

## MASQUERADES

# Deception— Honest Tool of Reporting?

BY DAVID SHAW

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A reporter for the Detroit News poses as a Michigan congressman to prove how lax security is at a treaty-signing ceremony on the White House lawn.

A reporter for the Los Angeles Times poses as a graduate student in psychology working in a state mental hospital to expose conditions there.

A reporter for the Wall Street Journal works three weeks on an assembly line in a large plant to investigate charges that the company routinely violates fair labor practices.

Are these unethical activities? Are these journalists compromising their professional integrity—and, ultimately and cumulatively, their profession's credibility? Do the special rights granted to the press under the First Amendment also impose upon the press special responsibilities that preclude deception and misrepresentation?

Or is the public benefit to be derived from the disclosure of certain conditions sometimes so great—and the obstacles to such disclosure sometimes so difficult—that reporters are justified in pretending to be what they are not?

In short, does the worthwhile end sometimes justify the deceptive means?

Because journalists are so determined these days to expose the deceptions and misrepresentations of others—in government, big business and elsewhere—there is now widespread disagreement among reporters and editors over just when (and if) they can indulge in such activities themselves.

In past generations, such ethical concerns were far less prevalent. Many reporters routinely posed as police, doctors, government officials—anything that was necessary to get a story.

It was long considered normal practice for, say, a police reporter named Sam Flanagan working in the press room at the Los Angeles Police Department to call police in another city and try to obtain information by saying, "Hey, this is Flanagan over at LAPD"—knowing full well that the man at the other end would assume he was an LAPD officer. Some reporters would even identify themselves as "Lt. Flanagan over at LAPD."

As recently as five years ago, says Thomas Winship, editor of the Boston Globe, "we got an excellent story by having a reporter pose as a guard at a youth detention center and report on the maltreatment he saw.

"We wouldn't do that now."

The new ethical standards born of Watergate have "heightened our consciousness on these matters," another editor says.

"We in the press are arguing for an open, honest society, demanding certain behavior from our public officials," says William Hornby, editor of the Denver Post and president of the American Society of Newspaper Editors.

"We ought to be just as open and just as frank and straightforward in getting information as we claim other people ought to be in giving it to us."

But some editors see such proclamations as both unrealistic and self-righteous.

"Sure, being the champions of truth and all that, you always have to be concerned about doing anything that appears to be misrepresentation."

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# Deception as Tool of Journalism

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says Michael J. O'Neill, editor of the New York Daily News. "On the other hand, there are some situations where it's the only way to get the story."

That is the decision Chicago Sun-Times editors made when they assigned a team of reporters to operate the Mirage Bar incognito for four months in 1977 to expose graft and corruption in the city.

The results: city inspectors volunteered to overlook health and safety violations at the bar in exchange for money. Jukebox and pinball operators offered kickbacks. Accountants offered counsel on the fine art of tax fraud. Contractors served as bagmen for payoffs to public officials.

The Sun-Times ran stories on its discoveries for three weeks last year—and almost won a Pulitzer Prize for it this year. The Sun-Times series was one of four entries in local reporting recommended by the Pulitzer nominating committee to the advisory board, which makes the final selections.

In earlier years, enterprising efforts like that of the Sun-Times had often won Pulitzers—right in Chicago. The Chicago Tribune won in 1971, for example, when one of its reporters worked as an ambulance driver to expose collusion between the police and private ambulance companies.

But this year the Sun-Times did not win—largely because several editors on the Pulitzer advisory board objected to their journalistic methods.

"In a day in which we are spending thousands of man-hours uncovering deception, we simply cannot deceive," says Benjamin C. Bradlee, executive editor of the Washington Post and a member of the Pulitzer advisory board.

"How can newspapers fight for honesty and integrity when they themselves are less than honest in getting a story?" Bradlee asks. "When cops pose as newspapermen, we get goddamn sore. Quite properly so. So how can we pose as something we're not?"

Joseph Shoquist, managing editor of the Milwaukee Journal and also a member of the Pulitzer board, argued, however, that the widespread corruption uncovered by the Sun-Times "... was a worthy subject that needed a dramatic presentation to capture the public's attention."

Moreover, insists James Hoge, editor-in-chief of the Sun-Times, "We couldn't have gotten that information and presented it as effectively any other way. We had reported for a number of years on bribery in Chicago ... with no effect."

Even Hoge agrees, though, that the kind of journalism practiced on the Mirage Bar story "should be used only with extreme caution and selectivity and only when cer-

tain standards are applied."

Most editors seem to agree, in principle, on those "standards":

—The story involved should be of significant public benefit.

—Past experience, common sense and hard work should first demonstrate that there is no other way to get the story, that conventional reportorial techniques just will not yield the necessary information.

The problem with these general standards is that in any given situation, virtually every editor seems to have his own definitions for such terms as "significant" and "conventional" and "no other way" and "necessary."

Take the following hypothetical situation posed by The Times to more than two dozen editors around the country:

"Someone tells one of your reporters that there is a report by three doctors that a prospective gubernatorial candidate has a very serious drinking problem. That report is on a doctor's desk in the hospital, and all your reporter has to do is put on a doctor's white coat, walk into the office and copy it or photograph it.

"Would you let him do that?"

Almost all editors agreed that to thus impersonate a doctor would be improper. Most also agreed that if the candidate's drinking problem were that serious, there would be other ways to learn about it. They generally agreed—with varying degrees of certainty—that they would not let their reporters copy the medical reports.

But when these same editors were then asked:

"Suppose the medical reports are from three psychiatrists who agree unanimously that the President of the United States is mentally unstable. Then do you tell your reporter to get the reports?"

Most editors agreed with William F. Thomas, editor of the Los Angeles Times, who said:

"I think you have to be very careful about doing that kind of thing in most circumstances . . . but in these particular circumstances, absolutely; you do it. You tell your reporter to do anything he has to do to get those reports—even if they're locked in a safe and he has to dynamite the safe. Christ, you're talking about an unstable President with his finger on the . . . button."

Any journalist who actually broke the law to get a story—any story—would, of course, have to pay the penalty, Thomas says, "and the editor should make the call."

Other editors agree.

But some editors who agreed with Thomas on the tactics they would permit their reporters to employ in the hypothetical "unstable President" story did so reluctantly, in terms far more hedged with doubt and qualification than

he expressed. A few editors tried to dodge the question altogether, preferring to talk about other stories in which deception might (or might not) be practiced.

A. M. Rosenthal, executive editor of the New York Times, said he was vigorously opposed to the practice and recently had to have a new reporter reprimanded for donning overalls and trying to pose as an airline mechanic to get close to the plane where the wife of defecting Soviet ballet star Alexander Godunov was being detained.

"Reporters should not masquerade," Rosenthal says. "We claim First Amendment rights and privileges, and it's duplicious for us to then pass ourselves off as something other than reporters. Saying you'll get a better story or

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# Deception—a Legitimate Tool for Reporters?

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perform a valuable public service doesn't change anything. It's still wrong."

But even Rosenthal, when pressed, concedes that if "the only way to save someone's life would be to masquerade, I might change my mind."

In discussing precisely when they would or would not permit reporters to misrepresent themselves, several editors invoked an old joke:

A man asks a woman if she'll go to bed with him for \$1 million. She agrees to. Then the man says, "Will you do it for \$5?" She refuses and asks, quite indignantly, "What do you think I am?"

The man replies, "We have already established what you are, madam. Now we are merely discussing price."

That, some editors say, is the real issue in the misrepresentation question: Misrepresentation is misrepresentation, no matter how exalted the objective.

"Our general policy and our general philosophy is that it's wrong," says David Lipman, managing editor of the St. Louis Post-Dispatch. "We don't pose as doctors or anything else."

"But what's the price? When do I bend? I'd like to be moral and say, 'No, we wouldn't do it, not even in your example about the President.' But because of the overwhelming significance of the situation . . . There comes a time in our lives when, no matter how much we respect the law, we think civil disobedience is the only way to change immoral laws. This might be the same thing. I'd have to see."

Although most editors see this as an ethical issue, a few interpret it in almost strictly legal terms.

"Our responsibility is to get information, and if we can do it legally, I'll do it," says Neil Shine, managing editor of the Detroit Free Press. "I wouldn't let a reporter say he's a policeman. That's illegal. But I don't draw many lines. When our young medical writer heard about some guy selling phony arthritis medicine, she didn't go up to him and say, 'Hi, I'm the medical writer from the Free Press. Are you a charlatan?'"

"She went to him and pretended to be someone with arthritis. He sold her \$200 worth of his medicine. We exposed him."

On another occasion, Shine says, the same reporter visited several abortion clinics, pretended to think she might be pregnant, submitted urine samples from male colleagues—and exposed the clinics when they said she was, indeed, pregnant and offered her an abortion.

The Free Press also has used masquerading reporters to expose marriage counselors, a surgery mill and, most recently, real estate agents who practice racial discrimination.

"You can do that (real estate) story one of two ways," Shine says. "You can have your reporters call the realtors and ask if they're doing this illegal thing and they'll say 'No,' or you can send a white couple over there—two reporters—and the real estate people will tell them about a charming, lovely home in . . . a mostly white suburb."

"Then you send a black couple—two other reporters—who have the same needs, income and wants to the same office, and when they point to a picture of the same house, the real estate people say . . . 'No, I wouldn't have my cat live there,' and they steer them to a black area."

"That way, you get the story and you get it with the impact of first-hand experience."

But editors at Shine's competitor, the Detroit News, disagree.

Lionel Linder, managing editor of the News, calls this kind of reporting "stunt journalism." Other, equally critical editors call it "gimmick journalism" or "romantic journalism."

"We wouldn't have done it that way," Linder says. "It isn't right. It looks like you're deliberately trying to drag the worst possible information out of a situation. Legitimate homebuyers might act differently than reporters pretending. It makes the situation artificial."

"You should just do it (the story) by interviewing some people who've had the experience."

And yet, for all Linder's dismay, one of his own reporters posed as a Michigan congressman earlier this year so he could expose lax security conditions during the signing of the Israel-Egypt peace treaty in Washington.

The reporter, Gary Schuster, found out that one of his state's congressmen was not planning to attend the ceremony, so he simply appropriated the man's name, got on a special bus with other congressmen and wound up, he wrote in a front-page story the next day, ". . . 50 feet from the table where Mideast peace documents were signed (on the White House lawn)."

Both Schuster and Linder still think this ruse was justified. But some of Schuster's colleagues were so upset that the Standing Committee of Correspondents, the governing body of reporters who cover Congress, voted unanimously to reprove him.

Most editors and reporters interviewed by The Times agreed that Schuster's ploy was ill-advised. Posing as a congressman is a serious matter—perhaps even illegal—they said, and this particular story did not warrant such behavior.

The major criticism of Schuster was that he practiced active deception: he specifically said he was someone else.

Many journalists are willing—often eager—to permit others to assume they are not reporters, but they say they would not actually lie and give another name or identity.

Most journalists agree that it is not unethical for, say, a consumer reporter to take a television set to a variety of repair shops without identifying himself as a reporter. Similarly, they say, restaurant critics need not—in fact, should not—identify themselves to restaurateurs when they dine out.

"There are certainly times," says Managing Editor Frank McCulloch of the Sacramento Bee, "when you don't rush forward . . . wave your press card and say, 'Be advised: I am a reporter.'"

But deliberate deception?

The Chicago Tribune "severely reprimanded" a reporter for getting a phony driver's license during an investigation of handgun sales, says Tribune President Clayton Kirkpatrick.

"It's acceptable to play a role so long as there is no . . . fraud involved," Kirkpatrick says. "But this was a constructive effort to deceive somebody. That was a very serious error."

"It's perfectly proper to take a job under your own name to observe the operations of a public office or company and just not say you're a reporter," Kirkpatrick says. "But you shouldn't assume a false identity. You shouldn't wear false identification . . . or call the scene of an air crash and pretend to be an official with the FAA or go under forged credentials or positively identify yourself as someone else."

There is often, however, a very thin line between permitting someone else to assume you are something other

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# Does Deception Belong in Reporter's Tool Kit?

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than a reporter and carefully nudging someone toward that conclusion.

One Midwest editor says he "had the great good fortune" to strongly resemble a local FBI agent when he was a reporter. He never actually said he was with the FBI, but he certainly exploited the situation by showing up at banks right after robberies, officiously rapping on the door with a key or coin and, invariably, gaining access to interview witnesses while other reporters were kept outside.

Tammy Jones, a reporter for the Associated Press in San Diego, crashed Richard Nixon's farewell party at San Clemente this month by donning a long dress, a string of pearls and driving right up to the security gate.

She gave her right name but not her occupation, and when guards said her name was not on the list, she spotted the names of two Angels baseball players on the list and asked if they had arrived yet.

When the guard said none of the Angels had arrived yet, Miss Jones said, "Oh, I must be ahead of the caravan."

The guard waved her through.

Alex Dobish, a reporter for the Milwaukee Journal, broke a police scandal story a few years ago by putting on his best suit and his best overcoat and walking, briefcase in hand, into a mental institution where a key witness was a temporary inmate.

"I walked with a most determined step," he says. "I asked for her (the witness) in a stern voice."

Dobish got his interview, and when the head nurse finally became suspicious and asked who he was, he told her and was ejected.

About 30 police officers were suspended after Dobish's story appeared, but to this day, he says, he does not know whether the employes he duped at the mental institution

thought he was a lawyer or a doctor "or something else."

Executive Editor Gene Roberts of the Philadelphia Inquirer can remember using a variety of misleading tactics when he covered civil rights in the South for the New York Times in the late 1950s and 1960s.

Often, he deliberately stuffed a thick notebook in the inside breast pocket of his jacket, knowing that the resultant bulge clearly resembled those made by the shoulder holsters worn by FBI agents.

"FBI agents were the only people who walked around those Southern towns in the summer with coats and ties and bulges like that," Roberts says. "People thought I was an FBI agent, too, and I was able to move around some pretty hostile crowds more easily than I could have as a reporter."

Sometimes, Roberts says, his deceptions were not so subtle.

"Reporters were systematically excluded from the first desegregated schools," he says, "and we thought that finding out how the black kids were treated once they got in was important."

So Roberts, who has a Southern accent and could look quite young back then, always kept a sweater and a school notebook handy. On occasion, he would throw his coat and tie under a nearby bush and stroll onto a high school campus, wearing a sweater, carrying a notebook and looking, for all anyone knew, like a typical white student.

But Roberts' most blatant deception came in no such noble cause. He was covering a murder once when he learned that police had shot the suspect and were interrogating him in a hospital emergency room that was off-limits to reporters.

Roberts scouted around and found a stethoscope near a soft drink machine. He put it around his neck, strolled into

the emergency room, listened to the suspect's confession—and wrote his story.

"I never said I was a doctor, but the stethoscope would certainly have given that impression," Roberts concedes.

Would he have put on a doctor's white coat, too, if it had been available?

"It's quite possible."

But the confession of a murder suspect is hardly a story of transcendent social value. Doesn't that misrepresentation bother him now?

"No. If in all circumstances you're going to require reporters to just walk up to people and state their name, rank and serial number and say, 'Tell me the truth,' you're flat not going to get the truth. The public will be ill-served."

Some reporters have made a virtual career out of masquerading as others in the pursuit of stories.

Mike Goodman of The Los Angeles Times, for example, has posed as an animal keeper in a zoo, an employe in a juvenile detention facility, an oil pipeline worker in Alaska, a hippie in Hollywood—and, like Roberts, he once carried a stethoscope into a hospital emergency room to get a story.

"I'm a great believer in the reporter as observer," Goodman says. "First-hand observation is the ultimate documentation."

"A reporter doesn't have a badge or subpoena power or . . . wiretap authority. He has to use his . . . wits. That's what I try to do . . . Almost every big story I've done, I've had to impersonate someone . . . And I usually get results."

When Goodman wrote his story on conditions at Los Angeles County Juvenile Hall, there was a major shakeup among top-level personnel.

"I was told that we'd been trying to do that story for 30

years, without that kind of impact," he says.

Perhaps the most daring of the journalist-as-impersonator breed is Gunter Wallraff of West Germany, who has posed as an assembly line mechanic, a Fascist and a government official. Once he chained himself to a lamppost in Athens, was arrested and beaten—and then wrote a story on torture under the Greek military regime.

Wallraff, who was tried (and acquitted) on charges of "false impersonation and unauthorized use of title" after one of his stories, justified his behavior by saying:

"The method I adopted was only slightly illegal by comparison with the illegal deceptions and maneuvers which I unmasked."

Wallraff believes that his job is "to deceive in order not to be deceived—to break the rules of the game in order to disclose the secret rules of power."

But many American editors worry that such expediency and self-justification can lead reporters into clearly unethical, even illegal, tactics.

"It's not just posing as someone else that bothers me," says one editor. "It's what the reporter does while he's posing."

Many editors were critical of the Chicago Sun-Times' work at the Mirage bar, for example, because they feared it involved entrapment—actually encouraging bribes and other illegal activity.

But Sun-Times editors say the paper carefully instructed its reporters in the laws against entrapment and made clear to them that they could "never offer anybody anything, nor hint, imply or in any other way suggest we were prone to making a payoff."

"We would only respond once an overture was made," one editor said.

Such distinctions are not always so easily drawn.

When reporter Beth Nissen of the Wall Street Journal worked on the electronics assembly line at the Texas In-

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struments plant in Austin, Tex., last year to investigate charges of illegal anti-union activity by the company, she openly engaged employes in talk about a union.

Some editors think such behavior may help create—or, at least, contribute to—the very sort of behavior the reporter is trying to expose.

"You can make your story a self-fulfilling prophecy," says one editor. "It's deception, pure and simple. I don't like it."

Moreover, if Miss Nissen's sources were right, she could have jeopardized the jobs of the legitimate employes seen talking to her.

Laurence O'Donnell, editor of the Wall Street Journal, says he is aware of the problems inherent in such a story, and he is usually "quite cautious" about permitting reporters to do them. But he thought this one was justified because "... there was no other way to get the story (and) ... the information was worth getting."

That is pretty much what reporter Michael Cordts of the Rochester (N.Y.) Democrat and Chronicle says about having worked for two weeks this summer as a stock clerk at the Strand bookstore in New York.

Based on what he learned at the Strand, Cordts wrote a story disclosing that book critics for several of the nation's major newspapers were selling their complimentary review copies to the store and "pocketing thousands of dollars."

In the immediate aftermath of Cordts' story, one book editor was fired, another was asked to resign, a third was reassigned and a fourth killed himself (although no one is

willing to say he did so because of the story).

Cordts says he could not have written his story had he not worked at the Strand. While there, he says, he saw crates of books from the various book editors, with their names and business or home addresses on the return address labels.

Thus, when he began calling book editors and they denied selling their review copies, he was able to force their confessions by telling them what he had seen at the Strand.

Cordts and his editors deny charges by the owner of the Strand that Cordts went into areas of the store that were off-limits to him and that he violated the store's right to private dealings with its customers.

But Cordts does admit falsifying his job application—falsely listing previous employment at another bookstore, among other things.

Lois Timnick, human behavior writer for the Los Angeles Times, went a couple of steps further last month: Under circumstances that cannot be fully disclosed because of promises of confidentiality, she used a phony name and posed as a graduate student in psychology so she could work for two weeks at Metropolitan State Hospital and expose conditions for mental patients there.

Although Ms. Timnick signed her phony name to an "oath of confidentiality," promising "not to divulge any information or records concerning any client/patient without proper authorization," she did look at—and write about—patients' confidential medical records.

Did that violate her oath?

"No, I don't think so," she says now. "When I wrote about the patients . . . I changed their names and some of

the details about them so other people couldn't recognize them."

But Ms. Timnick took the job precisely because it would give her access to confidential medical records—something she felt was essential to her story, but something many editors see as an invasion of the patients' privacy, despite her subsequent precautions in writing the story. (Even Ms. Timnick admits she would not want a reporter looking at her own medical records, whether he wrote about them or not.)

Ms. Timnick's editors support what she did. The only thing the paper should have done differently, says one editor, is make clearer to its readers that what she did was most unusual—not a practice lightly or frequently engaged in by Times reporters.

Although Ms. Timnick says she does not think she could have gotten as good a story by conventional interviews with patients, doctors and other hospital employees, Eugene Patterson, president and editor of the St. Petersburg (Fla.) Times, says, "She'd have a hard time convincing me of that."

The deception, misrepresentation, falsification and possible invasion of privacy all bother Patterson—and other editors.

Twenty years ago, Patterson says, a reporter who worked for him in Atlanta won a Pulitzer Prize for exposing conditions in a mental hospital, "and he did it with routine, above-board, reporting—without posing as anyone he wasn't."

(Ironically, that reporter—Jack Nelson—now works for the Los Angeles Times.)

Patterson concedes that there might be some circumstances in which he would authorize a reporter to pose as someone else "as a last resort . . . in the critical public interest," but he insists that such tactics are generally unnecessary and unethical.

"Most of those kinds of stories can be done by conventional means if the reporter is willing to work hard," he says. "It's often much easier to get a job some place and pretend you're not a reporter than it is to do all the interviewing and investigating you have to do by traditional techniques."

David Lipman of the St. Louis Post-Dispatch agrees with Patterson.

The Post-Dispatch has exposed conditions in mental hospitals and nursing homes, Lipman says—"all without (reporters) posing as anyone else"—and the impact of the stories was, nonetheless, widespread.

"The nursing home laws in Missouri have now been completely overhauled, and major personnel changes were made in the mental health department," Lipman says. "It can be done that way."

A reporter for another paper says that when she assumed another identity to do an investigative story, all the questions of professional ethics did not bother her as much as those involving her own personal ethics.

"When I did my story," she says, "I had to make friends with the people I was working with . . . I shopped with them and babysat for them . . . trying to get them to talk to me. I'd never made a friendship before that was blatantly (a) fraud.

"That bothered me personally a great deal."

But she did it anyway. And her editors supported her.

"It's a judgment," says one editor, "that we all have to make on a case-by-case basis. The whole issue of misrepresentation just can't be solved by some simple set of guidelines. We have to make our decisions based on the specific story at hand.

"But we'd better be damn sure we make the right decisions."