54,842.00.¹⁰⁴

97. *In Brief Sports: Football: NFL Opens Door for Chmura's Return*, INDIANAPOLIS STAR, Mar. 24, 2001, at D8.

98. Goldstein, *supra* note 14, at 1654.

99. *Id.*

100. As of 2001, the average annual salary of a NBA player is \$3.5 million. The average salaries for MLB, National Hockey League (NHL), and NFL players, respectively, are \$2.3 million, \$1.4 million, and \$1.2 million. Richard Sandomir, Editorial, *Sunday Q&A: Professional Sports Salaries*, N.Y. TIMES, May 13, 2001, § 1, at 25.

101. *Average Salary Passes \$2 Million*, BASEBALL WEEKLY, Apr. 11, 2001, at 37.

102. *Id.*

103. *Id.*

104. *Id.*

Baseball fans, as well as those for other professional sports, find it increasingly difficult to think of a player as "one of us." Resentment has grown regarding men who are extremely well-to-do and apparently coddled, pampered and protected to boot.

Sports salaries, it might be added, are also reported in the sports sections and sports weeklies. Indeed, lest the reader forget that an athlete charged with a crime is also earning a large salary, sports news sometimes places information about lawbreaking and salary together. This information can appear in a squib about an individual athlete. For example, Baltimore Ravens tackle Leon Searcy "signed a \$31.5 million, six-year contract with the Ravens in May."¹⁰⁵ Shortly thereafter, we learn in the same squib, he was "arrested and charged with battery . . . after he allegedly kicked his wife Sonya."¹⁰⁶ If not within a single squib about an individual athlete, salary and lawbreaking information can be juxtaposed in columns of notes concerning a particular sport. The *Indianapolis Star's* "Football" column of February 21, 2001 began with a squib reporting that under the new pay scale veterans with at least five seasons had to be paid a minimum of \$484,000.00 per year.¹⁰⁷ The next note in the column read in full: "Former NFL receiver Mark Ingram pleaded innocent Thursday in a Miami court to federal charges of possession of counterfeit money. A trial date has not been set."¹⁰⁸

The point is not to argue that newspapers and weeklies have a crafty scheme to stir up readers by directly linking players' salaries and criminal conduct. The relationship between the writing of sports news and readers' sentiments and values is more generalized than that. However, the relationship is real. Many sports fans have come to resent deeply the lawbreaking and other misconduct of extremely well-to-do athletes and the ways in which the criminal justice system and the teams handle the perceived problem. Editors and writers can cultivate and accommodate this resentment with accounts of athletes in trouble with the law.

IV. CONCLUSION

Scrutinizing just accounts of athletes in trouble with the law might leave the wrong overall impression of contemporary athletes and of

105. *In Brief Sports: Football: Ravens' Searcy Charged with Battery*, INDIANAPOLIS STAR, May 5, 2001, at D7.

106. *Id.*

107. *In Brief Sports: Football: NFL Minimum Salaries Going Up*, INDIANAPOLIS STAR, Feb. 16, 2001, at D2.

108. *Id.*

sports news. The great majority of professional athletes are not law-breakers. Some of those formally prosecuted are acquitted, and athletes can put their criminal pasts behind them. For example, in the first half of 2001 Denver Broncos linebacker Bill Romanowski was acquitted of charges that he had illegally obtained prescription drugs.¹⁰⁹ Jennifer Capriati overcame arrests for shoplifting and drug possession earlier in her career to reign again as a responsible tennis champion.¹¹⁰ Sports news routinely lionizes athletes not only for their accomplishments in sports but also for their character, contributions to the needy, and leadership in local communities.

But still, a tendency to be positive and to extol athletic heroes does not preclude sports journalism from also telling negative tales. Neither the sports section of the daily newspaper nor the sports weekly is monothematic. Both types of publications are attentive to a range of trends and to readers' assorted biases and preferences. The publications attempt to attract and retain readers with carefully chosen and composed accounts.

Accounts of athletes in trouble with the law appeal to those readers resentful of professional athletes. Varied in length, format and focus, these accounts have during the last twenty-five years become standard in newspaper sports sections and in most sports weeklies. Bringing their own values and sentiments to bear on these accounts, readers derive meanings related to their perceptions of professional athletes as wealthy, pampered and unduly privileged.

Reflecting on this body of work and its meaning might lead one to alter one's understanding of not only sports news but also "news" in general. While the ideologues of the news industry like to speak of their objectivity and commitment to reporting the facts, "news"—both in the sports section and elsewhere—is as much constructed as it is found.¹¹¹ Writers, editors and publishers rely on genre and other standard structures of presentation to report selected social developments from a particular point of view. The resulting cultural products are for sale, and consumers will buy them time and again if they find them entertaining or

109. *Romanowski Acquitted on Prescription Drug Charges*, CHI. SUN-TIMES, June 30, 2001, at 94.

110. Melissa Isaacson, *Burned Out to On Fire*, CHI. TRIB., July 2, 2001, § 3, at 1.

111. "It should be apparent that the belief in objectivity in journalism, as in other professions, is not just a claim about what kind of knowledge is reliable. It is also a moral philosophy, a declaration of what kind of thinking one should engage in, in making moral decisions." MICHAEL SCHUDSON, *DISCOVERING THE NEWS: A SOCIAL HISTORY OF AMERICAN NEWSPAPERS* 8 (1978).

informative. "News" becomes for these readers "a symbolic world that has a kind of priority, a certification of legitimate importance."¹¹²

Inclined to accord law itself great significance in defining crime, those trained in the law sometimes overlook the importance of journalism and other cultural practices. To be sure, abundant local, state and national laws provide lists and definitions of criminal conduct. Our criminal justice system also determines who committed which crimes and on what occasions. Nevertheless, laws and legal procedures are only parts of a larger cultural process, which identifies, measures, and seeks to understand crime. Including, but hardly limited to, accounts of lawbreaking athletes, newspaper crime-reporting is another part of the process. Film, television, literature and even architecture are also institutions that sometimes contribute to defining the criminal.¹¹³

In the end, crime is not merely a factual phenomenon with law as its anchor but rather a contested cultural process driven by many aspects of history and power. Because the process is fluid, police and policy-makers find it virtually impossible to eliminate crime. However, critical reflection on accounts of athletes in trouble with the law or on other cultural artifacts related to crime is valuable for those seeking to understand the complex cultural construction of crime in our society.

112. MICHAEL SCHUDSON, *THE POWER OF NEWS* 33 (1995).

113. I explored nineteenth-century American crime-related journalism, literature and autobiography in DAVID RAY PAPKE, *FRAMING THE CRIMINAL: CRIME, CULTURAL WORK, AND THE LOSS OF CRITICAL PERSPECTIVE, 1830-1900* (1987). Comparable studies of England and France are MARTIN J. WEINER, *RECONSTRUCTING THE CRIMINAL: CULTURE, LAW, AND POLICY IN ENGLAND, 1830-1914* (1990); and MARIE-CHRISTINE LEPS, *APPREHENDING THE CRIMINAL: THE PRODUCTION OF DEVIANCE IN NINETEENTH-CENTURY DISCOURSE* (1992).

