

Undercover, under fire

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EARLIER THIS YEAR, I put on a brand-new tailored suit, picked up a sleek leather briefcase and headed to downtown Washington for meetings with some of the city's most prominent lobbyists. I had contacted their firms several weeks earlier, pretending to be the representative of a London-based energy company with business interests in Turkmenistan. I told them I wanted to hire the services of a firm to burnish that country's image.

I didn't mention that Turkmenistan is run by an ugly, neo-Stalinist regime. They surely knew that, and besides, they didn't care. As I explained in this month's issue of Harper's Magazine, the lobbyists I met at Cassidy & Associates and APCO were more than eager to help out. In exchange for fees of up to \$1.5 million a year, they offered to send congressional delegations to Turkmenistan and write and plant opinion pieces in newspapers under the names of academics and think-tank experts they would recruit. They even offered to set up supposedly "independent" media events in Washington that would promote Turkmenistan (the agenda and speakers would actually be determined by the

lobbyists).

All this, Cassidy and APCO promised, could be done quietly and unobtrusively, because the law that regulates foreign lobbyists is so flimsy that the firms would be required to reveal little information in their public disclosure forms.

Now, in a fabulous bit of irony, my article about the unethical behavior of lobbying firms has become, for some in the media, a story about my ethics in reporting the story. The lobbyists have attacked the story and me personally, saying that it was unethical of me to misrepresent myself when I went to speak to them.

That kind of reaction is to be expected from the lobbyists exposed in my article. But what I found more disappointing is that their concerns were then mirrored by Washington Post media columnist Howard Kurtz, who was apparently far less concerned by the lobbyists' ability to manipulate public and political opinion than by my use of undercover journalism.

"No matter how good the story," he wrote, "lying to get it raises as many questions about journalists as their subjects."

I can't say I was utterly surprised by Kurtz's criticism. Some major media organizations allow, in principle, undercover journalism -- assuming the story in question is deemed vital to the public interest and could not have been obtained through more conventional means -- but very few practice it anymore. And that's unfortunate, because there's a long tradition of sting operations in American journalism, dating back at least to the 1880s, when Nellie Bly pretended to be insane in order to reveal the atrocious treatment of inmates at the Women's Lunatic Asylum on Blackwell's Island in New York City.

In the late 1970s, the Chicago Sun-Times bought its own tavern and exposed, in a 25-part series, gross corruption on the part of city inspectors (such as the fire inspector who agreed to ignore exposed electrical wiring for a mere \$10 payoff). During that same decade, the Chicago Tribune won several Pulitzer Prizes with undercover reporting and "60 Minutes" gained fame for its use of sting stories.

Today, however, it's almost impossible to imagine a mainstream media outlet undertaking a major undercover investigation. That's partly a result of the 1997 verdict against ABC News in the Food Lion case. The TV network accused Food Lion of selling cheese that had been gnawed on by rats as well as spoiled meat and fish that had been doused in bleach to cover up its rancid smell. But even though the grocery chain never denied the allegations in court, it successfully sued ABC for fraud -- arguing that the reporters only made those discoveries after getting jobs at Food Lion

by lying on their resumes. In other words, the fact that their reporting was accurate was no longer a defense.

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. As reporters have grown more socially prominent during the last several decades, they've become part of the very power structure that they're supposed to be tracking and scrutinizing.

Chuck Lewis, a former "60 Minutes" producer and founder of the Center for Public Integrity, once told me: "The values of the news media are the same as those of the elite, and they badly want to be viewed by the elites as acceptable."

In my case, I was able to gain an inside glimpse into a secretive culture of professional spinners only by lying myself. I disclosed my deceptions clearly in the piece I wrote (whereas the lobbyists I met boasted of how they were able to fly under the radar screen in seeking to shape U.S. foreign policy). If readers feel uncomfortable with my methods, they're free to dismiss my findings.

Yes, undercover reporting should be used sparingly, and there are legitimate arguments to be had about when it is fair or appropriate. But I'm confident my use of it in this case was legitimate. There was a significant public interest involved, particularly given Congress' as-yet-unfulfilled promise to crack down on lobbyists in the aftermath of the Jack Abramoff scandal.

Could I have extracted the same information and insight with more conventional journalistic methods? Impossible.

Based on the number of interview requests I've had, and the steady stream of positive e-mails I've received, I'd wager that the general public is decidedly more supportive of undercover reporting than the Washington media establishment. One person who heard me talking about the story in a TV interview wrote to urge that I never apologize for "misrepresenting yourself to a pack of thugs ... especially when misrepresentation is their own stock in trade!"

I'm willing to debate the merits of my piece, but the carping from the Washington press corps is hard to stomach. This is the group that attended the White House correspondents dinner and clapped for a rapping Karl Rove. As a class, they honor politeness over honesty and believe that being "balanced" means giving the same weight to a lie as you give to the truth.

I'll take Nellie Bly any day.

Credit: KEN SILVERSTEIN, a former Times staff writer, is the Washington editor of Harper's Magazine.

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