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Stingers From Our Past

James O'Keefe's predecessors, their stings, and their ethics

By Joel Meares

With James O'Keefe's latest video sting [taking two scalps](#) at NPR this week, we thought it timely to revisit some infamous recent and not-so-recent journalistic stings. From The Mirage Tavern to, yes, James O'Keefe—we didn't go back so far as Nellie Bly—we're checking out what happened in each case, what went down after the sting went public, and then giving our thoughts on just how much merit the controversial deception approach had in each case.

How exactly do we assess such a thing? It's not scientific. But Poynter's Bob Steele has ventured in the past to provide a [checklist](#) of rather strict guidelines that must *all* be adhered to if deception is to be justified in journalism. These include: the information obtained being in the public interest; all alternative methods of obtaining the information being exhausted; the story being told fully; any harm prevented outweighing the harm caused by the deception; and all ethical and legal issues being closely considered. With those in mind, and the particulars of each case on hand, here's our trip down an [ethically murky](#) memory lane.

Chicago Sun-Times Moonlights at the Mirage

What happened: In perhaps *the* most elaborate journalistic sting, the *Chicago Sun-Times* went into partnership with citizens' group the Better Government Association to buy a seedy bar on 731 N. Wells Street for a \$5,000 down payment. They dubbed it, appropriately, The Mirage Tavern. In a twenty-five-part series that began in January 1978, the paper showed how the bar—manned by reporters, some of whom had taken a bartending course to prepare for their side job—managed to evade building code violations through bribes to city inspectors all under the guidance of Chicago landlord Philip Barasch. According to a [Time report](#) on the series, Barasch only advised against bribing the police because “if you pay off a cop, they keep coming around every month, like flies...”

What came of it: The story was a big'n, making international headlines and implicating everyone from the city's fire and plumbing inspectors to the people overseeing the pinball machine. FAIR [reports](#) that “A federal investigation of the inspectors quickly led to indictments for 29 electrical inspectors, while the Illinois Revenue Department created a 12-man ‘Mirage Audit Unit.’”

Our thoughts: [Legend has it](#) that Ben Bradlee and Eugene Patterson dashed any hope of a Pulitzer because they convinced the board that a truth-telling enterprise should not engage in deception. I don't know that we'd be so harsh in retrospect. The reporters surely could have gotten the story by more traditional means—there was a city full of taverns to scour for sources—but it likely would have been riddled with anonymity, and thus lacked the impact it eventually had. It would likely have been less definitive and less immediate. There was a serious story here to be told about corruption and public safety—just look at the indictments. It's a question of weighing your deceptions: which deception, the inspectors' or the reporters', was most offensive.

The ACORN Pimp

What Happened: Hannah Giles and James O'Keefe, two young conservative activists, [posed as a prostitute and her friend](#) and visited five Association of Community Organizations for Reform Now (ACORN) offices asking for tax advice. Damningly, the [video recordings](#) O'Keefe and Giles gathered—which were released on Andrew Breitbart's Big Government website—show ACORN workers telling Giles to list her occupation as “entertainer,” “performance artist,” or “freelancer,” instead of prostitute, and describing how to claim underage girls the pair were trafficking from Central America as dependents on her tax return.

What came of it: The story was huge. Fox News ran wild with it and the mainstream media eventually caught up—the *Times* public editor Clark Hoyt [scolded](#) his own paper for being late to the party. Soon after, Congress [voted](#) to cease funding for ACORN and in March 2010 the forty-year-old organization [announced](#) it was shutting down.

Our thoughts: Former CJR assistant editor Greg Marx had [a lot to say](#) about O'Keefe's first big splash, admitting that the provocateur had scored some scoops but questioning his methods and what the incident meant for the mainstream media. Since then, it's been revealed that many of the tapes published on Breitbart's site were heavily edited. California's then-attorney general Jerry Brown [found](#) in April 2010 that the tapes showed many problems with ACORN but had been misleading in their edited form, and that ACORN had not committed prosecutable crimes. It's difficult to evaluate O'Keefe's contribution to the civil discourse here—as Marx notes, he *did* reveal some reproachable behaviors. But the same story could potentially have been gotten another way—if ACORN's actions on these videos were widespread, why not find someone else who'd legitimately used their services to aid their illicit activities? If you can't find that person, then questions arise about whether or not the ACORN employees would have acted in this way in any other situation by O'Keefe's entrapment.

Rome's Gay Priests On Film

What happened: Carmelo Abbate, a reporter for the Roman Berlusconi-owned weekly *panorama*, went **undercover** with a gay aide for twenty days and caught hidden video footage of three Rome-based priests patronizing gay nightspots and engaging in sex acts on Church property. The idea was to expose the hypocrisy of the Catholic Church, which considers homosexuality a sin. Abbate's aide allegedly had sex with one of the priests to corroborate the story, published mid-2010. Talk about fact-checking!

What came of it: Readers were outraged, and the Vatican promised an investigation to identify the priests described in Abbate's article—they were not named—and strip them of their priesthoods.

Our thoughts: If, as Steele has written, one of the standards by which you test whether a hidden camera was necessary is asking if a story could have been gotten any other way, then this tabloid-y investigation fails big time: the list of ways one might get at this story without having an accomplice sleep with a priest is long. The almost anti-gay tone of the reports is a little unnerving, too. This was hardly a big scoop, either—*Newsweek's* Barbie Nadeau, who reported on *panorama's* story in July 2010, says gay priests are an open secret in the Italian capital. This was pure gotcha! journalism from a publication whose owner might be more careful which kettles he calls “nero.”

To Catch a Predator

What happened: This watchdog *NBC Dateline* series kicked off in 2004 and enjoyed a three-year run. Each week, adults from the group Perverted Justice—which conducts stings on pedophiles—posed online as children to attract men looking for sex on the Internet. They then arranged to meet the men at a house rigged with secret cameras. When a man arrived, he would meet host Chris Hansen, who, with cameras watching, would interrogate the visitor. When the man left he was usually arrested by local law enforcement.

What came of it: After a successful run and after spawning a number of spinoffs—the inevitable *To Catch a Thief* among them—the series was cancelled in 2007. Officially, it's said the show became so popular that it was too difficult to find men gullible enough to entrap. But that was not before a heavily publicized controversy in which a man who had failed to show at the rigged house found his home stormed by SWAT teams (and an NBC TV crew) and shot himself in the head. NBC settled a lawsuit on the matter for \$105 million. Read *Esquire's* excellent piece on Bill Conrard's suicide [here](#).

Our thoughts: Aside from the rather explicit entrapment, former *Dateline* staffer Marsha Bartel **claimed** Perverted Justice was paid for its services on the show, and that *Dateline* also paid local law enforcement officials for information and to stage grand arrests. A former *Dateline* anchor has also said that in the Internet chats used to establish the relationships, oftentimes “the decoy is the first to bring up the subject of sex.” It's difficult to come down anywhere near the side of a child sex offender, but the show's methods were sensationalist and dubious, and the results were tragic.

Silverstein's Man from Turkmenistan

What happened: *Harper's* Washington editor Ken Silverstein posed as a consultant for “The Maldon Group,” a fictitious company that, as Silverstein **explains**, “claimed to have a financial stake in improving Turkmenistan's public image,” and contacted lobbying groups as “Kenneth Case” about improving the image of corrupt, oil-rich Turkmenistan. One group, Cassidy and Associates, quoted Silverstein \$1.5 million for a three-year-long image repair program that would reach the highest levels of the government and the news media. The result was a fascinating exposé, published in July 2007, of just how influence peddling works in Washington. No hidden cameras, but Silverstein's eye was as unforgiving as the camera lens.

What came of it: Perhaps because everyone already knew how lobbyists behaved—though Silverstein provided a damning concrete example of it—the story's revelations rocked nobody's world. Instead, Silverstein and his method of reporting became the story, especially after then-*Washington Post* media writer Howard Kurtz criticized Silverstein in a column, **writing**, “no matter how good the story, lying to get it raises as many questions about journalists as their subjects.” In a defense that was published in the *Los Angeles Times*, Silverstein countered that there was no other way he would have gotten the story, sang the praises of undercover journalists past like Nellie Bly and the Chicago reporters who operated The Mirage Tavern, and leveled this charge at his Beltway critics: “The decline of undercover reporting—and of investigative reporting in general—also reflects, in part, the increasing conservatism and cautiousness of the media, especially the smug, high-end Washington press corps.”

Our thoughts: It's hard not to take Silverstein's side against his D.C. critics—lobbyists stand with lawyers (and reporters) on the likability scale. But you could argue Silverstein might have gotten the story another way—if D.C. is famed as a hotbed of money-swapping and unscrupulous dealings between lobbyists and whoever offers them a bag of cash, it is also famed as a most incredibly leaky ship. An enterprising reporter might have found someone to talk openly, if anonymously, without the entrapment. One lobbyist in Kurtz's report also raises a point worth at least considering: at no time did Silverstein reveal himself and ask for the lobbyist's comment. In a run-of-the-mill report, doing so would be a given. But Silverstein has argued that “these guys are professional spinners” and he didn't want to give them over a month to “lie their way out of the story.” We see his point. Perhaps the main problem with Silverstein's method here, though—assuming you agree he couldn't have gotten the story any other way, that it served the public interest, and that it had a positive outcome—is that it became the story's main talking point. This is often the case in stories where journalistic deception is

used. But here it seems the gravity of revelations—lobbyists take money from clients, whomever they may be—may not have justified the distracting methods which bore them out.

A Pimp at Planned Parenthood

What happened: Lila Rose, a former James O’Keefe associate, aspiring actress, and founder of conservative pro-life action group Live Action, **organized** for two actors to visit a New Jersey Planned Parenthood clinic posing as a pimp and prostitute. This January, the actors asked clinic manager Amy Woodruff about testing for STDs, obtaining abortions for girls who become pregnant, and contraception, and were coached by the manager on how to cover up their business (which they had openly admitted involved sex work with underage undocumented immigrant girls). The unedited twenty-two-minute sting video can be found [here](#). Soon after, further videos were released showing similarly damning scenes at clinics in other states.

What came of it: The response was somewhat **muted** when compared to the ACORN sting, with much of the attention focused on Rose herself and only one employee from the several clinics exposed—Woodruff—being fired. It’s been reported that Planned Parenthood had actually contacted the FBI about Live Action’s sting before the videos began to be posted and claimed that the tape’s audio had been tampered with. Still, two state attorneys general considered investigating Planned Parenthood on the back of the videos, though one admitted a **case would be hard to make** without real victims (the victims here were actors, of course).

Our thoughts: If the practice of advising pimps and prostitutes on covering up their businesses were prevalent at Planned Parenthood clinics, it wouldn’t be a difficult story to get. You might start by asking around or spending a few days outside a clinic before logging on to costumes.com. Add to that the questions surrounding audio on some of the tapes, the clear political motivations behind the sting, and the amazing self-promotion Rose engaged in following the tapes’ release, and it’s hard not to smell a rat here. Or a pimp. Rose’s gotcha videos were just that: titillating pieces of entrapment that show little but how certain people would react in a heavily manufactured situation that may or may not reflect real-world practices.

Video Sees Slaughterhouse Shuttered

What happened: Not technically a journalistic enterprise, the Humane Society of the United States had an undercover investigator **working** for a year at an abattoir run by Hallmark Meat Packing in Chino, California. The investigator was fitted with a custom-made hidden camera which picked up footage of “downer” cows (cows unable to get up) being “shocked” into standing by electric prods, being dragged by their hooves behind forklift trucks, and even having water forced into their noses by a hose in an effort to get them off their feet. The footage was released in late January 2008, with most reports seizing on the animal cruelty shown and highlighting the fact that Hallmark sold meat to Westland Meat Company, in Chino, which sold onto the Agriculture Department and eventually wound up in school lunches and food programs for the needy.

What came of it: The abattoir was promptly shut down and after further investigation the Department of Agriculture issued the largest beef recall in U.S. history in February 2008—143 million pounds of beef* from the slaughterhouse. Though, as the *Times of London* **reported** at the time, officials predicted that most of the estimated 37 million pounds that went to schools would have already been eaten by the time the recall was issued. The Humane Society of the United States conducted a **similar investigation** at the Bushway Packing slaughterhouse in Vermont in 2009 and the plant was also closed down.

Our thoughts: Given the vested interest to cover up the kinds of practices the Humane Society exposed—historically animal cruelty has been something reported on in this way (see: Sinclair, Upton for starters)—the hidden-camera approach seems necessary here and justified (and the Humane Society does not overreach in describing itself, happy to label their investigations as activism rather than journalism). And the public good was certainly helped by the investigations: practices at the slaughterhouses were not only clearly animal cruelty but potentially endangered the health of unwitting beef-eaters who were consuming the sick and abused cows. The gotcha moment was certainly that—a scary, hard-to-stomach gotcha!—but the motivations weren’t purely partisan point-scoring. There was a genuine public interest issue at stake.

In the Food Lion Pen

What happened: This J-school ethics class staple dates back to 1992 when two ABC *Primetime Live* producers **got jobs** at two Food Lion supermarkets in North Carolina and secretly filmed—using cameras hidden in wigs—unsavory practices including Food Lion employees selling rat-nibbled cheese that and bleaching spoiled meat to cover-up foul odors. The investigation aired on *Primetime Live* in November 1992; host Diane Sawyer had even showed up at a Food Lion with a secret camera for the report. Before the broadcast aired, Food Lion sued ABC, not for libel, but for fraud, trespass and more—the two ABC producers had lied about their previous work experience on their job application forms and, as Food Lion employees, violated company policy.

What came of it: Food Lion **claims** the broadcast cost the company somewhere between \$1.7 billion and \$2.5 billion in lost sales and dips in its stock price. After initially winning its case against ABC in a North Carolina Federal District Court—a \$5.5 million jury-determined damages was eventually reduced to \$315,000—appeals brought the figure down dramatically to \$2, a virtual victory for ABC. As the *Times* **reported in 1999**: “Only \$2 of the original damage award remained untouched by the later rulings, including the jury’s award of \$1 to Food Lion because the journalists trespassed on the supermarket chain’s property and \$1 because they breached

their legal duty of loyalty to their employer.”

Our thoughts: ABC claimed it contacted more than sixty on-the-record sources to discuss Food Lion’s practices; it also had aired several interviews with Food Lion employees as part of its report. Presumably then, they had a story without the hidden-camera footage. And it’s true that its employees were dishonest when they filled out their forms. So there is ethical grayness here. Clearly, ABC wanted the footage because it was sensational—*Primetime Live* had made hidden camera investigations their bread and butter. But unlike some of the other cases, this instance, like the slaughterhouse exposé, was almost entirely unmanufactured. The producers were simply observing Food Lion’s practices, none of which were baited by the journalists there undercover. That was until the footage made it to the editing suite—a CJR report from July/August 1993 noted that in TV’s “insistence on brevity,” sometimes “context gets left on the cutting room floor.” Russ W. Baker tells readers that one segment which showed a worker heard saying she didn’t know how to clean the meat saw; *Primetime Live* had edited out the part where she said it wasn’t her job to clean it. Still, debatable whether the segment would have had nearly the impact that it had—a positive impact in that it shed a great deal of light on dangerous practices—had the footage not been there to air. And Baker at the time concluded that *Primetime Live*’s evidence was mostly sound.

In the article, Baker makes a more general point which we might keep in mind in considering all of these examples. (At least those involving hidden camera lurking in the folds of a shirt or the curls of a wig.)

It is hard not to wonder whether the tight focus of the hidden camera leads journalists into a typical trap—zeroing in on a villain when the problem is systemic. *PrimeTime* clearly explained that Food Lion’s harsh labor policies encouraged employees to cut corners. But while *PrimeTime* was focusing on Food Lion, Atlanta’s WAGA-TV was in the midst of a six-week hidden camera investigation that documented alleged violations in every one of twenty metro Atlanta supermarkets it surveyed.

**Note: this originally read just “143 pounds of beef.” As commenter Thimbles pointed out, it should actually be 143 million.*

TAGS: ACORN, hidden cameras, James O’Keefe, NPR, Vivian Schiller

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