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When a Reporter Is an Uninvited Guest

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Journalism has a long and much debated history of articles reported either undercover or without complete representation — one came to light this month involving some BBC reporters and a trip to North Korea.

Often, there is a balance between revealing that one is a reporter and being able to get the full story. It's not black and white, and many factors are at play. Is the story important? Are there other ways to get the same information? Is the privacy of average citizens invaded?

Here's a minor case study. Eric Lipton, who writes about ethics and lobbyists as an enterprise reporter in the Washington bureau, was working on an article about former aides to Senator Max Baucus, a Democrat from Montana, who became lobbyists, when he learned about a gathering at a Capitol Hill town house owned by Federal Express. It would include lobbyists, some of them former aides to Mr. Baucus, the powerful chairman of the Senate Finance Committee.

The meeting was not open to the press or the public, but Mr. Lipton decided to attend, anyway.

"Politicians and lobbyists speak very differently in private settings than when they're with reporters," Mr. Lipton told me last week. "It's impossible to hear them speaking in an unvarnished way without going to these events."

This gathering, he said, "was an opportunity to hear them."

When a staff member at the event first asked him for his name, he simply said, "Eric." A few minutes later, after he had heard some of the remarks, he was asked for further identification. He then gave his full name and affiliation with The Times and was asked to leave, which he did.

Over the next week or so, he wrote about the former aides to Senator Baucus.

He used a small amount of material he had recorded at the event: a quotation from Paul Wilkins, Mr. Baucus's chief of staff. Mr. Wilkins said that the donations and fund-raising from those attending the event would be vital to Mr. Baucus's re-election efforts. (It was announced this week that, with nearly \$5 million raised, Mr. Baucus would not run for re-election after all.)

A paragraph in Mr. Lipton's article read:

"It allows us to scare off opponents," Mr. Wilkins told the group, which included former Baucus aides turned lobbyists, at a Capitol Hill townhouse owned by Federal Express. "It is the basis of everything that we do. So thank you for your support and everything you have done for Senator Baucus." A New York Times reporter in attendance was asked to leave the private event.

Sean Neary, a spokesman for Mr. Baucus, wrote to me about what had happened, charging an ethical violation. He quoted The Times's ethics policy, which states that reporters must treat news sources "fairly and professionally."

Mr. Neary said in his e-mail, "That was certainly not the case here."

He added, "Now while there may not be anything illegal in what Eric did, I would think you could question his journalistic integrity."

Mr. Neary raises valid questions and his complaint is not frivolous.

Attending the event, Mr. Lipton told me, was "a delicate thing — it was a little uncomfortable."

But he added that it was important to get beyond what politicians and their staff members were willing to say publicly. "What they tell me is so guarded and so vetted and so carefully calibrated that you want to listen to them speaking in a private setting as well," he said.

What he heard at the gathering, he said, "undermines the suggestion that there is not a reciprocal relationship between lobbyists and politicians."

The use of the quotation was discussed by Times editors, including Philip B. Corbett, associate managing editor for standards. He told me that the situation was not ideal but that, given the circumstances, "I didn't think it violated our standards." Mr. Lipton did not lie about who he was, left when asked to leave and, more important, was appropriately aggressive in pursuit of a story that matters to citizens, Mr. Corbett said.

The gathering Mr. Lipton attended was a classic example of Washington at work. Here was the chief of staff to Mr. Baucus, the chairman of an influential committee, offering major donors to his boss an update on Mr. Baucus's effort to raise millions of additional campaign dollars. A part of that would come from the lobbyists (some of whom were former aides, with all the access that brings) at a Capitol Hill gathering. And here, too, was the way political people talk when they don't think the general public or the press is listening. As a citizen, I'm interested, and I think many other Times readers are, too. The Wilkins quotation may not have been necessary to the article but it deepened it.

Brooke Kroeger, a New York University journalism professor whose book, "Undercover Reporting: The Truth About Deception," was published last year, told me that one of the guiding principles in undercover reporting is that it should not do "unintended harm to persons not in a position to defend themselves." That certainly was not the case here. (If the subject interests you, see the fascinating Web site related to that book for many examples — including the much disputed Food Lion case in which ABC journalists became employees of a supermarket chain and exposed unsavory practices.)

She argued that undercover and surreptitious reporting has produced some of the most impressive and important work in the history of journalism. On a much larger scale, think of the Washington Post's exposé of the horrendous practices at Walter Reed Army Medical Center.

She also noted, and I agree, that readers should have known more about what happened than the cryptic sentence about a reporter asked to leave. For one thing, which New York Times reporter? A paragraph of clear explanation would have added the necessary transparency.

I would see this case far differently if a Times reporter had been eavesdropping on a private citizen for a salacious story or had illegally broken into a private home. That would be unacceptable — but it wasn't what happened.

My conclusion: Given the buttoned-down, scrubbed-up way politicians present themselves, it's challenging for reporters to get under the surface. And it's important for citizens that they do.

What Mr. Lipton did should not become an everyday practice. But — seen in this wider context — it's not only pretty small stuff, but also reflects some journalistic initiative that serves Times readers well.