

Lauren Patetta
Professor Susca
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Reflection #3: Privacy and Deception

In 1991, freelance journalist Jonathan Franklin wrote a piece for the San Francisco Bay Guardian that sparked a debate about the role privacy and deception must play for journalists to fulfill their role as truth-seekers in a democracy. Franklin, who had been reporting on the Gulf War and was starting to suspect that the Pentagon was under-reporting the number of combat deaths, decided to go undercover as a mortician at the Dover Air Force Base, where bodies were brought back from the front lines. This job revealed incredible information about the lies of the Pentagon, but it has made many people ask — should a journalist lie, even for the greater good?

It's easy to get swept up in the story of a heroic journalist, going undercover to get the scoop and expose social injustice. I have often been swept up in this narrative — something about undercover journalism appeals to both my love of writing and my love of superheroes. But things like invasion of privacy or deception are only appropriate when done correctly, and there are plenty of instances of journalists who do not use it correctly. This is not an easy issue, with opinions on all areas of the spectrum. While some argue that the journalist's job is not to lie or create sting operatives to catch people, others argue that sometimes reporting the truth requires questionable tactics. If uncovering the truth is the primary tenant of journalism, like the Society of Professional Journalists Code of Ethics states, is it the job of a journalist to do so by whatever means necessary?

At the heart of the Franklin story lies these two main tenets of journalism ethics: privacy and deception. Privacy, of course, refers to the right of individuals to remain out of the public

eye, and deception is anything “knowingly transmitted by a sender to foster a false belief or conclusion by the receiver” (qtd. in Lee). But both these definitions have a lot of gray-area. In the context of Franklin’s piece, privacy can be an especially heated topic, because it brings to mind the rights of privacy for dead soldiers and their grieving families. Grief is a very difficult topic for journalists to deal with, and it is amplified by the fact that many journalists are either numb to tragedy or forced by deadlines to interview grieving families. These are unfortunately necessary aspects of journalism, but sometimes, journalists amplify the invasion of privacy to an almost abhorrent level.

Raina Kumra, a documentary filmmaker who frequently worked with journalists in the past, experienced the harm of privacy invasions firsthand. After her father was killed in a break-in, her family became the subject of a massive media story by Frontline, which followed the impact of incorrect DNA analysis (Kumra). Even though Kumra admits the story had newsworthy value, she believes Frontline crossed a line in its coverage. She recounts that “there were descriptions of crime scene photos of my father’s body” and promotional advertisements on social media featuring “an audio recording of [her] mother, frantic and distraught in the worst moments of her life, calling 9-1-1 to report the crime ... played over police body camera footage of first responders arriving on the scene, with my father’s dead body clearly visible on the floor” (Kumra). Kumra even remembers advertisements for a virtual reality experience of the crime scene — her family home. Though the VR project was stopped, this clearly marks a huge invasion of privacy and a lack of respect for her family, especially for a story that was supposed to be framed around DNA crime analysis.

The video that Kumra recalls had 24,000 views on Twitter at the time she wrote this piece for Columbia Journalism Review, making her father's tragedy into social media clickbait (Kumra). Even though a journalist's job is to get the story, there is a fine line between collecting the facts and sensationalizing an event to the extreme. Journalists have the power to amplify stories like these across a number of platforms, therefore it is their job to make sure the story is amplified correctly, with minimal harm done (as is stated in the SPJ Code of Ethics). Jan Schaffer, ombudsman for Frontline, responded to Kumra's objections, stating that "in today's landscape, where the public has lost so much trust in the media and is all too aware of efforts to drive traffic, perhaps it's time to embrace a do-less-harm policy, one that embraces a more generous dose of empathy" (qtd. in Kumra). Especially in the case of tragedy, trauma, and pain, it is vital that a journalist focuses on minimize harm — even before seek truth — in order to prevent the unnecessary hurt that Kumra and her mother dealt with.

That being said, journalists still largely have a right to invade privacy, especially in the case of public figures. If journalists want to function as a vital check on the government, then they must be willing to examine the people who hold power in society, since "all aspects of the exercise of power must be open to public scrutiny" (Belsey). In a democratic society, "those who wield power cannot decide for themselves where to draw the boundary between the public and private aspects of their lives," so that task is left to the journalist (Belsey). This means that when politicians object to journalists who expose their sex scandals on the grounds that it "invades their privacy," their argument likely will not hold up, both legally and, in my opinion, ethically. In order for journalism to function properly, it must be the watchdog, the check on power, even if it causes an outcry about the right to privacy.

Of course, people who are not public figures — like Kumra or the victims of the Gulf war — have different rights when it comes to privacy. But in a modern society, it is getting harder and harder to dictate the line between private and public conversations. In 2018, Pew Research Center did a study on American social media consumption, and found that although only nine percent of people felt confident that social media platforms protected their privacy, 70% of adults ages 18 to 65+ still used social media (Rainie). So, in an age where privacy is nebulous at best, what is considered too much for a journalist to dig up? If a private individual posts on their personal Twitter account, can a journalist use that, or is it considered an invasion? I don't have an answer for this, but it complicates how people look at journalism coverage.

The second issue presented by Franklin's article is deception, given that he masqueraded as a mortician during his time at the base. But deception is not a new tactic; Franklin did not invent it. Journalistic deception and undercover work have become so routine that "journalists do not perceive it as morally problematic" (Lee). A study about deception conducted by Seow Ting Lee examined 20 journalists of different levels of experience, and found that 14 out of 20 of those journalists admitted to having used deception tactics, and all of them knew other journalists who had (Lee). Granted, this is a very small pool of people and therefore cannot be used to represent all of journalism, but the justifications the journalists brought up for their deception were interesting. They mostly defended their choices on the basis of the "greater good" — basically, deception was seen as ethically acceptable if it was being done for the overall benefit of the public (Lee). Though there are many who would argue that journalists only use these tactics for self-serving purposes (such as getting information faster), there are undoubtedly benefits to undercover work.

There have been many cases of undercover journalism that have resulted in some of journalism's greatest and most highly regarded heroes, and for good reason. These journalists put themselves in dangerous situations in order to inform the public. In 1887, Nellie Bly wrote a piece titled "Ten Days in the Madhouse," in which she went undercover as a mentally ill person and investigated the horrific treatment of people in asylums, exposing the inhumanity and helping to develop the practice of investigative journalism (Norwood). More recently, Mother Jones reporter Shane Bauer was praised for his handling of his undercover operation as a prison guard — a job he applied for using his real name and resume (Shafer). I would even place Jonathan Franklin in this same camp, because his story had the power to fundamentally change how people perceived the Gulf War. Not to mention, he only resorted to these tactics when all other traditional avenues failed him — with all his options exhausted, it was time for the extreme solutions (Brown).

On the other side, there are a number of examples of undercover journalism going horribly, embarrassingly wrong. A group called Project Veritas, which is dedicated to exposing corruption through "undercover journalism" projects, tried to expose bias within the Washington Post, but the Post immediately saw through the lie. Their reporting team easily proved the falsity of the group's actions, leaving Project Veritas embarrassed, defeated and without proof of bias they were looking for. In 1997, three years after the Oklahoma City bombing, journalists from WTVT-TV in Tampa parked a yellow Ryder truck — the same one used by the Oklahoma bomber — outside of a downtown building (Brown). This tactic, meant to test how security handles threats, was heavily criticized for causing an undue panic and endangering the journalists.

Finally, there are the examples of deception that have no clear consensus on. In 1978, the Chicago Sun-Times purchased a bar and used it to find crooked city inspectors seeking payoffs. The story almost resulted in a Pulitzer, but the Washington Post editor at the time argued that the story was unethical, because it fabricated the conditions necessary for politicians to be corrupt (Shafer). More recently, journalist Poonam Agarwal faced criminal charges for writing about abusive power structures in the Indian Army when one of the soldiers she interviewed killed himself from the guilt. Agarwal did not reveal to the soldiers that she was a journalist, so many blamed the soldier's death on her (Kakade). However, many have sided with Agarwal for uncovering the horrible power imbalance within the army. There are no clear answers to these stories, but they do highlight the turbulence inherent in journalism ethics debates.

Greg Marx, editor at Columbia Journalism Review, wrote about the ethics of deception in 2010, and noted that though "undercover reporting can be a powerful tool" it "is one to be used cautiously: against only the most important targets, and even then only when accompanied by solid traditional reporting." I think that this point, along with one brought up by the SPJ which stated that journalists must "balance the public's need for information against potential harm or discomfort" and acknowledge that "pursuit of the news is not a license for arrogance or undue intrusiveness," best answer the question of privacy and deception in journalism (qtd. in Kakade). It's easy to get wrapped up in the philosophical and legal arguments behind deception and privacy, but in the end, journalism exists for the people. It is important to inject a dose of humanity into the arguments, for people to realize that the most important thing, in the end, is to be a decent human being. There is no perfect answer, and no situation will ever fit into a perfect

category, but the best a journalist can do is try, and have a well thought-out, intelligent, compassionate and reasonable justification behind their actions.

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