

# Deception Case Studies

## Case A

### The Masquerading Mortician

*excerpted from the Society of Professional Journalist's "Doing Ethics in Journalism." Allen & Bacon: 1995.*

Freelance reporter Jonathan Franklin posed as a mortician and entered the mortuary at Dover Air Force Base, the sole Desert Storm casualty-processing center, during the Persian Gulf War. He wanted to find out if the military had been underestimating the number of casualties. He found that it had.

On the face of previous reporting he had done on the war dead after the invasion of Panama, Franklin was convinced that the Pentagon was "screwing with the numbers." The Pentagon had forbidden journalists to photograph or witness the unloading of the dead at Dover Air Force Base, and Franklin was stymied in all his above-board efforts to penetrate the cloak of security around the returning dead.

He tried contacting the undertaker who won the government contract to prepare the bodies returning from the gulf for burial, attempted to get the number of dead from the airlines shipping the bodies home, and sought unsuccessfully to locate the officers who were informing the families of the dead. After exhausting those avenues of inquiry, Franklin decided to go undercover.

Inside the morgue, Franklin was apparently the only journalist to actually see the gulf casualties. He found that many of the combat deaths due to friendly fire were being reported inside the morgue as "training accidents," a practice that also occurred after the Panama invasion. And Franklin discovered a source who estimated there were "about 200" combat deaths, compared to the official Pentagon figure at the time of 55.

Franklin's story was published on Page One of the Bay Guardian, an alternative weekly newspaper in San Francisco. How Franklin got the information was included in his story. It prompted at least one letter to the editor, in which the writer complained only about the gruesome descriptions of the bodies Franklin had seen inside the morgue. The story won second place in the annual Project Censored awards for the most important stories bypassed by the mass media each year.

**Some questions to consider:**

- Were Jonathan Franklin's actions ethical?
- Some people argue that using deception to gain information for a story destroys the reporter's credibility because readers will wonder that if he is willing to lie to get the story, is he also willing to lie to make the story better and more marketable. Was Franklin's credibility damaged by his use of deception?
- Can Franklin's deception be justified? What criteria should editors use before accepting such a story from a freelance writer?
- While Franklin didn't take a camera with him onto Dover Air Force Base, he did describe in graphic detail the description of the corpses. Did he violate the privacy rights of the dead military personnel or their families?
- One of the lessons learned from the Vietnam War is that a democratic government cannot successfully wage a war without first having the support of its citizens. Is a government justified in misleading or lying to the public in order to win that support and maintain national security?

## **Case Study B**

### **Hidden Cameras and False Identities**

*excerpted from the Society of Professional Journalist's "Doing Ethics in Journalism." Allen & Bacon: 1995.*

Photojournalists sometimes use hidden cameras to take pictures in places where they would otherwise be denied access.

Investigative reporting demands authentic information, and visual proof adds great weight.

Journalists working for Prime Time on ABC have used hidden cameras to report dangerous or illegal situations in board-and-care homes, veterans' hospitals and day-care facilities. "Prime Time" has also used hidden cameras to help expose racial discrimination by landlords and real estate agents.

One of "Prime Time's" most notable stories was called "Prisoners of Care." It focused on the horrible conditions in some board-and-care homes in Texas, and the inability or unwillingness of public officials to change that situation.

Two journalists, posing as patients, moved into a board and care home to learn about conditions first hand. One journalist carried a concealed mini-camera. They recorded gripping scenes of patient neglect and abuse, including one episode in which an elderly woman foraged for food in trash piles in the middle of the night.

"Prime Time" used similar methods to infiltrate a veterans' hospital in Ohio. The journalists gained access without identifying themselves as journalists and then surreptitiously videotaped activities that revealed patient neglect and incompetence by staff members.

In Louisiana and other states, "Prime Time" journalists posed as students who were studying child care to gain access to day-care facilities where ABC believed abuse was taking place.

In St. Louis, "Prime Time" hired individuals who were specifically trained in examining discrimination cases to assist journalists. Using hidden cameras, ABC revealed racial discrimination in housing and real estate, and documented how blacks and whites were treated differently by business people.

#### **Some questions to consider:**

- Are lying about who you are and using hidden cameras to get a story ethical behavior?

- People running nursing homes, hospitals, day-care facilities etc. normally do not allow photographers free access because they want to protect the privacy rights of their clients. Is this a legitimate concern? How could ABC producers justify the use of deception and the invasion of privacy?
- The ABC reporters undoubtedly spent hours taping undercover in order to obtain three or four minutes of footage showing abuse and neglect. Should “Prime Time” have also shown footage of patients receiving good treatments to counterbalance the negative footage?
- Television news traditionally depends on pictures. The news copy is based on the images shown on TV rather than all the facts gathered by the reporters. Could this story been told without the pictures and the ethical questions raised by getting the pictures?
- Use of hidden news cameras is prompting an increasing number of successful lawsuits. While the standards of legal and ethical behavior differ, jurors hearing these lawsuits often use their own ideas of ethical behavior in deciding whether to agree with the plaintiff and defendant. Should the media use public opinion to help them determine an ethical way of reporting the story?

## **Case Study C**

### **Surreptitious Audio Taping and Eavesdropping**

*excerpted from the Society of Professional Journalist's "Doing Ethics in Journalism." Allen & Bacon: 1995.*

The Lexington (Ky.) Herald-Leader revealed that boosters had made cash payments to University of Kentucky basketball players and that those players had also profited illegally by selling their complimentary tickets at inflated prices. Reporters tape recorded telephone interviews with sources but did not tell them they were being taped.

David Green, projects editor for the newspaper, said reporters Mike York and Jeff Marx had been assigned to take a hard look at the successful UK basketball program, especially the suspicion that it was built on broken NCAA rules. The reporters got initial confirmation, but all they had were handwritten notes. They feared their sources would deny telling them of the rule violations once the stories were printed. The newspaper, however, had a practice requiring reporters to tell sources when they were being taped. The reporters, in this case, feared the sources would not repeat their allegations if they knew they were being taped. So they asked editors for permission to tape without informing the interviewees.

Green said the editors decided the tapes were needed for the newspaper to avoid facing a flood of lawsuits later. They decided the surreptitious taping would not break faith with their sources because all sources would know they were talking on the record and were expecting to be quoted. The tapes were merely a more complete and accurate form of notes. They also decided that if any sources asked, he would be told that his conversations were being taped.

The reporters interviewed 33 former UK players, all but two of whom said they knew of rule violations when they were playing. Every player quoted was on tape and, with a couple of minor exceptions; all went on the record.

The resulting articles, which won a Pulitzer Prize for investigative reporting, produced an explosive, mostly unfavorable reaction from Kentucky basketball fans. When several players denied having made their statements, newspaper editors responded by saying they had cassettes sitting in a bank vault to prove them right. Although it was sued by one person over a small portion of the series, Green said the newspaper editors felt it clear they would have been sued many times over if they didn't have the tapes.

#### **Some questions to consider:**

- Is secretly taping interviews, whether when on the telephone or face-to-face, ethical behavior?

- What do you think were the reasons that the Herald-Leader had a policy against secretly taping phone conversations? How can the paper justify violating its own policy?
- Broadcasters and print reporters who routinely use tape recorders know that people behave differently when the recorders are turned on. People are more careful about what they say and how they say it when they know every word and nuance is being recorded for posterity. Did the reporters trick these sources into being more candid than they would have been had they known about the tape recorders?
- The reporters had already interviewed the people and had all the information for the story when they decided to interview them again on tape. Some people would say that action makes the reporters look sneaky and conspiratorial. Is that a fair assessment of their actions? And, if it is a fair assessment, is that ethical behavior?
- University of Kentucky basketball players and fans criticized the Herald-Leader for exposing the rules violations. Should the news media consider what its audience wants or doesn't want when selecting what to cover? Who is hurt and who was helped by these stories?

## **Case Study D**

### **Paper's faked arson story**

*excerpted from the Seattle Times, April 18, 2003*

When officials were looking to catch convicted murderer Steven Sherer in a plot to burn down the Bellevue home where his teenage son lived with the mother of his slain wife, they turned to an unlikely ally – a local newspaper.

King County prosecutors and sheriff's detectives asked the editors at the Eastside Journal, now called the King County Journal, to run a fake story about a staged arson to make Sherer believe an accomplice had carried out his plans. The newspaper complied.

The paper's cooperation helped prosecutors file charges of solicitation to commit arson against Sherer. Their actions also raised red flags among journalists called the cooperation unethical and irresponsible.

"It was a lie," Michael Parks, director of the Annenberg School of Journalism at the University of Southern California, said of the Journal story. "The newspaper deliberately told a falsehood, not just to the guy in the prison cell, but to all its readers."

The King County Journal stood by its decision.

"Journalistically, we'll probably take some heat for it, but we have a responsibility to the community and that weighed heavily in our decision," Journal editor Tom Wolfe said.

Ken Seal, a longtime resident of the Lake Hills neighborhood where the arson was staged, said he didn't see a problem with the decision.

"I think at times, like a time like that, it's justified and hopefully successful in getting more evidence for the case," said Seal, a member of the East Bellevue Community Council, adding he thought the practice of media cooperating with law enforcement was not unheard of.

On March 23, 2002, the newspaper reported police and fire officials "are investigating a fire." A fire department spokesman was quoted as saying, "it might have been deliberately set." The story also said, "Firefighters arrived at 8:35 a.m. ... (and) the fire caused substantial damage." The story concluded, "The house might have been targeted, but investigators would not give further details."

Steven Sherer, an inmate at the state penitentiary in Walla Walla, is serving a 60-year sentence for murdering his wife, Jami Sherer. The Redmond woman disappeared in September 1990 – the day after she told her husband she was having an affair and planned to leave him –

but her body has never been found. Seven years later, three Redmond police detectives reopened the case. Prosecutors filed a charge of first-degree murder against Sherer in January 2000. He was convicted that June.

In December 2001, a prison informant told officials Sherer had recruited his 21-year-old cellmate to torch his mother-in-law's house and kill its occupants, court records say. The fire was to be a test run, and if the cellmate succeeded, Sherer would hire him to kill the four children of the deputy prosecutor who tried his murder case, officials said.

When Sherer's cellmate was released from prison in February 2002, King County sheriff's deputies were waiting for him at the Walla Walla bus station, court documents say. He agreed to cooperate with authorities and said Sherer demanded proof of the arson – in the form of a newspaper article – before Sherer would reveal where he had hidden \$17,000 in jewelry that was to be payment for the crime, documents say.

That's when prosecutors and sheriff's detectives approached Journal editors for help.

“The King County Sheriff's office staged this fire ... and requested that the King County Journal put in a blurb that there was a fire there and it seemed suspicious – and it was then mailed to Sherer,” sheriff's spokeswoman Christina Bartlett said.

Sherer tried to hire a hit man to kill his son and mother-in-law before, Bartlett said. His latest behind-bars plan to commit arson and multiple murders “was an exceptional case that we felt called for exceptional techniques,” Bartlett said. “We very much appreciate the King County Journal for printing (the story) for us.”

Wolfe, the Journal editor, said the decision to help police is “an exceptional thing for a newspaper” to do. “The targets identified in the investigation were the children of a prosecutor, his own son and the mother of the wife he killed,” Wolfe said. “Right there, you have a pretty exceptional situation.”

**Some questions to consider:**

- Did Journal Editor Tom Wolfe make the right decision? Where should his loyalties lie?
- Do the news media have an obligation to cooperate in police investigations?
- Was anyone, besides convicted murderer Steven Sherer, hurt by the paper's actions?
- Could Wolfe find a Golden Mean in this situation?

## **Case Study E**

### **Chicago Sun-Times' Mirage bar**

*excerpted from Time magazine, Jan. 23, 1978*

Everyone wanted to help the new owners of the Mirage bar, a sleazy little tavern on Chicago's Near North Side. For just \$10, the fire inspector was willing to ignore the exposed electrical wiring. For \$50, the plumbing inspector "fixed" the leaky pipes, and for \$100, the ventilation inspector overlooked \$2,000 worth of necessary duct work. Jukebox and pinball purveyors not only offered kickbacks but showed the new management how to skim off profits.

Their helpfulness was rudely repaid. The Mirage was indeed a mirage, a bar operated by undercover journalists to document widespread corruption in Chicago. Exposed in a 25-part series of Sun-Times articles that began last week, four inspectors have already been suspended, and others fooled by the Mirage will surely feel the sting. In response to the revelations, Mayor Michael Bilandic also initiated a thorough reform of the inspection system.

Chicago reporters have traditionally spent as much time hanging around bars as they have muckraking. But not even in The Front Page did any of them ever combine both pastimes so ingeniously. Last January Sun-Times Reporter Pamela Zekman (who has shared two Pulitzer Prizes for investigative reporting) got editor-in-chief James Hoge's OK to buy and operate a bar. In May, having joined forces with the Better Government Association, a local citizens' group that works with journalists and others fighting corruption, the Sun-Times made a \$5,000 down payment on a seedy tavern near by.

By August, BGA Chief Investigator William Recktenwald, 36, an ex-cop, and Zekman, 33, were at the Mirage, serving up beer (and bribes). Also staffing the bar were Sun-Times Reporter Zay Smith, 28, who boned up for the story with a five-day stint at bartending school, and EGA Investigator Jeff Allen, 28. Sun-Times photographers, posing as repairmen, filmed the payoffs from a concealed loft.

Though it made some improvements, the new owners purposely left, as the Sun-Times put it, "more code violations than barstools." But when the building inspector showed up, he spent eight minutes looking around, slipped a proffered \$10 bill into his inspection papers and exclaimed, "Beautiful day!"

Cheating was not restricted to public officials. Six local accountants taught the proprietors how to save taxes by hiding income. But the best teacher was a "Mr. Fixit" named

Philip Barasch. Unaware of the investigators' true identity, Barasch, a big Chicago landlord and self-styled "business broker," guided them every step of the way, telling them the hour inspectors would show up and the exact amount to give them (with Barasch's business card enclosed). The only officials he did not advise bribing were police because, he said, "if you pay off a cop, they keep coming around every month, like flies, looking for a payoff."

**Some questions to consider:**

- Is this a proper method to get a story?
- Could the reporters justify their deception to the Sun-Times readers?
- Is there another way they could have gotten the story?

## **Case Study F**

### **Covering the violence during the civil right movement**

*excerpted from The New York Times, Oct. 22, 2009*

Many people were killed in the fight for civil rights for African Americans in the 1950s and '60s.

One violent episode occurred on Feb. 8, 1968, when three black students – Samuel Hammond, Delano Middleton, and Henry Smith – were shot to death and 27 others were wounded by state troopers at South Carolina State College, a black college in Orangeburg. The state troopers claimed that the students had charged at them, hurling bottles and bricks.

Jack Nelson, reporter with the Los Angeles Times, was skeptical troopers' story. He went to the local hospital, introduced himself as "Nelson, with the Atlanta bureau" – he did not say "F.B.I." – and asked to see the victims' medical records. What he revealed became known as the Orangeburg massacre.

"It was eye-popping; they were shot in the soles of their feet, in the back of the head," Mr. Nelson later said in the interview. "Even today, if you ask somebody about the Orangeburg massacre, hardly anybody has a clue. But if you ask about Kent State, where it was white people, everybody knows about it."

Nine officers were later tried in federal court on charges of using excessive force at a campus protest; all nine defendants were acquitted.

#### **Some questions to consider:**

- Is leaving a false impression, that Nelson worked for FBI, the same as lying?
- If it was a lie, could Nelson justify lying to get the information?
- Is there another way Nelson could have medical reports on the victims?