

**HIDDEN
CAMERAS****HIDDEN
MICROPHONES****At the Crossroads
of Journalism,
Ethics and the Law****← CONTENTS**

Hidden Cameras: Handle With Care

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I'm not in love with hidden cameras. They can be very dangerous. They can be compared to the rapid-firing, semiautomatic pistols adopted by most police forces in the past decade to replace the more reliable six-shot revolvers. The average cop is a terrible shot; as a result, tens of thousands of questionable marksmen are on the streets, prepared to unholster their pistols and blast away until the weapons empty themselves. In a crisis, innocent bystanders may be in even greater danger than felons.

Similarly, hidden cameras are capable of gunning down people who are guilty of nothing more than proximity. They also have wrecked some reporters' careers and badly tarnished the reputations of news organizations that allowed untrained personnel to go into the field without careful thought and preparation.

Before explaining how I came by my negative feelings about hidden cameras, it's only fair to give credit to some excellent broadcasters who know how and when to use them. Robbie Gordon, a producer for ABC News' "PrimeTime Live," has turned out trustworthy exposés on such subjects as the mistreatment of hospitalized veterans, neglect of toddlers in day-care centers, and laboratories that habitually misdiagnosed breast cancer slides because rigid quotas did not allow technicians adequate time to perform a proper laboratory analysis.

Matt Meagher, of the syndicated television show "Inside Edition," is another conscientious practitioner of this craft. In one piece Meagher worked with producer Miguel Sancho, who spent eight weeks as a door-to-door salesman equipped with a

NEXT ESSAY →

hidden camera. This reporter/producer team demonstrated how an insurance company in Little Rock, Ark., bilked poor consumers by selling them grossly overpriced and superfluous policies. The piece showed insurance salesmen making blatantly racist remarks as they fished dollar bills and coins from three children's piggy banks to pay a month's premium on a policy that the children's mother had been conned into buying. After the piece aired, the Arkansas Insurance Commission fined the company \$635,000, and the Arkansas state legislature quickly outlawed the deceptive practices that Sancho captured on hidden camera.

Lessons of Experience

My first experience with hidden cameras occurred nearly 20 years ago in Akron, Ohio. Two Akron Police Department officers had called and said they needed help. The most powerful judge in town, James Barbuto, habitually demanded sexual favors from female defendants in return for lenient sentences. The two officers had many witnesses, but the local prosecutor owed his job to the judge and refused to empanel a grand jury. The detectives took their evidence to the FBI, which gathered more incriminating details, but the U.S. Attorney in Cleveland was also a Barbuto protégé and declined to prosecute.

After substantiating everything the officers and the FBI agents had told me, I decided to use a hidden camera to firm up the case. I obtained opinions from two top-flight Ohio law firms, both of which told me that using a hidden camera was permissible under state and federal law. One of the persons I secretly taped was a woman who had not traded sex with the judge but who was aware that I was a reporter investigating the judge. She told me that the judge had secured the services of a local muscle man with a history of violence to "talk" to potential female witnesses and "silence" them--by whatever means necessary.

I also employed a hidden camera to

interview another woman whom the judge wanted silenced. She admitted trading sex for lenient sentences and said she was terrified of the judge's enforcer. Following that interview, I met with the Akron Police Department detectives and with the special prosecutor, who had been appointed by a three-judge state appellate panel. Judge Barbuto was arrested that evening, as was the enforcer, who was armed with a pistol and a knife. He produced a list (in the judge's handwriting) containing the names of five women he was to intimidate. The judge later pled guilty to obstruction of justice; he was disbarred and went to prison. The judge's muscle man pled guilty to several felonies and received a long sentence.

Not long after the Barbuto piece aired, the first woman I secretly taped sued me for defamation, invasion of privacy and violation of state and federal wiretap laws. Two years later, I went on trial in U.S. District Court in Cleveland.

The jury acquitted me of everything. The woman's attorney appealed the wiretapping decision to the 6th U.S. Circuit Court of Appeals in Cincinnati, but Congress amended the law in 1986 by deleting some vague language, an amendment subsequently upheld by the 6th Circuit in 1989.

Judge Barbuto's enforcer sued me from the state penitentiary, claiming that I had libeled him by mocking him and that he was no longer feared on the streets. He also falsely accused me of using a hidden camera to tape him. My attorney, Terence Clark, had a difficult time disposing of this suit because Judge Aldrich referred to the plaintiff as a dangerous man and refused to allow him inside her courtroom. Clark finally arranged to have the case reassigned to another judge, who conducted a brief trial and awarded me summary judgment. The enforcer's attorney appealed to the 6th Circuit and lost, and then took the case to the U.S. Supreme Court, which declined to hear it.

The entire Akron episode took 12 years,

from 1980 to 1992.

Midwest Insurance Scam

My next encounter with undercover taping took place in the early 1980s in Missouri and Iowa, where I recorded the activities of shady insurance agents who either lied about the protection their policies provided or did not have a license to sell insurance and thus peddled bogus pieces of paper. These agents preyed on elderly people and those with mental disabilities.

My photographer was a master illusionist. He would shroud a full-sized camera with gauze and position it inside an oven, rigging it with electronic controls to adjust the direction and focus; or he'd set it up in a van in a carport to shoot through a window into a house. All this was done with the permission of the house resident, who played the role of "victim." Because they were technically unreliable back then, I did not use miniature recorders. I coordinated my efforts with the local district attorney, city and state police and the representatives of the state insurance departments. These officials selected and trained the "victims" and later determined which regulations or criminal laws had been violated.

After the series aired, the editorial page editor of the largest paper in Iowa criticized me for "being an arm of the law." Because I thought that I had done the right thing, I took the criticism with a grain of salt. I had consulted my bosses and attorneys every step of the way, and we had decided that our approach was the only practical and legal way to do the story.

Nevertheless, I was forced to spend much of the next two years testifying before grand juries and serving as a witness in criminal and civil cases. As an executive producer or news director with limited resources, you might want to consider the marathon testimony I was forced to provide. Even when you obtain a well-documented story, you may forfeit the services of one of your reporters or

photographers for a long period of time.

Where Hidden Camera Stories Go Wrong

Over the years, I've examined many hidden camera cases that have run into trouble. It's something I've been interested in since Akron. Although I've been asked to be an expert witness, I don't do it. I've been a defendant myself, and I can't stomach testifying against a fellow journalist.

There seem to be two principal reasons why people get in trouble: 1) Station management and attorneys haven't established any hard-and-fast rules regulating the use of this highly controversial technique, and 2) management takes little active involvement in monitoring these investigations.

When these factors combine, terrible situations can occur. A broadcasting company in New York embarked on a haphazard investigation to show that illicit sex was a thriving industry in massage parlors in an adjacent state. Every day for about a month, an associate producer, his pockets full of cash, drove across state lines to solicit sex. He wasn't the least bit subtle about entrapping women. He asked for specific sex acts and then performed them on camera. Apparently, his sexual appetites increased as his investigation expanded, because on St. Valentine's Day he bragged to some of his co-workers that he had consummated seven sex acts with different partners. Someone tipped me off, and I called the young man's boss, a friend who normally runs a tight ship. The undercover sex operative was called in and confronted, and he confessed. He was fired, and the piece was killed. If it had aired, the company might have been charged with promoting interstate prostitution.

Another news organization decided to tape a piece about life inside a West Coast crack house. To protect the undercover cameraman, a former drug addict was enlisted as a bodyguard. He was armed with a pistol. At

some point, management became aware of what was going on and decided that if the bodyguard shot anyone, even in self-defense, the corporation could be held liable. The hidden camera investigation was abruptly discontinued.

A hidden camera investigation can result in the reporter being caught not only by criminals but also by a company that doesn't want to be embarrassed. In one case reporters tried to infiltrate an Arkansas poultry-processing plant. They stood out like billboards when they rolled into the rural area in their rental cars; the local police ran checks on the cars and determined who the reporters were. The reporters were then taken into custody before even entering the plant. They were fortunate--if they had managed to take any footage of the production lines, they might have had a difficult time leaving this particular town.

In another example, a network associate producer was nabbed inside a secure area of a federal cargo facility in Arizona. He lied to Customs Service officials about his occupation and the identity of his employer. In frisking him, agents discovered that his eyeglasses were part of a tiny, hidden camera. A network public relations official later defended the greenhorn's dissembling, saying, "I'm sure it was something of a learning experience for the associate producer, but it wasn't an egregious error."

Do you really want to bet your station's integrity and financial security on a neophyte who lies to federal officers or an associate producer who promotes prostitution on camera?

Suggestions From My Experience

If you do persist in using hidden cameras, at least consider a few suggestions:

- Have an experienced journalist closely monitor these investigations.
- Screen the raw tapes every day.
- Don't send junior people into the field

with hidden cameras without having a more experienced staffer in close proximity.

- Make sure that you have clear guidelines on the use of this equipment and ensure that everyone on the staff is familiar with the rules.
- Your legal counsel should be an active participant in the process: He or she should review everything, including the field tapes. Simply vetting the cut piece is unacceptable.
- Don't ever rush to air a hidden camera piece.

Remember: Even if you follow the law, act ethically and do everything by the book, you could still wind up in court for years.

Charlie Thompson is a veteran journalist currently working as a freelance television producer. Over a 30-year career, he has worked as an investigative reporter and producer for numerous network news organizations, with stints at CBS News, including "60 Minutes," and ABC News' "20/20." Thompson has received numerous journalism awards, including a national Emmy for Investigative Reporting, a national Headliner Award for Outstanding Investigative Reporting by a Television Network, and an Individual Achievement Award from The National Academy of Television Arts and Sciences.