

# Exposure of Corruption Raises Questions About Reporters' Masquerading

By DEIRDRE CARMODY

A reporter wanting to write an article about the problems of blue-collar workers gets a job on an assembly line for a few weeks but does not let anyone know he is a reporter.

A consumer reporter, looking into allegations that garage mechanics overcharge for their services, takes a car with a faulty transmission to a number of garages and asks for estimates of what it would cost to fix it. She does not say that she is a reporter.

A well-known restaurant critic calls up a new restaurant and makes a reservation under an assumed name.

A reporter is invited to a party where most people do not know he works for a newspaper. He overhears some interesting conversation and quotes it in the paper the next day.

Are these reporters being unethical? Or are they using the only effective means they can to uncover conditions that their readers should know about?

There are no clear-cut answers, although many editors would agree that reporting what people are saying when they do not know they are in the presence of a reporter is not ethical. Some newspapers have absolute rules that reporters should not misrepresent themselves. Others believe there are situations when the importance of the news story warrants that reporters be allowed a modicum of deception.

The subject of reporters' masquerading has come up again in connection with a recent 25-part series by The Chicago Sun-Times describing the first-hand experiences of Sun-Times reporters and photographers who operated a small bar to document pervasive public and private corruption in Chicago.

## Pictures of Payoffs

Sun-Times photographers posing as repairmen took pictures of payoffs to inspectors from a hidden loft in the bar, which they called the Mirage. Two reporters, Pamela Zekman and Zay N. Smith, and two investigators from the Better Government Association in Chicago posed as waitress, bartenders and owner. They documented payoffs of \$10 to \$100 to city inspectors who ignored health and safety hazards, shakedowns by state liquor inspectors, tax fraud by accountants that The Sun-Times estimated cost the State of Illinois \$16 million a year in sales tax alone and illegal kickbacks, tax skimming and offers of political fixes from jukebox and pinball machine operators.

As a result of The Sun-Times series, Federal, state and county investigations are under way, the Mayor has announced a new office of inspections, the building code is being rewritten, about 100 jukebox and pinball machines have been confiscated and 14 officials have been suspended.

"It was a splendid idea," says John McMullen, executive editor of The Miami Herald, echoing comments of other newspaper editors around the country. "I just wish we had thought of it ourselves."

"It wasn't entrapment," he added. "As newspapers, our purpose is not to convict but to expose a situation and let the proper authorities take it from there."

Other editors, while praising the series,

said that it raised questions that were difficult to answer.

"I'd be very, very cautious," said Lawrence G. O'Donnell, managing editor of The Wall Street Journal. "Why do we have the right to bribe people and break the law just to get a story?"

Evarts A. Graham, Jr., managing editor of The St. Louis Post-Dispatch, said: "I would have to consult my conscience a lot before I agreed to our doing a story like that. But I'm not sure that I would be so pristine that I might not have said in the end, yes, go ahead."

"It's a method of getting news that troubles me very much," he added. "We've done it. We've sent teams of male and female reporters to pose as interested buyers of houses to see if people were being steered to apartments for blacks or for whites. When real estate dealers later accused us of chicanery, my problem was that I agreed with them. What it does is it lowers us to the ethics of the people we are complaining about."

There was a lot of discussion at The Sun-Times between the editor, James Hoge, and his two reporters about the questions these methods raised before Mr. Hoge gave the go-ahead to proceed with buying the Mirage.

"It was taken as a given that the only way to do the story was to own a bar," said Miss Zekman, one of the reporters.

The reporters and investigators from the Better Government Association were careful to abide by state entrapment laws. According to Miss Zekman, the reporters did not initiate the bribes. Every payoff was either suggested by inspectors or by a business broker. The payoffs were immediately reported by the Mirage team to the Illinois Department of Law Enforcement.

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The Chicago Sun-Times

Pamela Zekman and Jeffrey Allen of The Chicago Sun-Times, at left, posing as owners of a bar, speaking with an accountant regarding taxes. Listening in the next booth is William Rectenwald of the Better Government Association.

Technically, entrapment can be committed only by a law enforcement agent, not by a journalist. Entrapment involves luring someone into the commission of a crime as opposed to allowing him to conduct himself in a normal manner.

"The key words, it seems to me, are 'not planting the idea,'" said Fred W. Friendly, who conducts news media-law seminars for the Ford Foundation. "For example, a reporter dispatched by an editor to write about prostitution or drug traffic cannot seek out the vendor; he must wait to be solicited. Journalists posing as someone they are not is permissible only if there is no other way to get the story and if the public value of knowing warrants such extreme measures."

## No 'Absolute Rules'

"In general, it is virtually impossible to lay down any absolute rules," said Seymour Topping, managing editor of The New York Times. "Our policy, broadly, is to bar our reporters from misrepresenting themselves, except in coverage of consumer stories, where they may pose as ordinary members of the public."

Robert P. Clark, executive editor of The Louisville Courier-Journal and Times, said that if a reporter misrepresented himself while reporting on a story, he would have to make sure to tell his readers how he got the story.

"The public is the master, so to speak, and at least we have to level with them," added Mr. Clark, who is also head of the ethics committee for the American Society of Newspaper Editors. "If they feel we shouldn't have done it by masquerading, they will probably let us know."

There are subterfuges that fall into the gray area. A woman reporter who writes

under her maiden name, for example, might use her married name when filling out forms during the course of reporting on a housing problem. A reporter might mingle in a group as if he belonged there, but if challenged, most editors would agree that he would have to identify himself correctly.

Editors generally agree that rules and guidelines in these matters are almost impossible.

"Obviously, some stories are of such paramount importance to the public in general that you might go along with some measures that you would otherwise have to rule out," said William F. Thomas, editor of The Los Angeles Times. "The Sun-Times series was probably the best way to expose corruption in that city."

There is no question that reporters often get better treatment than members of the general public if their identity is known. A restaurant critic who is recognized will certainly not be subjected to the rude service that might be pro forma for diners not known to the restaurant's management. For that reason, many restaurants post photographs of restaurant critics in their kitchens so their waiters can keep an eye out for them.

One restaurant reviewer for The St. Louis Post-Dispatch managed to preserve his anonymity one day until he visited the kitchen of the restaurant on a pretense. There he came face to face with his own picture posted on the bulletin board.

Perhaps the final comment on the subject of masquerading is the reporter from The Wall Street Journal who wanted to write an article about telephone operators. She applied for a job, but the effort collapsed when she failed the telephone operator's test.