The IRE Journal

SPRING 2014

4 TURNOUT AT CONFERENCES REFLECTS INDUSTRY'S INTEREST IN WATCHDOG WORK
By Mark Horvit

5 MEMBER NEWS

6 BEHIND THE BRIDGE
How thorough beat reporting led from a traffic jam to a major scandal
By Shawn Boburg, The Record

8 CHANGING THE LINEUP
Sports departments need to do more watchdog
By Dwayne Bray, ESPN

10 IRE AWARD WINNERS

33 COLLECTED WISDOM
The Bureaucracy of a Bureau Chief
By Reginald Chua, Reuters

34 SNAPSHOTS FROM OUR BLOGS

truth purpose private email choices undercover disclosure minimize harm

investigative ethics

confidential checks and balances alternatives questions credibility principles transparency

17 NEW VALUES IN JOURNALISM ETHICS
Shrinking resources put duty on individual journalists
By Kelly McBride, The Poynter Institute

20 UNDERCOVER REPORTING: AN AMERICAN TRADITION
The history and best practices of reporting undercover
By Brooke Kroeger, New York University

21 GETTING IT ON TAPE
Tips for capturing video while working undercover
By Tisha Thompson, WRC-TV

24 LOOKING BEYOND OUTCOMES IN WEIGHING UNDERCOVER REPORTING
By Stephanie Craft, University of Illinois

25 ETHICAL INFOGRAPHICS
In data visualization, journalism meets engineering
By Alberto Cairo, University of Miami

28 FOI FILES
Privacy, scraping and hacking: weighing the freedom of information
By David Cuillier, University of Arizona School of Journalism

30 IRE INTERNATIONAL
Undercover in Africa: Exposing hidden criminal underworlds
By Anas Aremeyaw Anas, Ghana

32 IRE RESOURCES

UNDERCOVER REPORTING: AN AMERICAN TRADITION

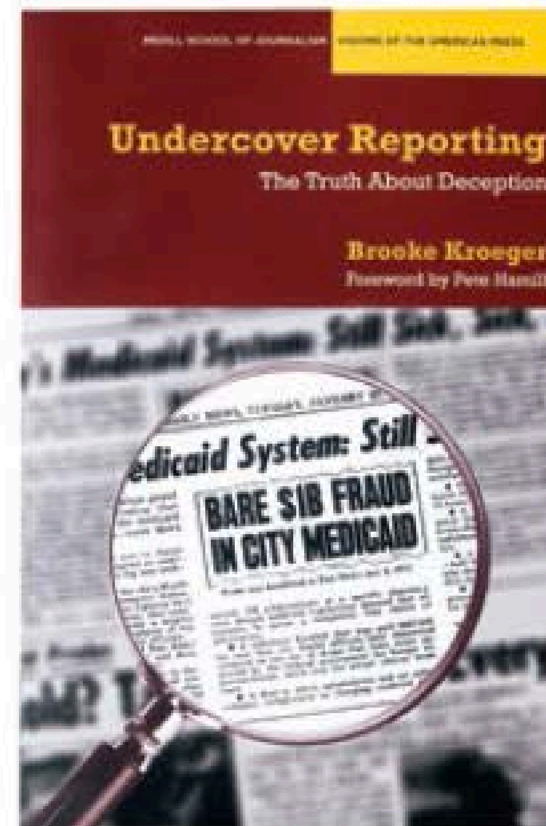
The history and best practices of reporting undercover

BY BROOKE KROEGER — NEW YORK UNIVERSITY

TO ANYONE WHO STILL THINKS significant undercover reporting stopped in the late 1970s, when ethical concerns about the method first flared, please consider this:

From Jan. 1, 2013 to the end of April 2014, I posted 42 significant new undercover investigations to the open-access database at undercoverreporting.org. Those added in the first four months of this year include a new human trafficking exposé by Ghana's Anas Aremeyaw Anas; the infiltration of a Wall Street secret society by Kevin Roose for New York Magazine; David Spears' book, "Exit Ramp," which chronicles his 80 hours panhandling off Interstate 205 in downtown Oregon City; a Nigerian human trafficking investigation by Tobore Ovuorie for Premium Times and a BBC "Panorama" elder care investigation that led to one firing and seven staff suspensions.

The 37 entries for 2013 include the Upton Sinclair redux by my colleague, Ted Conover, who got hired as a federal inspector to gain access to a Nebraska beef slaughterhouse. In "The Jungle," Sinclair didn't go any further than dressing the part and toting a lunch pail. Conover's 18-page report for Harper's was a 2014 National Magazine Award finalist.



In her book released in 2012, Kroeger argues the value of undercover reporting and highlights investigations throughout history.

The undercover tradition

The point is, undercover reporting has continued, ethical conundrums and all, in a steady and uninterrupted flow since at least the 1840s. That's when reporters for Horace Greeley's New York Tribune posed as auction buyers in Virginia and Louisiana to report on the evils of slavery. In another case, a reporter signed on with a Civil War infantry regiment of the Petersburg Grays to get up close and personal at the hanging of the abolitionist John Brown.

For more than 160 years since, examples of important work involving undercover reporting have numbered in the thousands. That's a lot, considering the time, editorial deliberations, effort, ethical consternation, expense, exertion and risk these undertakings so often demand.

It's not hard to fathom why the appeal of undercover work remains strong. Like almost no other journalistic form, it gives reporters deep, unfiltered access to subjects, situations and institutions that are important but hidden from the public. It also permits the use of narrative storytelling techniques that can stir impassioned public response and thus encourage action from those in power. These are the best, if not the only good reasons to undertake such a project.

Over the years, my research has found hundreds of prestigious honors given for this kind of work. And little wonder. Historically, the best undercover reporting has had a positive impact: from heightened public awareness and calls for action to arrests, firings, legislation and institutional reform.

Deception did not beget distrust

Missteps such as the 1992 ABC-Food Lion investigation and the 1998 Cincinnati Enquirer-Chiquita Banana exposé have their own "Lapses" cluster in undercover reporting database, but it's worth noting that it's small, especially compared to how often conventional journalistic approaches go wrong. The much longer "Undercover Journalism Debated" cluster is also worth a look (bit.ly/1fMuKiW).

A new, more disapproving attitude toward undercover reporting did begin to surface in the late 1970s, when the vexing issue of

would-be truth-tellers engaging in deceptive practices first gave pause to a few sectors of the editorial elite. What caused the change of heart? The timing strongly suggests that the main driver was not so much that the ethical baggage suddenly became too heavy. Rather, it was the release of national surveys signaling a precipitous drop in public trust of the media.

A poll released by the National Opinion Research Center in 1976 showed that the number of Americans with a great deal of confidence in the press had fallen to 28 percent. By 1983, that figure had slipped further to 13 percent. Reasons cited for the growing distrust included overuse of unidentified sourcing, too much pandering to the powerful, falsification and embellishment of facts, bias, lack of concern about accuracy and a perception that journalistic power and a presumption of importance had increased to a point of arrogance and insensitivity.

As I note in my book on undercover reporting, none of these is the natural sin of undercover reporting, and it was never included in any list of culprits of mistrust. In fact, the practice was almost always applauded in surveys undertaken by individual newspapers, gauging reader response to their own high-profile, undercover projects.

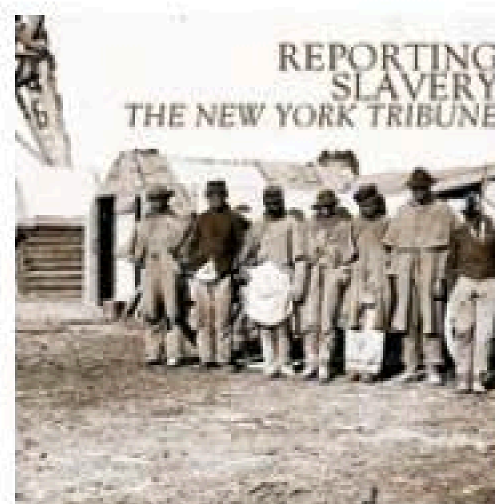
A number of major newspapers banned undercover reporting in the 80s. Mystifyingly, and to my surmise, these newspapers assumed that banning undercover work was the most visible, symbolic, concrete way to restore public confidence.

A spillover effect of this response was the dead hand it put on big prize considerations. The 1979 Pulitzer board memorably passed over the Chicago Sun-Times' 25-part Mirage Tavern series. After months of intensive legal and ethical vetting, the newspaper opened and ran its own bar for about four months to find out how petty graft in the city really worked. Mirage remains one of the most inventive exposés of all time and led to more than a dozen firings of city or state employees; 33 indictments and 18 convictions of city inspectors; the creation of new city, state and federal task forces and more. But because of the sudden ethical handwringing on the Pulitzer board that year — well chronicled in the press at the time — the series did not win the prize so many thought it so deserved.

The next year came Merle Linda Wolin, who for nearly a year was "Merlina" the Latina sweatshop worker, reporting undercover for the Los Angeles Herald Examiner in one of the earliest mainstream newspaper efforts to engage and report on the city's growing Latino community. Each new installment was broadcast over local Spanish-language radio and carried by La Opinion, the Spanish-language newspaper. The series brought Wolin into court to sue an employer who refused to pay her and an appearance before a Congressional subcommittee as an expert on home labor.

Yet the Pulitzer board also declined to support Wolin's project, despite a supplementary, confidential report from the jury, defending the work as its first choice. Judges for the 1980 Robert F. Kennedy awards that year clearly gave this debate a pass. The grand prize went to the Atlanta Constitution for a series on workers in Georgia who earned below minimum wage. The series included undercover stints by two reporters, one as a turpentine worker and the other as a motel maid.

In the coming years, the duPont board awarded several Silver Batons for television work that involved hidden cameras. A couple of newspaper series that involved undercover components even made the finalist lists at the Pulitzers. But the contrast with



New York Tribune, Los Angeles Herald Examiner

LEFT: Reporters with the New York Tribune went undercover as auction buyers in the 1840s to report on slavery in Virginia and Louisiana. RIGHT: Los Angeles Herald Examiner reporter Merle Linda Wolin posed as a sweatshop worker for a year in the 1980s.

the previous period was stark. Between 1960 and 1979, the Pulitzer board had awarded five prizes to projects with prominent undercover dimensions.

So, to the more casual observer on the newspaper side it might well have appeared that undercover had gone to ground. Remember, these were the days long before a few key strokes into a search engine could correct a misimpression. And somehow that has remained a common view, even though significant projects have continued to be produced with regularity. And, 15 years after the Mirage, even the Pulitzer board came around.

Tony Horwitz's two weeklong stints in 1994 as a poultry processer for his Wall Street Journal series about the dirtiest, lowest paid jobs in America took the 1995 Pulitzer Prize for National Reporting. What is it about food processing? Charlie LeDuff's work in a pork plant was part of a 2001 New York Times Pulitzer-winning series, too.

Horwitz's undercover episode fell under the vigilant ethical scrutiny of the Journal's standards-bearer of the day, Barney Calame. The Journal had supported many such efforts both before 1979 and has since, but always under a strict set of guidelines.

During my research for my book, "Undercover Reporting: The Truth About Deception," I was particularly struck by the way Calame and the Journal's then managing editor, Paul Steiger, explained their approach to me in interviews.

Their thinking is of a piece with the standards of almost every hallowed legacy media outlet that did not outright forbid the practice: Go undercover as a last resort, don't lie, identify yourself if asked directly and explain the methodology to the reader. But the Journal of the time clearly privileged the journalism above all other considerations.

Steiger, who became founding editor-in-chief, CEO and president of ProPublica, held the view that a publication needs to be careful before resorting to extreme reporting measures. "But that does not mean it should shy away from using them if the story warrants it."

Calame emphasized the importance of avoiding collateral damage, of doing no unintended harm to those "who either do not know they are being quoted for publication or don't understand the possible consequences of being quoted or described, even if they are aware."

Steiger also waxed reflective on what case might make him willing to breach the rules. He couldn't think of one. "But this

is not something handed down from the mount," he said. The fundamental issue is credibility: "What should journalists do to be accepted and credible by the lights of society? A policy of not lying fits with that," he said. "But it's not a moral absolute."

I expand upon all of these considerations in the book, but here are a couple of other highlights gleaned from my research:

- Be careful in putting the writer at the center of the work, making him or her more important than the story.
- Avoid the pitfall of "improperly speaking for others," in Phillip Brian Harper's phrase. Don't attribute more to the reporter's unique experience than its portion.
- Stay within the bounds of law.
- Have detached outside evaluations of a project before undertaking it.
- Don't let "don't lie" become some weird contortion of another kind of untruth. Undercover reporting often involves such tactics as camouflaging one's appearance, finessing a job application, hiding telltale equipment, dodging officials who would not welcome a reporter's presence or coaching sources in how to keep the reporter's secrets. These are surreptitious acts. As uncomfortable or out-of-character the intent to deceive might feel, it is, in fact, deception. Acknowledge the behavior for what it is.
- And instead of the more typically accepted formulation of "Make sure there is no other way to get the story," I would amend that to say, make sure there is not a more timely and equally effective means of getting and presenting the information.

Brooke Kroeger's four books include "Undercover Reporting: The Truth About Deception" and "Nellie Bly: Daredevil, Reporter, Feminist." She is a professor at the Arthur L. Carter Journalism Institute of New York University, where she directs the graduate degree unit known as Global and Joint Program Studies.